

Public Document Pack

**Democratic Services Section
Legal and Civic Services Department
Belfast City Council
City Hall
Belfast
BT1 5GS**



**Belfast
City Council**

21st February, 2023

STANDARDS AND BUSINESS COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in hybrid format, both in the Lavery Room - City Hall and remotely, via Microsoft Teams, on Tuesday, 21st February, 2023 at 5.30 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

John Walsh

Chief Executive

AGENDA:

1. Routine Matters

- (a) Apologies
- (b) Minutes
- (c) Declarations of Interest

2. Motions

- (a) Motion - Cllr Spratt – Maternity Leave Provision for Mothers of Babies defined as Premature (Pages 1 - 4)
- (b) Motion - Cllr Ferguson – Increase in Average Rent Costs (Pages 5 - 8)
- (c) Motion - Cllr O'Hara - Notice of Motion – Overdose Prevention Facility in Belfast (Pages 9 - 12)

3. Summary of NI Local Government Commissioner for Standards Report "In the Matter of former Councillor Declan Boyle", Belfast City Council (Pages 13 - 88)



Subject:	Notice of Motion – Maternity Leave Provision for Mothers of Babies defined as Premature
Date:	21st February, 2023
Reporting Officer:	Nora Largey, Interim City Solicitor
Contact Officer:	Jim Hanna, Senior Democratic Services Officer

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report/Summary of Main Issues
1.1	To consider the Notice of Motion received for the meeting of the Council on 1st March in relation to Maternity Leave Provision for Mothers of Babies defined as Premature.
2.0	Recommendation
2.1	The Committee is asked to note that the motion should be referred, in the first instance, to the Strategic Policy and Resources Committee.

3.0	Main Report
3.1	<p data-bbox="316 297 470 331"><u>Key Issues</u></p> <p data-bbox="316 365 1492 432">The Committee will be aware Standing Orders 13 (m) to (r) as agreed by the Council at its meeting on 4th October is as follows:</p> <div data-bbox="316 499 1516 1406"> <p data-bbox="316 499 1516 667">3.2 (m) <i>The Standards and Business Committee will have delegated authority to adopt or reject Notices of Motion. The Lord Mayor will indicate at the Council meeting those Notices of Motion that have been considered by the Standards and Business Committee and whether such Notices of Motion were rejected or adopted. In either case, the proposer only may speak on the issue at Council.</i></p> <p data-bbox="316 701 1516 869">(n) <i>The Standards and Business Committee will refer all Notices of Motion directly to a standing committee when the matter to which the Notice of Motion refers falls within the remit of that committee. At Council, the Lord Mayor will indicate that the Notice of Motion was received and referred. There will be no speakers on such Notices of Motion at Council.</i></p> <p data-bbox="316 902 1516 1003">(o) <i>The Standards and Business Committee will refer Notices of Motion for consideration by full Council when the Notice of Motion relates to a strategic or constitutional matter.</i></p> <p data-bbox="316 1037 1516 1104">(p) <i>The Standards and Business Committee will not have the power to amend the wording of any Notice of Motion that is being referred to the full Council for debate.</i></p> <p data-bbox="316 1137 1516 1238">(q) <i>Any amendments to Notice of Motions to be proposed at the Council are to be furnished at least one day in advance of going to the full Council and will be circulated to Party Group Leaders in advance of the Council meeting.</i></p> <p data-bbox="316 1272 1516 1406">(r) <i>In referring any matter to the full Council, the Standards and Business Committee may determine to restrict contributions to the debate in relation to any Notice of Motion to one per political party. At the Council meeting, the Lord Mayor will clearly indicate if the restriction applies.</i></p> </div> <p data-bbox="316 1440 842 1473">3.3 The following motion has been received:</p> <p data-bbox="316 1507 1300 1541"><u>Maternity Leave Provision for Mothers of Babies defined as Premature</u></p> <p data-bbox="316 1619 1460 1843">“This Council will amend maternity leave provision for mothers of babies defined as premature so that maternity leave will not commence until the certified due date of the child. All/any leave required from delivery date of a premature baby by parents will be considered compassionate leave and not reduce an employee’s right to standard parental leave.”</p> <p data-bbox="316 1910 778 1944">Proposer: Councillor Gareth Spratt</p> <p data-bbox="316 1977 794 2011">Seconder: Councillor Sarah Bunting</p>

3.4	<p>The motion calls upon the Council to amend its maternity leave provisions - the Strategic Policy and Resources Committee is responsible for HR and associated policies and the motion should be referred to that Committee for consideration.</p> <p>Members are reminded that in accordance with Standing Order 13(I), where the notice of motion seeks to commit the Council to expenditure not previously agreed through the Committee process, the motion will stand referred to the relevant Committee for consideration. If the motion is agreed at the Committee then this will usually require a further report from officers outlining the financial and other implications should the notice of motion be adopted.</p>
3.5	<p><u>Financial and Resource Implications</u></p> <p>None associated with this report.</p>
3.6	<p><u>Equality or Good Relations Implications</u></p> <p>None.</p>
4.0	Documents Attached
	None.

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Subject:	Notice of Motion – Increase in Average Rent Costs
Date:	21st February, 2023
Reporting Officer:	Nora Largey, Interim City Solicitor/Director of Legal and Civic Services
Contact Officer:	Jim Hanna, Senior Democratic Services Officer

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report/Summary of Main Issues
1.1	To consider the Notice of Motion received for the meeting of the Council on 1st February in relation to an Increase in Average Rent Costs
2.0	Recommendation
2.1	The Committee is asked to consider the motion and agree to either adopt the motion, refer it for debate at the Council meeting (with or without restrictions) or reject the motion.

3.0	Main Report
3.1	<p data-bbox="316 297 470 331"><u>Key Issues</u></p> <p data-bbox="316 365 1516 432">The Committee will be aware that Standing Orders 13 (m) to (r), as agreed by the Council at its meeting on 4th October, are as follows:</p> <ul style="list-style-type: none"> <li data-bbox="363 465 1516 633">(m) <i>The Standards and Business Committee will have delegated authority to adopt or reject Notices of Motion. The Lord Mayor will indicate at the Council meeting those Notices of Motion that have been considered by the Standards and Business Committee and whether such Notices of Motion were rejected or adopted. In either case, the proposer only may speak on the issue at Council.</i> <li data-bbox="363 656 1516 824">(n) <i>The Standards and Business Committee will refer all Notices of Motion directly to a standing committee when the matter to which the Notice of Motion refers falls within the remit of that committee. At Council, the Lord Mayor will indicate that the Notice of Motion was received and referred. There will be no speakers on such Notices of Motion at Council.</i> <li data-bbox="387 846 1516 947">(o) <i>The Standards and Business Committee will refer Notices of Motion for consideration by full Council when the Notice of Motion relates to a strategic or constitutional matter.</i> <li data-bbox="387 969 1516 1037">(p) <i>The Standards and Business Committee will not have the power to amend the wording of any Notice of Motion that is being referred to the full Council for debate.</i> <li data-bbox="387 1059 1516 1171">(q) <i>Any amendments to Notice of Motions to be proposed at the Council are to be furnished at least one day in advance of going to the full Council and will be circulated to Party Group Leaders in advance of the Council meeting.</i> <li data-bbox="387 1193 1516 1328">(r) <i>In referring any matter to the full Council, the Standards and Business Committee may determine to restrict contributions to the debate in relation to any Notice of Motion to one per political party. At the Council meeting, the Lord Mayor will clearly indicate if the restriction applies.</i> <p data-bbox="204 1361 842 1395">3.2 The following motion has been received:</p> <p data-bbox="316 1429 762 1462"><u>Increase in Average Rent Costs</u></p> <p data-bbox="347 1496 1476 1597">“This Council recognises the increase in average rent costs in the North by roughly 10% over the past 12-month period. The Council further recognises the impact these increases have on those dealing with higher cost of living prices.</p> <p data-bbox="347 1630 1476 1697">With warnings of higher mortgage prices being pushed onto tenants by landlords, this Council accepts that people in Belfast will struggle further to pay increased rental bills.</p> <p data-bbox="347 1731 1476 1832">Indeed, rising rentals and rising house prices mean that more people may be forced to rent for longer before they can afford to buy, adding to increased demand for rental properties which can lead to even further rental price increases.</p> <p data-bbox="347 1865 1476 2000">This Council rejects the idea that renters should be left unprotected against rising prices in the rental sector or risk facing eviction for failure to keep up with prices. Further, the Council accepts that the political failure to build enough public housing has led to the crisis facing renters and those on the housing waiting list.</p>

	<p>In the absence of a Stormont Communities Minister and, given the failure of the previous Minister to implement adequate rent controls to protect tenants, the Council is committed to doing what it can to protect renters in the City.</p> <p>Accordingly, Belfast City Council will follow the lead of Bristol City Council in writing to the Secretary of State, in the absence of a Minister locally, to request the powers to control rents locally be vested to the Council. The Council also commits to writing to any incoming Stormont Executive to request such powers.</p> <p>Finally, Council agrees to write to Bristol City Council to make express interest in their Living Rent Commission, requesting access to its findings, and develop a working relationship, where possible, relating to this issue.”</p> <p>Proposer - Councillor Fiona Ferguson</p> <p>Seconder – Councillor Michael Collins</p>
3.3	The motion calls upon the Council to write to the Secretary of State in relation to powers to control rents and to Bristol City Council regarding its Living Rent Commission – the Committee can either adopt the motion, refer it for debate at the Council meeting (with or without restrictions) or reject the motion.
3.4	<p><u>Financial and Resource Implications</u></p> <p>None associated with this report.</p>
3.5	<p><u>Equality or Good Relations Implications</u></p> <p>None.</p>
4.0	Documents Attached
	None.

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Subject:	Notice of Motion – Overdose Prevention Facility in Belfast
Date:	21st February, 2023
Reporting Officer:	Nora Largey, Interim City Solicitor/Director of Legal and Civic Services
Contact Officer:	Jim Hanna, Senior Democratic Services Officer

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report/Summary of Main Issues
1.1	To consider the Notice of Motion received for the meeting of the Council on 1st February in relation to an Overdose Prevention Facility in Belfast.
2.0	Recommendation
2.1	The Committee is asked to consider the motion and agree to either adopt the motion, refer it for debate at the Council meeting (with or without restrictions) or reject the motion.

3.0	Main Report
3.1	<p data-bbox="316 297 470 331"><u>Key Issues</u></p> <p data-bbox="316 365 1517 432">The Committee will be aware that Standing Orders 13 (m) to (r), as agreed by the Council at its meeting on 4th October, are as follows:</p> <ul style="list-style-type: none"> <li data-bbox="363 465 1517 633">(m) <i>The Standards and Business Committee will have delegated authority to adopt or reject Notices of Motion. The Lord Mayor will indicate at the Council meeting those Notices of Motion that have been considered by the Standards and Business Committee and whether such Notices of Motion were rejected or adopted. In either case, the proposer only may speak on the issue at Council.</i> <li data-bbox="363 656 1517 824">(n) <i>The Standards and Business Committee will refer all Notices of Motion directly to a standing committee when the matter to which the Notice of Motion refers falls within the remit of that committee. At Council, the Lord Mayor will indicate that the Notice of Motion was received and referred. There will be no speakers on such Notices of Motion at Council.</i> <li data-bbox="387 846 1517 947">(o) <i>The Standards and Business Committee will refer Notices of Motion for consideration by full Council when the Notice of Motion relates to a strategic or constitutional matter.</i> <li data-bbox="387 969 1517 1037">(p) <i>The Standards and Business Committee will not have the power to amend the wording of any Notice of Motion that is being referred to the full Council for debate.</i> <li data-bbox="387 1059 1517 1171">(q) <i>Any amendments to Notice of Motions to be proposed at the Council are to be furnished at least one day in advance of going to the full Council and will be circulated to Party Group Leaders in advance of the Council meeting.</i> <li data-bbox="387 1193 1517 1328">(r) <i>In referring any matter to the full Council, the Standards and Business Committee may determine to restrict contributions to the debate in relation to any Notice of Motion to one per political party. At the Council meeting, the Lord Mayor will clearly indicate if the restriction applies.</i> <p data-bbox="204 1361 842 1395">3.2 The following motion has been received:</p> <p data-bbox="347 1429 898 1462"><u>Overdose Prevention Facility in Belfast</u></p> <p data-bbox="347 1496 1437 1731">“This Council supports the establishment of an Overdose Prevention Facility in Belfast. This Council will work with key partners in the community, voluntary and statutory sector to bring together a partnership to advocate for the establishment of an Overdose Prevention Facility (OPC) for the city. With almost 350 drug related deaths in the city from 2017-2021 and over 1,000 needles recovered each month, a facility like this will save lives and reduce the amount of discarded drug debris. There are over 200 Overdose Prevention Facilities in 14 countries across the world.</p> <p data-bbox="347 1765 1437 2022">While we are conscious that the Misuse of Drugs Act 1971 is an inhibitor to the establishment of this service and that it would require some form of special legal dispensation from the Act for the facility to be lawful, it is clear that current policy is not saving lives. In the absence of a local Assembly to deliver reform and innovation that can save vulnerable lives, this Council will act as a civic leader by requesting our City Solicitor and Chief Executive to engage with partners and to lobby Belfast Trust, PSNI, the Departments of Health and Justice and the Attorney General to make the case for special dispensation.”</p>

	<p>Proposer - Councillor Mal O'Hara</p> <p>Seconder – Councillor Brian Smyth</p>
3.3	<p>The motion calls upon the Council to lobby various organisations to for special dispensation from the Misuse of Drugs Act 1971 to establish and overdose prevention facility – the Committee can either adopt the motion, refer it for debate at the Council meeting (with or without restrictions) or reject the motion.</p>
3.4	<p><u>Financial and Resource Implications</u></p> <p>None associated with this report.</p>
3.5	<p><u>Equality or Good Relations Implications</u></p> <p>None.</p>
4.0	Documents Attached
	<p>None.</p>

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Subject:	Summary of NI Local Government Commissioner for Standards Report "In the Matter of former Councillor Declan Boyle", Belfast City Council
Date:	21 st February 2023
Reporting Officer:	Nora Largey, City Solicitor / Director of Legal & Civic Services
Contact Officers:	Russell Connelly, Policy, Research and Compliance Officer

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	The purpose of this report is to provide Members with a summary of the findings of the NI Local Government Commissioner for Standards Report "In the Matter of former Councillor Declan Boyle".
2.0	Recommendations
2.1	It is recommended that the Standards and Business Committee: <ul style="list-style-type: none"> - note the findings of the NI Local Government Commissioner for Standards in the matter of former Councillor Boyle (a copy of the summary report is attached at Appendix 1); - agree the actions / recommended way forward outlined at paragraph 3.6

3.0	Main report
3.1	<p>Summary of the complaint</p> <p>The complaint against Former Councillor Boyle related to the suspected breach of the Code in relation to registration and declaration of both pecuniary and significant non-pecuniary interests and the requirement to withdraw from a meeting whilst such matters are being discussed.</p> <p>In his Investigation Report, dated 11 July 2019, the Deputy Commissioner reported that he had found evidence that would point to former Councillor Boyle having failed to comply with the following code paragraphs:</p> <ul style="list-style-type: none"> • Paragraph 5.2 of the Code which requires that a councillor's interests must be registered within 28 days of a councillor's election. • Paragraph 6.1 of the Code which requires the declaration of any pecuniary interest • Paragraph 6.2 of the Code which states that a councillor must not speak or vote on a matter in which they have a pecuniary interest and must withdraw from the meeting whilst the matter is being discussed. • Paragraph 6.3 which requires the declaration of any significant private or personal nonpecuniary interest. • Paragraph 4.2, you must not conduct yourself in a manner which could reasonably be regarded as bringing your position as a councillor, or your council, into disrepute. • Paragraph 4.6 which requires a councillor to comply with any request of the Commissioner in connection with an investigation conducted in accordance with the Commissioner's statutory powers. <p>The Deputy Commissioner acknowledged the Councillor Boyle's acceptance of breaches of paragraphs: 5.2, 6.1, 6.2, 6.3 and 4.6 of the Code. Councillor Boyle did not accept that he had breached the Code of Conduct at Paragraph 4.2, you must not conduct yourself in a manner which could reasonably be regarded as bringing your position as a councillor, or your council, into disrepute. The Deputy Commissioner was content not to pursue the alleged breach 4.2 of the Code.</p> <p>Councillor Boyle acknowledged that breaches of the Code, whereby interests were not registered or declared, or where interests are declared but a councillor nevertheless remains at a meeting in full, do have the potential to impact on public trust and confidence in the councillor and the work of the Council as a whole.</p>
3.2	<p>Key Findings from the Commissioners' Report</p> <p>The Acting Commissioner's Report is attached in full at Appendix 1.</p> <p>The Acting Commissioner identified the following mitigating factors:</p> <p>Mitigating factors</p> <ul style="list-style-type: none"> a. Had no prior history of breaching the code. b. In general, he cooperated throughout the investigation process.

- c. It was his first and only term of office where the issues prompting the complaints occurred early in that term.
- d. There was some evidence of him honestly holding, although mistaken, a view that his actions did not constitute a failure to follow the provisions of the Code, particularly where such a view has been formed after taking appropriate advice.
- e. His conduct was driven by what he considered to be his adverse personal circumstances, namely a threat made to his and his family's safety some years prior to him becoming a councillor.
- f. Admission that he breached the Code, which contributed to an expeditious conclusion saving time and public money.

Aggravating Factors

- a. Three separate complaints were made, two by members of the public. The conduct was the subject of media reporting, so in the public view. This would not have inspired confidence in the role of Councillors.
- b. The requirement to declare his property holdings was raised with him on several occasions. Only he knew the extent of his property holdings and this should have caused him to visit the Code on that aspect.
- c. The Acting Commissioner had considered the Commissioner's decision in the 2019 case of Mervyn Rea, concerning the importance of registering and declaring interests, where she said: "The Commissioner wishes to highlight to councillors generally that a failure to declare a pecuniary interest (direct or indirect) may result in a sanction of disqualification. This is a serious conduct matter which is underpinned by section 28 of the Local Government Act 1972".

Conclusions

Mr Boyle admitted the breaches of the Code and, regardless of the relevant mitigation, they were serious breaches which required an equally serious sanction. If he had still been a serving councillor, the Acting Commissioner would have suspended him from his role. Suspension would have been a proportionate sanction for his level of breach.

The Acting Commissioner said that only censure or disqualification was an outcome. If the respondent had still been a Councillor, the Acting Commissioner would have suspended him for 3 months.

The Acting Commissioner, with some hesitation, decided on censure as being more proportionate on the circumstances of Councillor Boyle's breaches of the Code.

The Acting Commissioner's decision, made under Section 59(3)(c) of Part 9 of the Local Government Act (Northern Ireland) 2014, was to censure Councillor Boyle, in the strongest terms, about his failures in public office.

3.3	<p>Key issues raised in the report</p> <ul style="list-style-type: none"> • Councillors must absolutely understand the Code and its Guidance. It is their public duty to do so and, whilst it is appropriate to take advice from officers, it is for Councillors to decide whether there is a conflict of interest. • All Members are required to register their interests within 28 days and to update the register when circumstances change. • Officers should ensure that any insufficiency in terms of what has been noted in the register should be brought to the attention of the relevant Member immediately. • The Code requires that a Member must withdraw from a meeting whilst a matter in which a pecuniary interest has been declared is discussed. • A failure to declare a pecuniary interest (direct or indirect) may result in a sanction of disqualification. This is a serious conduct matter which is underpinned by section 28 of the Local Government Act 1972. • Such breaches of the Code, whereby interests are not registered or declared, or where interests are declared but a Member nevertheless remains at a meeting in full, do have the potential to impact on public trust and confidence in the councillor and the work of the council as a whole. • The Code applies to Members at all meetings of the council, including AWGs. There is therefore the same requirement for Members at those meetings to declare all pecuniary and/or non-pecuniary interests and that all such declarations be recorded. • There is an equal duty on Councils and their officers to ensure that Members are properly trained for their role, including regular refreshers, in part drawn on the outcomes of such Adjudication Hearings.
3.4	<p>Previous guidance provided to Members</p> <p>Members will note that the findings of the report confirm the guidance which has been provided previously to Members in relation to the registration and declaration of interests. A report setting out the position in relation to this issue was presented to SP&R Committee in October 2016. A copy of the minutes is attached at Appendix 2.</p> <p>Councillors are required to disclose, or to declare, their personal interests where they relate to a matter coming before a meeting of the council, including a meeting of a committee or a subcommittee.</p> <p>The fact that a Councillor has disclosed an interest in the Register of Interests does not exempt the Councillor from a duty to declare the interest when it arises at a meeting of the Council.</p> <p>The requirement to declare such relevant interests also applies in Area Working Groups, Members' dealings with council officers and in unofficial relations with other councillors.</p> <p>The report indicates that Councillor Boyle correctly registered his interest in his properties in the Holylands area at a number of Council meetings and that this was in accordance with advice provided by the Chief Executive that he make declarations in respect of a specific geographical area in the city.</p>

	<p>The report also makes reference to advice provided to Councillor Boyle by Council officials, including the Town Solicitor, that in circumstances where his properties would not benefit any more than other council constituent in relation to a proposal, then he did not need to make a declaration.</p> <p>Members should note that the advice provided by the Town Solicitor was appropriate and remains valid. It is up to the individual Member to examine each specific matter in hand and to consider whether they have a direct or indirect pecuniary interest in the matter.</p> <p>Members are reminded that any consideration as to whether to declare an interest (pecuniary or non-pecuniary) must not only be based on the individual member's opinion as to whether they would benefit or otherwise from participating in the discussion but must also consider whether the public perception would be that they might benefit or otherwise from participating.</p>
3.5	<p>Recommended Actions for the Council</p> <p>Members are asked to agree to the following actions:</p> <ul style="list-style-type: none"> • This report will be circulated to all Members and also those officers who would normally be involved in the process of registering or declaring interests. • Updated Written Guidance on the Declaration and Register of Interests will be provided to all Members and relevant officers • Officers will deliver a refresher training session focusing on the Register and Declaration of Interests which will be available to all Members in advance of the next Local Government Election in 2023. A refresher will be offered to all new Members following the election as part of their induction process.
3.6	<p><u>Financial & Resource Implications</u></p> <p>No financial or resource implications attached to this report.</p>
3.6	<p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>Any equality, good relations and rural needs assessments implications will be subject to the usual screening processes.</p>
4.0	<p>Appendices</p>
4.1	<p>Appendix 1 – NI Local Government Commissioner for Standards Report “In the Matter of former Councillor Declan Boyle”, Belfast City Council</p> <p>Appendix 2 – Minutes of SP&R Committee meeting – 21st October 2016</p>

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Local Government Act (Northern Ireland) 2014

In the Matter of former Councillor Declan Boyle – C00064, C00067, C00077 (BELFAST CITY COUNCIL)

Decision of the Acting Northern Ireland Local Government Commissioner for Standards

1. INTRODUCTION

The Northern Ireland Local Government Commissioner for Standards, Ms Margaret Kelly, has appointed Mr Ian Gordon, OBE, QPM, as Acting Local Government Commissioner (Acting Commissioner) in relation to the Adjudication Hearing process in respect of this complaint. Mr Gordon was assisted by Mr Michael Wilson, Solicitor, Legal Assessor.

Ms Fiona Fee BL appeared for the Deputy Commissioner

Mr James Toal BL appeared for Councillor Declan Boyle instructed by John J Rice & Co Solicitors.

2. THE COMPLAINT PROCESS

Part 9 of the Local Government Act (Northern Ireland) 2014 (the Act) introduced the Ethical Standards framework for local government, based on a mandatory Northern Ireland Local Government Code of Conduct for Councillors (Code), which came into effect on 28 May 2014

On 25 April 2016 the Northern Ireland Local Government Commissioner for Standards (the Commissioner) received a complaint from Mr Tony McGuinness alleging that Councillor Boyle had, or may have, failed to comply with the Code. Councillor Boyle and Mr McGuinness were informed on 25 May 2016 that an investigation was commencing.

On 5 May 2016 the Commissioner received a complaint from Ms Rosana Trainor alleging that Councillor Boyle had, or may have, failed to comply with the Code. Councillor Boyle and Ms Trainor were informed on 2 June 2016 that an investigation was commencing.

On 30 June 2016 the Commissioner received a complaint from Councillor David Armitage alleging that Councillor Boyle had, or may have, failed to comply with the Code. Councillors' Boyle and Armitage were informed on 21 July 2016 that an investigation was commencing.

Former Councillor Boyle's Declaration of Acceptance of Office is dated 24 May 2014. By signing the declaration, former Councillor Boyle affirmed that he had read and would observe the Code.

At the local government elections, held on 2 May 2019, former Councillor Boyle was not re-elected and no longer holds the position of Councillor. In this Decision any reference to Councillor Boyle or former Councillor Boyle is to be read accordingly. The complaint was investigated by Mr Paul McFadden, then the Deputy Commissioner. In his Investigation Report, dated 11 July 2019, the Deputy Commissioner reported that he had found evidence that would point to former Councillor Boyle having failed to comply with:

Potential Breach 1: Rules relating to Registration of interests

Paragraph 5.2

*Subject to paragraphs 5.4 and 5.6, you must, within 28 days of your election or appointment to office (if that is later), register your **personal interests (both financial and otherwise)** where they fall within a category mentioned below, in your council's register by providing written notification to your Chief Executive.*

The Deputy Commissioner considered the following categories to be the most relevant:

5.2(a) any employment or business carried on by you

5.2(f) any land in which you have a beneficial interest, which is within your council's district

5.2(i)(ee) private club, society or association operating within your council's district, in which you have membership or hold a position of general control or management.

Potential Breach 2: Rules relating to Declaration of Pecuniary Interests

Paragraph 6.1:

Section 28 of the 1972 Act [the Local Government Act (NI) 1972] (Appendix J) requires you to declare any pecuniary interest, direct or indirect, that you may have in any matter coming before any meeting of your council. Such interests will be recorded in the register kept by your council for this purpose.

Paragraph 6.2

'You must not speak or vote on a matter in which you have a pecuniary interest. If such a matter is to be discussed by your council, you must withdraw from the meeting whilst the matter is being discussed.'

Potential Breach 3: the Declaration of Non-Pecuniary Interests

Paragraph 6.3

You must also declare any significant private or personal non-pecuniary interest in a matter arising at a council meeting. In addition to those areas set out in paragraph 5.2, an interest will

also be significant where you anticipate that a decision on the matter might reasonably be deemed to benefit or disadvantage yourself to a greater extent than other council constituents. Any sensitive information mentioned in paragraphs 5.4 to 5.6 is not required to be given.

Potential Breach 4: Disrepute

Paragraph 4.2

You must not conduct yourself in a manner which could reasonably be regarded as bringing your position as a councillor, or your council, into disrepute.

Potential Breach 5: Compliance with the Commissioner's requests

Paragraph 4.6

You must comply with any request of the Commissioner in connection with an investigation conducted in accordance with the Commissioner's statutory powers.

On 24 June 2020 the Acting Commissioner determined to hold an Adjudication Hearing into the Complaint.

3. ADJUDICATION HEARING ON 24 JANUARY 2022

The Acting Commissioner dealt with preliminary matters where he asked both parties to consider the administrative arrangements for the continuation of the Hearing:

- To revisit the extensive bundle of documents to focus the hearing on the key issues.
- The parties were to compile a Summary of Issues document, which will be used to progress the hearing with a focus on the agreed and disputed facts.
- The parties were to prepare written submissions.

The parties agreed to this course of action. The parties further indicated that progress had been made to narrow the issues between them. The Acting Commissioner directed that an administrative meeting would be held on 8 February 2022, to progress the case, prior to reconvening the meeting on 18 February 2022.

The Hearing was adjourned.

4. ADJUDICATION HEARING ON 18 FEBRUARY 2022

The Hearing was reconvened. During the adjournment period, the parties had compiled joint submissions which comprised:

- The Statement of Facts where forty-five agreed facts, numbered 1(a) to 1(ss) was accepted by both parties.

- The Statement of four Disputed Facts by Councillor Boyle numbered (a) to (d). The Deputy Commissioner, whilst accepting the decision was for the Acting Commissioner, was content not to pursue the alleged breach of paragraph 4.2 of the Code.
- The parties also submitted a 'Joint Position Paper', prepared collaboratively, which set out their position for the resumed Hearing. The Acting Commissioner considered the joint submissions on the Statement of Facts would assist in Stages 1 and 2 of the Hearing.

5. STAGE 1 - FINDINGS OF FACT

The Acting Commissioner considered the joint submissions of the parties and, taking those into account, determined the facts of this matter as follows:

- (a) At the relevant times Councillor Boyle was a member of Belfast City Council.
- (b) Councillor Boyle signed an undertaking on 24 May 2014 that he had read and would observe the Local Government Code of Conduct for Councillors.
- (c) Councillor Boyle was required to register his interests on or before 21 June 2014.
- (d) Councillor Boyle first completed the Register of Members interests on 31 July 2014. He records the details of land in which he holds a beneficial interest as: '*Various Properties in Belfast*'. This entry remained unchanged when the Register was updated on 1 August 2016, on 1 July 2017 and on 2018.
- (e) Councillor Boyle was a member and Chair of the Council's Strategic Policy and Resources Committee between 1 April 2015 and 1 June 2016.
- (f) Councillor Boyle was a member of the Council's South Belfast Area Working Group from May 2015.
- (g) Councillor Boyle was a past member and Chairman of LANI having formally resigned in May 2014.
- (h) Councillor Boyle is registered as the joint owner of 31 HMO properties in the Holylands area.
- (i) Councillor Boyle is the joint or sole owner of other properties which are not HMOs in the Holylands area.
- (j) Councillor Boyle provided crime numbers obtained in relation to reported crimes against his properties on 5 June 2019. The information provided refers to an attack on one of his properties in 2014 and 2015.

- (k) Councillor Boyle previously ran an online property rental website, 'Rent Our Properties', until at least 2017 which was operated by his wife.
- (l) In August 2006 the PSNI received information that an organised crime gang were targeting a businessman in the Holylands area to kidnap. Councillor Boyle was identified as a potential target and he was advised of this by police from Lisburn Road station.
- (m) There have been no further specific threats to Councillor Boyle since 2006.
- (n) The Police Service of Northern Ireland (PSNI) hold no records of reports of criminal damage to Councillor's Boyle's rental properties resulting in a warning being issued to Councillor Boyle 4 or 5 years prior to 2017.
- (o) Councillor Boyle met a PSNI Superintendent at Mr Dennis Vaugh's 60th birthday party in April 2009.
- (p) The Superintendent subsequently provided a letter specifying the risks Councillor Boyle faced.
- (q) The Superintendent was not the Superintendent for the area in which Councillor Boyle's properties are located.
- (r) In the Superintendent's letter to Councillor Boyle dated 9 July 2014 he referred to having advised Councillor Boyle on his security and stated that publication of Councillor Boyle's properties on a public register could put him and his family at some risk.
- (s) Councillor Boyle hand delivered the letter from the Superintendent dated 9 July 2014, on the same date, to the Chief Executive of the Council, Suzanne Wylie.
- (t) Chief Executive Wylie issued a letter to Councillor Boyle on 12 September 2014 in which she granted him an exemption from disclosing sensitive information related to his interests.
- (u) In her exemption letter Mrs Wylie requested that Councillor Boyle should '*make a declaration disclosing that you have property interests within a defined geographic area of the city*'.
- (v) At some point after 18 August 2016, Chief Executive Wylie asked Councillor Boyle to review the situation regarding his registration of interests.
- (w) On 11 January 2017 Chief Executive Wylie wrote to Councillor Boyle asking him whether or not there had been any changes in his circumstances in respect of sensitive information. Her letter asked that, if Councillor Boyle wished the

information previously excluded from the Register to continue to be treated as sensitive, he should provide an updated letter from the PSNI to verify his position.

- (x) Councillor Boyle did not respond to the Chief Executive's letter of 11 January 2017.
- (y) The Area Working Groups were created as a mechanism for identifying and considering the merits of funding proposals or projects. There were five AWGs in Belfast: north, south, east, west and Shankill. Proposals made to AWGs are ultimately ratified by the full Council. AWGs are not committees or sub-committees of the Council and have no delegated authority to make decisions. However, in September 2014 the Council's Audit, Risk & Governance Services issued a report confirming to all AWG members of the applicability of the code to councillors at AWG meetings. The report referenced the need for all councillors at those meetings to declare all pecuniary and/or non-pecuniary interests. The report also recommended the recording of such declarations by the Council.
- (z) Councillor Boyle brought forward the proposal for an £80,000 grant on behalf of the University Quarter Business Association for environmental improvements in the Holylands area (the Holylands Area Improvement Initiative).
- (aa) Councillor Boyle is registered as the joint owner of 31 HMO properties in the Holylands area.
- (bb) Councillor Boyle owns at least 31 HMO properties on the streets marked as '*target streets*' in the Holylands Area Improvement Initiative proposal.
- (cc) In October 2015 Councillor Boyle sought advice from a council officer on whether to declare an interest in the Holylands Area Improvement Initiative at a meeting of the South Belfast Area Working Group. Councillor Boyle told the officer that his properties would benefit no more than any others should funding go ahead. On that basis, and as the Area Working Group was not the decision-making body, the officer advised that a declaration need not be made.
- (dd) Councillor Boyle did not declare an interest in respect of the Holylands Area Improvement Initiative at the meetings of the Area Working Group on 19 October 2015, 27 November 2015, 15 February 2016 and 14 March 2016.
- (ee) Councillor Boyle declared an interest in respect of his sponsoring of the Holylands Area Improvement Initiative at the meeting of the Area Working Group on 28 April 2016. There is no record of him leaving the room having declared this interest.
- (ff) Councillor Boyle declared an interest in respect of his property interests in the Botanic District Electoral Area at the meetings of the Area Working Group on 20 June 2016, 31 October 2016, 28 November 2016, 19 December 2016, 23 January

2017, and 27 February 2017. There is no record of him leaving the room having declared this interest.

- (gg) Councillor Boyle chaired the meeting of the Strategic Policy and Resources Committee on 20 November 2015 at which the Area Working Group's recommendation to provide funding of £80,000 to the Holylands Area Improvement Initiative was adopted (subject to assessment by officers against the agreed criteria). He did not declare an interest at this meeting in respect of the Holylands Area Improvement Initiative.
- (hh) Councillor Boyle did not declare an interest in respect of the alleygating scheme at the meeting of the Area Working Group on 28 April 2016.
- (ii) Councillor Boyle declared an interest in the alleygating scheme in respect of his property interests in the Holylands area at the meeting of the Area Working Group on 25 May 2016. There is no record of him leaving the room having declared this interest.
- (jj) Councillor Boyle declared an interest in the alleygating scheme in respect of his property interests in the Botanic District Electoral Area at the meeting of the Area Working Group 23 January 2017. There is no record of him leaving the room having declared this interest.
- (kk) Councillor Boyle made no declarations of interest as a member of the South Belfast District Policing and Community Safety Partnership (DPCSP) between his appointment in July 2015 and his first declaration in March 2017. During this period policing matters related to the Holylands area were regularly discussed.
- (ll) At the meeting of DPCSP on 29 November 2016 the Chair person, Councillor Geraldine McAteer, asked the Safer City Co-ordinator, Suzanne Gowling, to obtain advice as to whether or not Councillor Boyle should remain in the meeting following him having declared an interest. Ms Gowling reportedly obtained advice from Democratic Services (Councillor McAteer believed this to be from Mr Stephen McCrory). The advice was as follows: *'because Councillor Boyle would not benefit more than any other landlord and that there was no direct pecuniary interest to be gained at the meeting, there was not a conflict of interest to be declared'* and he was permitted to remain in the meeting.
- (mm) Councillor Boyle declared an interest in respect of planning application (Z/2014/1635/F) at the Planning Committee meeting on 14 June 2016 before speaking on the matter.
- (nn) Councillor Boyle declared an interest in respect of planning application LA04/2015/0264/F at the Planning Committee meeting of 26 July 2016 before speaking on this matter.

- (oo) Councillor Boyle declared an interest in respect of the issue of estate agent signage at the Planning Committee meeting of 26 July 2016 before speaking on this matter.
- (pp) On 5 January 2014 the Tab, a journalistic website covering youth and student culture, published an article entitled '*Well known Holylands landlord Declan Boyle stands for council election*' in 2014. It included an interview with Councillor Boyle and a number of his ex-tenants. One ex-tenant stated the following: '*[Declan] was always standing up for students and making sure they were safe. When I rented off him he was looking into getting alley gates to ensure the houses would be safer.*'
- (qq) Councillor Boyle's property interests were reported in a series of articles by the Irish News in April 2016.
- (rr) Councillor Boyle was interviewed on the BBC radio show 'Good Morning Ulster' on 6 May 2016.
- (ss) Councillor Boyle was not re-elected as a councillor following the local government elections on 2 May 2019.

6. STAGE 2 - DETERMINATION ON BREACH OF THE CODE

The parties submitted a 'Joint Position Paper', prepared collaboratively between Councillor Boyle and the Deputy Commissioner. A copy of the Joint Position Paper is at 'Appendix A' of this Adjudication Decision document.

In summary, Councillor Boyle had sought to engage and co-operate with this hearing process in good faith, and in particular to compile this Position Paper with a view to saving time and expense to the public purse.

In the Joint Position Paper, Councillor Boyle acknowledged that he had breached the Code of Conduct at:

- Paragraph 5.2 of the Code which requires that a councillor's interests must be registered within 28 days of a councillor's election.
- Paragraph 6.1 of the Code which requires the declaration of any pecuniary interest
- Paragraph 6.2 of the Code which states that a councillor must not speak or vote on a matter in which they have a pecuniary interest and must withdraw from the meeting whilst the matter is being discussed.
- Paragraph 6.3 which requires the declaration of any significant private or personal non-pecuniary interest

- Paragraph 4.6 which requires a councillor to comply with any request of the Commissioner in connection with an investigation conducted in accordance with the Commissioner's statutory powers.

Councillor Boyle did not accept that he had breached the Code of Conduct at:

- Paragraph 4.2, you must not conduct yourself in a manner which could reasonably be regarded as bringing your position as a councillor, or your council, into disrepute.

Ms Fee said the Deputy Commissioner acknowledged the assistance provided by former Councillor Boyle in reaching an agreed basis from which the Acting Commissioner may decide on a number of highly related matters/instances, which included the saving of expense and the bringing of an expeditious conclusion to a complex case.

The Deputy Commissioner acknowledged the Councillor Boyle's acceptance of breaches of paragraphs: 5.2, 6.1, 6.2, 6.3 and 4.6 of the Code. Subject to the approval of the Acting Commissioner, the Deputy Commissioner was content not to pursue the alleged breach 4.2 of the Code.

Councillor Boyle acknowledged that breaches of the Code, whereby interests were not registered or declared, or where interests are declared but a councillor nevertheless remains at a meeting in full, do have the potential to impact on public trust and confidence in the councillor and the work of the council as a whole.

Determination:

Having established the facts and considered all the available evidence before him the Acting Commissioner determined as follows:

- The Councillor Boyle was elected to Belfast City Council on 22 May 2014 and signed his Declaration of Office on 24 May 2014. By signing the declaration, Councillor Boyle affirmed that he had read and would observe the Code.
- The Code applied to the Councillor Boyle.
- The Acting Commissioner accepted the admissions by the Councillor Boyle that he had breached the Code of Conduct at:
 1. Paragraph 5.2
 2. Paragraphs 6.1 and 6.2
 3. Paragraph 6.3.
 4. Paragraph 4.6
- The Acting Commissioner accepted that the Councillor Boyle had not breached the Code of Conduct at Paragraph 4.2.

This concluded Stage 2.

7. STAGE 3 – SANCTION

The Acting Commissioner had received written submissions on mitigation and Sanction from both parties, which have been included in the Record of the Hearing.

a. SUBMISSIONS BY Ms FEE

i. Mitigating factors

Ms Fee said the Deputy Commissioner had referred to the Sanctions Guidelines, Page 9 Appendix A:

'Factors that the Acting Commissioner may consider when determining the appropriate sanction'

- a. Councillor Boyle had no prior history of breaching in the code which may provide evidence of 'Previous record of good service and compliance with the code.'
- b. This was Councillor Boyle's first and only term of office and the events that gave rise to the complaints arose early in that term and were repeated on the basis of an incorrect premise which highlighted Councillor Boyle's inexperience in the role.
- c. Councillor Boyle made himself available for two interviews and provided comments on the draft investigation report and therefore should be given some credit for his 'co-operation with the investigation'.
- d. Councillor Boyle was provided with advice on a number of occasions from Council Officers in respect of his need to declare an interest in respect of his property holdings. This provides some evidence of: *'an honestly held (although mistaken) view that the action concerned did not constitute a failure to follow the provisions of the Code, particularly where such a view has been formed after taking appropriate advice'*.
- e. Councillor Boyle's conduct was driven by what he considered to be his adverse personal circumstances, namely a threat made to his and his family's safety some years prior to him becoming a councillor.
- f. Councillor Boyle has subsequently acknowledged that there had been a failure to follow the Code.
- g. The Deputy Commissioner noted the significant passage of time since the events complained of occurred and that Councillor Boyle had continued to engage with the process.

ii. Aggravating Factors (Sanctions Guidelines page 9).

- a. An important factor in this case was the protection of the public interest in terms of public confidence in the institution of local government, through those democratically elected to represent constituents. The legitimate aim being pursued by the Code was to provide for and secure the high standards required from elected Councillors. In turn, the purpose of sanction was preservation of confidence in local government representation.

- b. The Deputy Commissioner highlighted the number of separate complaints (3 in total) made against Councillor Boyle two of which were made by members of the public.
- c. Councillor Boyle's conduct was the subject of media reporting and would not have inspired confidence in the Council or the role of Councillors.
- d. Queries/concerns over Councillor Boyle's requirement to declare his property holdings and leave meetings were raised with him by a number of individuals in a range of separate forums, which should have indicated to him that the matter required closer scrutiny and response by him in terms of the code of conduct requirements.
- e. Councillor Boyle was the only person who had full knowledge of his property holdings and should have erred on the side of caution by absenting himself from any part of a meeting which could give rise to a potential conflict of interest.
- f. The Commissioner's Guidance makes clear that familiarity and understanding of obligations under the Code is a matter of personal responsibility for the councillor.
- g. In the Commissioner's 2019 decision in the matter of *Mervyn Rea*, the Commissioner dealt directly with the importance of registering and declaring interests. The decision included a list of 'learning points' for councillors. These included:
"The Commissioner wishes to highlight to councillors generally that a failure to declare a pecuniary interest (direct or indirect) may result in a sanction of disqualification. This is a serious conduct matter which is underpinned by section 28 of the Local Government Act 1972. A breach of section 28 may in some cases be a criminal offence."

iii. Sanction

Ms Fee considered the sanctions available to the Acting Commissioner:

a. No Action:

Is not a suitable outcome to these proceedings, given the nature of the conduct which has given rise to the Acting Commissioner's determination on breach of the Code. This was not an inadvertent failure.

b. Censure:

The aggravating factors drew attention to the weight of the public interest in this case as opposed to the minor failures envisaged under this outcome. It was highly questionable in her view, whether censure could adequately cater for the public interest in the circumstances. It was a case of balancing out all of the interests in this case where the breaches admitted by Councillor Boyle to his credit are not minor in nature.

c. Partial Suspension:

Not applicable; this provision was designed to meet circumstances in which a Councillor's conduct was such that it was limited to a particular activity or section of council business from which the Councillor could be easily extracted.

d. Suspension:

May be adequate in addressing the public interest in so far as it:

- Upholds public confidence in the standards regime and/or local democracy
- Reflects the severity of the matter
- Conveys the matter should not be repeated.

Councillor Boyle had admitted to breaches sufficiently serious to merit the sanction of suspension. The Sanctions Guidelines make clear that the “nature” of the conduct will be taken into consideration when considering whether the sanction is necessary to uphold public confidence, to reflect the severity, and it make it understood that the conduct should not be repeated. The Deputy Commissioner’s view was the breaches are of a serious nature, which related to aspects of the Code that are central to public confidence.

The sanctions guidelines acknowledge that Councillors have been democratically elected to undertake certain tasks and that their ability to serve the public and perform those tasks should only be restricted where such a restriction is justified in the particular circumstances of a case.

For all of these reasons, including the relevant case law to which she had referred, Ms Fee submitted that the Deputy Commissioner thought that suspension would be in line with the decisions on sanction in previous cases and would meet the public interest in this case. However, suspension is unavailable as Councillor Boyle is not a sitting Councillor.

e. Disqualification:

The Acting Commissioner may wish to consider whether the conduct is of such gravity as to warrant disqualification. The Sanctions Guidelines state: “Disqualification is the most severe of the options open to the Acting Commissioner.” While there are aspects of the conduct at issue which might point towards disqualification, in all the circumstances of this case, the Deputy Commissioner was of the view that the justice of the matter and the public interest could have been met, in the case of a sitting councillor, by means of the lesser sanction of suspension. Ms Fee said the Deputy Commissioner’s submission was that Councillor Boyle’s case fell within the suspension category.

While Councillor Boyle’s conduct was not minor, given that suspension is unavailable, and in all the circumstances of the case, Ms Fee submitted that censure was the most appropriate of the available sanctions. Whilst ultimately a decision for the Acting Commissioner, public knowledge of the sanction itself, alongside an understanding of the factors that led to it, would help discharge the duty to the public in this case.

b. SUBMISSIONS BY MR TOAL

i. Mitigating factors:

Mr Toal referred to the Sanction Guidelines:

- a. *'An honestly held (although mistaken) view that the action concerned did not constitute a failure to follow the provisions of the Code, particularly where such a view has been formed after taking appropriate advice.*'

This factor was relevant in particular to the accepted breaches of paragraphs 4.16, 5 and 6 of the Code, which it was suggested were the principal and substantive matters before the Acting Commissioner. Councillor Boyle's reliance on advice received from council officials was of substantial relevance and provided strong mitigating circumstances in relation to the breaches concerning registration and declaration of interests, and removal from meetings.

- b. *'Short length of service or inexperience in a particular role.'*

Councillor Boyle had served only one term in office as a Councillor, and some of the conduct which had given rise to these proceedings occurred within a short period of months of his election. He acknowledged his inexperience, which provided a context to all of the circumstances in this case, and in particular to his reliance on advice and following of what appeared to be established practices in relation to declarations of interest at meetings.

- c. *'Recognition by Councillor Boyle that there has been a failure to follow the Code; [...]*

Councillor Boyle had recognised by his admissions that there had been a failure to follow the Code.

- d. *'Co-operation with the investigation and the Adjudication Hearing.'*

Mr Toal said that Councillor Boyle had accepted a breach of the Code in connection with his failure to provide details of his property holdings upon request of the Deputy Commissioner's staff. Notwithstanding that conduct, which has been contextualised (this context is further discussed below), it was submitted that Councillor Boyle co-operated with the investigation by his participation in two extensive and lengthy interviews conducted by the Deputy Commissioner's staff and in the provision of various documents to the investigation. Councillor Boyle had, with the assistance of his representatives, co-operated with the adjudication procedure in terms of the provision of a Response to Statement of Facts, witness statements, and discussions. These were fruitful in very significantly narrowing the issues as between the parties and enabling the Adjudication process to proceed without the need for the calling of evidence or protracted legal argument in relation to alleged breaches of the Code. The adjudication procedure in this case had the potential to be protracted and lengthy but has been significantly shortened by virtue of admissions made by Councillor Boyle. This had been acknowledged and welcomed by the Deputy Commissioner.

Mr Toal cited further factors:

- e. Councillor Boyle has no previous findings or determinations against him.
- f. Mr Toal commented that the rules on pecuniary interest are complex and all material facts in this matter arose before councillors had the benefit of a decision, in this jurisdiction, as to the meaning of 'pecuniary interest'.
- g. This matter has been hanging over Councillor Boyle's head for several years. He was first interviewed in January 2017. It is now February 2022. Mr Toal said the ongoing

investigation and latterly the adjudication procedure has been a matter which has caused Mr Boyle significant distress over that period of time. No criticism is made as regards this delay. It is acknowledged that the investigation had been complex and moreover that COVID-19 had intervened. However, Mr Toal submitted that it was appropriate to regard delay as a mitigating factor weighing against a more severe sanction.

ii. Aggravating factors

Mr Toal contended that only one aggravating factor from the list provided in the Sanctions Guidelines is engaged in this case: *'Repeated failures to comply with the Code.'*

In relation to that aggravating factor, Mr Toal conceded that there have been a number of occasions wherein Councillor Boyle had failed to comply with paragraph 6 of the Code in relation to declarations of interest and the need to leave meetings. The context for those occasions is set out briefly in the joint position paper at paragraph 6 and in greater detail in Councillor Boyle's witness statement. Of particular relevance are the following matters:

- Councillor Boyle's reliance on advice from council officers in relation to the need to declare interests and remove himself from meetings, which he adhered to in good faith.
- The practice he observed in relation to other councillors declaring interests but nevertheless remaining at and speaking at meetings, which he followed on the misunderstanding that such a practice was acceptable and in compliance with the Code.
- Councillor Boyle's inexperience as a councillor, which contextualises all matters.

Mr Toal made submissions on the individual breaches of the Code:

'Registration of interests within 28 days of election'

It has been readily admitted that there was a breach of this requirement which was a breach of a technical nature falling at the lowest end of the scale of seriousness. Councillor Boyle has noted that other councillors similarly registered their interests late. It is highly unlikely that this breach alone would have led to an adjudication procedure; more likely that it would have been dealt with informally or by way of the alternative action procedure, if at all.

'Sufficiency of entry in register, and updating of the Register'

Councillor Boyle has stated that he believed at all material times that what had been registered in connection with his property holdings was sufficient and moreover he did not consider that his circumstances concerning the exemption had changed at any time, such that a change to the register was required (including after receipt of correspondence from the Chief Executive in January 2017). He therefore did not at any time 'become aware' of the need to update the Register, as outlined in paragraph 5.3 of the Code.

Mr Toal said the following points are made in relation to the factual circumstances which pertain in this regard:

- Councillor Boyle has explained that his understanding was that the letter from the Chief Executive which granted the exemption from registering specific details of his properties, in using the term 'declaration' in connection with a 'defined geographical area of the

city', was intended to give him guidance as to what ought to be declared at meetings. He contends that by declaring at certain meetings that he owned properties in e.g., 'the Holylands area', that he was acting in accordance with that guidance.

- Councillor Boyle believed '*Various properties in Belfast*' was sufficient. Mr Toal submitted that it was of substantial relevance, particularly in the context of an inexperienced councillor and against the backdrop of previous discussions about the extent of his registration of property interests, that the Code does not mandate a specific level of detail which has a significant potential to lead councillors into inadvertent breach in this regard.
- It is also significant, in mitigation of Councillor Boyle's position in respect of the sufficiency of what he had noted in his registration of interests, that the Town Solicitor was prepared to state, in the context of a formal response to a Freedom of Information (FOI) request, that Councillor Boyle had been: "*Permitted to make the declaration [in] the format as shown on the Register*". A draft of that FOI response was shared with Councillor Boyle in April 2016. He was aware of that view of the Town Solicitor from various other verbal discussions and was aware the view was shared by other council officers. Mr Toal submitted this context provides a compelling reason for Councillor Boyle to have believed, however incorrectly, that his entry in the register was sufficient in its original form ('Various properties in Belfast').

In relation to Councillor Boyle's actions in response to the letter from the Chief Executive in January 2017, Mr Toal drew the Acting Commissioner's attention to paragraphs 27 and 28 of his witness statement. The Commissioner's Guidance for Councillors (May 2017) provides at paragraph 4.12.8:

"The registration of personal interests is an element of the Code which I expect will give rise to many questions from councillors. If you are in any doubt about your obligations in this regard, including whether you have an interest that falls within one of the categories of registerable interest that are listed in paragraph 5.2 of the Code, you should seek advice from an appropriate person within your council or your legal adviser".

Declarations of interests

Mr Toal submitted that Councillor Boyle had accepted in the joint position paper that paragraph 6 of the Code was breached in relation to declaration of both pecuniary and non-pecuniary interests in relation to his property holdings, as regards the need to make declarations and immediately remove himself from meetings. It has also been accepted that there was a factual breach of paragraph 4.16 of the Code.

Mr Toal drew the Acting Commissioner's attention to mitigating circumstances in connection with this aspect of the case. Councillor Boyle has explained that he did not believe he had a pecuniary or significant non-pecuniary interest which ought to have been declared at various meetings concerning the Holylands Area Improvement (HAI), alley-gating etc. He has now accepted that those interests did exist. However, it was submitted that the Acting Commissioner can take account of the fact that the pecuniary interest has not been quantified. It was submitted

that any benefit accruing to Councillor Boyle in terms of the value of his properties or their 'rentability' would have been of a most modest nature, at the lowest end of the scale.

Mr Toal submitted that Councillor Boyle did, at a substantial number of meetings, 'declare an interest', and therefore his omission on those occasions is solely in respect of a failure to immediately remove himself from them while particular matters were being discussed. It has been explained that there was a practice observed whereby other councillors would also declare an interest but would not leave meetings.

Mr Toal stated that Councillor Boyle declared an interest even where, as has been accepted by the Deputy Commissioner, there was none to declare, in relation to planning applications upon which he spoke. This is indicative of his inexperience and his genuine misunderstanding as to when it was and was not appropriate to declare an interest, but also his integrity in declaring interests for the avoidance of any appearance of a conflict.

Mr Toal described an unfortunate position, in the Code and in Guidance, in that councillors are encouraged on the one hand to seek advice from council officials but set against that are cautioned against reliance on that advice because the ultimate decision is left to the councillor. This is a difficult position for councillors to be in and Councillor Boyle was not fully cognisant of it. It is a matter of substantial mitigation where it transpires that advice accepted and relied upon in good faith has led the councillor into a breach of the Code.

'Compliance with the Commissioner's requests'.

It has been readily admitted that there was a breach of this requirement in relation to the provision by Councillor Boyle of a list of the addresses of his properties in the Holylands. It is acknowledged that this was not done, and that therefore there was non-compliance with a request by the Deputy Commissioner in the course of his investigation.

Mr Toal said the context for this was set out at paragraph 3 of the joint position paper. Councillor Boyle was concerned about the risk that details disclosed may be inadvertently disclosed to inappropriate persons. This is not to be taken as any criticism of those involved in the investigation. However, Councillor Boyle had a well-founded concern because correspondence was in the past inadvertently sent to the wrong address.

Councillor Boyle has set out extensively the particular concerns he has had in relation to threats and risks to himself, his family, his tenants, and his properties in his witness statement, which are connected to the risk that the locations of his property holdings may be inadvertently divulged. Most significantly, the very real and visceral fear which he experienced upon being served with the warning 'Police Message' which was exhibited to his statement.

Mr Toal submitted those concerns were genuinely held and provide a significant mitigating context to explain Councillor Boyle's hesitation in providing the addresses for his property holdings to the Deputy Commissioner's investigation. Nevertheless, Councillor Boyle has now accepted without prevarication that his conduct amounted to a breach of paragraph 4.6 of the Code in that he did not provide the information requested.

iii. Sanctions

Mr Toal said as Councillor Boyle was no longer a councillor therefore, in accordance with the Sanctions Guidelines, suspension is not to be considered as a potential sanction in this case. Councillor Boyle was not re-elected in 2019 and served only one term in office. The disposals therefore available to the Acting Commissioner in dealing with this matter are:

- No action
- Censure
- Disqualification

- a. **No action:** It is acknowledged by Councillor Boyle, that this is not a case where 'no action' would be the appropriate outcome.
- b. **Censure:** The Sanctions Guidelines provide at paragraph 9 that 'Censure will generally take the form of criticism of the conduct which was found to constitute or have given rise to a failure to comply with the Code and a warning as to future conduct.'

Mr Toal submitted that the fact of this extensive investigation and lengthy investigation and adjudication procedure had in effect already amounted to a censure in that Councillor Boyle had faced criticism of his conduct and had an opportunity, as an inexperienced councillor, to become more familiar with key provisions of the Code. He will not be repeating the conduct complained of in future, should he be re-elected as a councillor at any future election.

In the circumstances, censure in the form of a formal criticism of Councillor Boyle's conduct, with a warning as to future conduct incorporating the lessons now learned, may be considered to be an appropriate means of dealing with the matter.

- c. **Disqualification:** In relation to disqualification, the Sanctions Guidelines state this is the most severe of the options open to the Commissioner. A number of factors which may render this sanction appropriate are listed in the Guidelines at paragraph 19:

- Councillor Boyle had deliberately sought personal gain (for either herself or himself or some other person) at the public expense, by exploiting his or her membership of the council.
- Councillor Boyle had deliberately sought to misuse his or her position to disadvantage some other person.

Mr Toal submitted that these factors did not apply in this case. At no time has personal gain or a disadvantage been deliberately sought.

- Councillor Boyle had deliberately failed to abide by the Code, for example as a protest against the legislation of which the Code formed part.

It was submitted that this factor did not apply in this case. Breaches had come about through accepted inadvertence, reliance on advice in good faith and, in the particular context as outlined above, concerned a perception of threat and risk to Councillor Boyle's person, family, tenants and properties.

- Repeated failures to comply with the Code by Councillor Boyle. For example, if there were repeated failures to comply after a period of suspension then it is highly likely that in a future adjudication decision, the Commissioner faced with a decision about that further failure to comply will opt to disqualify Councillor Boyle.

Mr Toal said It was accepted that there had been a number of failures to comply with the Code. This factor was identical in substance to the aggravating factor which has been accepted as set out above.

The 'repeated' failures which were engaged in this case concerned the matters of declaration of interest and removal from meetings. Substantial mitigating context has been set out in the joint position paper and in Councillor Boyle's witness statement.

The breaches which had now been accepted in this regard arose in the context of advice provided by council officials and relied upon in good faith by Councillor Boyle. This was not a case where there had been a repeated failure to comply after a period of suspension or any previous finding. The 'example' given in the Guidelines in relation to this factor was therefore not apt.

For the above reasons whilst disqualification is undoubtedly properly under consideration, it in itself would be a disproportionate response in the context of mitigating factors and the limited number of factors in support of disqualification which are present in the case.

Mr Toal contended, were Councillor Boyle still in office, this is a case which would be likely to fall within the range of a suspension. A suspension measured in months would have the effect of upholding public confidence in the standards regime and local democracy, reflecting the severity of the matter and making absolutely clear that Councillor Boyle's conduct was not to be repeated. Such a suspension would also properly reflect the various mitigating factors which have been outlined herein, and the relative lack of relevant factors pointing towards the more severe sanction of a disqualification.

Mr Toal said that Councillor Boyle welcomed the submission of the Acting Deputy Commissioner and the suggestion which is, of course, subject to the Acting Commissioner's discretion, that censure is the appropriate outcome in this case and Mr Toal said that Councillor Boyle respectfully agreed and asks the Acting Commissioner to take that into account. The suggestion that censure is the appropriate outcome is effectively an agreed matter between the parties.

Censure meets the aims of the sanctions regime as set out in paragraph 3 of the Sanction Guidelines in terms of preservation of public confidence in local government representatives, the public interest in good administration, upholding and improving the standard of conduct expected of councillors and fostering public confidence in the ethical standards regime introduced by the 2014 Act. And paragraph 3 of the Sanctions Guidelines goes on to say:

"Thus any sanction imposed will be justified in the wider public interest and will be designed to discourage or prevent the particular respondent from any future failures to comply with the Code and to discourage similar conduct by others."

Mr Toal concluded, Acting Commissioner, where justice can be done in the case by means of a censure, which is the submission I think of both parties, then in my submission the consideration of disqualification ought to fall away, of course, subject to your discretion, but he thought it would be fair to outline that is a position the parties share, that the justice of this case can be met by way of censure and in his submission disqualification ought not to form a consideration.

8. SANCTION

The prior written submissions on sanction, by both parties, had been very helpful to the Acting Commissioner.

The Acting Commissioner had regard to the Code's Guidance for Councillors in his decision.

He had considered the submissions by both parties in relation to Sanction as well as the Sanctions Guidelines. The Acting Commissioner commended both parties for their approach to the presentation of this case. In particular, the efforts which they had made to ensure this Hearing was able to be conducted fairly and efficiently, recognising the interests of both Councillor Boyle and the Public.

i. Mitigating factors

- a. Former Councillor Boyle had no prior history of breaching the code.
- b. In general, he cooperated throughout the investigation process. The Acting Commissioner accepted the comment by the Deputy Commissioner where she noted: *"The significant passage of time since the events complained of occurred and that former Councillor Boyle has continued to engage with the process"*.
- c. It was his first and only term of office where the issues prompting the complaints occurred early in that term. Councillor Boyle repeated his breaches, based on an incorrect premise, showing his inexperience in his role.
- d. There was some evidence of him honestly holding, although mistaken, a view that his actions did not constitute a failure to follow the provisions of the Code, particularly where such a view has been formed after taking appropriate advice.
- e. His conduct was driven by what he considered to be his adverse personal circumstances, namely a threat made to his and his family's safety some years prior to him becoming a councillor.
- f. Councillor Boyle has recognised, by his admission that he breached the Code, which has significantly contributed to an expeditious conclusion to a complex case. He has faced up to these matters saving time and public money.

ii. Aggravating Factors

- a. Three separate complaints were made, two by members of the public. Councillor Boyle's conduct was the subject of media reporting, so in the public view. This would not have inspired confidence in the role of Councillors.
- b. The requirement to declare his property holdings was raised with him on several occasions. Only he knew the extent of his property holdings and this should have caused him to visit the Code on that aspect.
- c. The Acting Commissioner had considered the Commissioner's decision in the 2019 case of *Mervyn Rea*, concerning the importance of registering and declaring interests, where she said: *"The Commissioner wishes to highlight to councillors generally that a failure to declare a pecuniary interest (direct or indirect) may result in a sanction of disqualification. This is a serious conduct matter which is underpinned by section 28 of the Local Government Act 1972"*.

iii. Sanction Guidelines:

The Sanction Guidelines at paragraph 3, state the objectives relevant to determining sanction:

- the public interest in good administration upholding and improving the standard of conduct expected of councillors the fostering of public confidence in the ethical standards regime introduced by the 2014 Act.
- Any sanction imposed must also be justified in the wider public interest and should be designed to discourage or prevent any future failures to comply with the Code or to discourage similar conduct by other Councillors.

The available sanctions are set out in paragraph 68 of the Procedures document:

- a. **No action:** To take no action in this case is not an appropriate response to the failure by Councillor Boyle to comply with the Code. His conduct was of a more serious nature and not merely an 'inadvertent' failure to comply with the Code.
- b. **Censure:** The Acting Commissioner noted the submission by the Deputy Commissioner of balancing the public interest in this case against Councillor Boyle's conduct. That conduct, notwithstanding his admission, was not a 'minor failure' as envisaged in paragraph 9 of the Guidance on Sanctions. It is questionable if the sanction of Censure is a suitable sanction.
- c. **Partial suspension:** is more likely to be appropriate where the conduct related to a particular activity or Council business from which the Councillor could be easily removed. Councillor Boyle is no longer a councillor. Partial suspension is not a suitable sanction.
- d. **Suspension:** The Sanctions Guidelines state that suspension is to be considered where the conduct is not sufficiently serious to warrant disqualification, but the conduct is of a nature that:

- it is necessary to uphold public confidence in the standards regime and/or local democracy.
- there is a need to reflect the severity of the matter; and
- there is a need to make it understood that the conduct should not be repeated.

The breaches admitted by Councillor Boyle are serious and, if he were still a serving councillor, would merit suspension. Under the Sanctions Guidelines, suspension will not be considered if the councillor has not been re-elected.

e. **Disqualification:** is the most severe option and the factors which may lead to disqualification are listed in the Sanction Guidelines at paragraph 19 a. to h.

The Commissioner's Guidance to the Code clearly states that:

"Familiarity and understanding of obligations under the Code is a matter of personal responsibility for the councillor".

Councillor Boyle acknowledged in the joint position paper that his conduct had the potential to impact on public trust and confidence. He admitted the breaches of the Code and, regardless of the relevant mitigation, they were serious breaches which required an equally serious sanction. If he had still been a serving councillor, the Acting Commissioner would have suspended him from his role. Suspension would have been a proportionate sanction for his level of breach.

The Acting Commissioner said that only censure or disqualification was an outcome. If he applied the test of proportionality to the breaches committed, then he may struggle to define his breaches as 'minor failures'. Nor, however, are they at the most serious level, which would ordinarily make disqualification a certainty.

In relation to the points from both parties on the Paragraph 19 factors re disqualification, it was the Acting Commissioner's view that he was addressing factors for suspension. If he had still been a councillor, the Acting Commissioner would have suspended Councillor Boyle for a period of 3 months. What he was addressing now was a finely balanced situation between disqualification and censure.

The Acting Commissioner, with some hesitation, decided on censure as being more proportionate on the circumstances of Councillor Boyle's breaches of the Code. Councillor Boyle failed to properly declare his interests and failed to conform by leaving the council chamber. They were serious failures and if he wished to re-enter public office he must learn well from this matter.

The Acting Commissioner had reviewed previous cases in this jurisdiction in relation to pecuniary and non-pecuniary interests and considered the decision in this case is consistent with the decisions in those cases.

Councillor Boyle and all other councillors, still in post, must absolutely understand the Code and its Guidance. It is their public duty to do so and, on this occasion, regardless of the mitigating circumstances put forward, Councillor Boyle failed in that duty.

There is of course an equal duty on Councils and their officers to ensure that Councillors are properly trained for their role, including regular refreshers, in part drawn on the outcomes of such Adjudication Hearings.

The Acting Commissioner's decision, made under Section 59(3)(c) of Part 9 of the Local Government Act (Northern Ireland) 2014, was to censure Councillor Boyle, in the strongest terms, about his failures in public office.

9. LEAVE TO APPEAL

Former Councillor Boyle may seek the permission of the High Court to appeal against a decision made by the Acting Commissioner, which must be made within 21 days of the date that former Councillor Boyle receives written notice of the Acting Commissioner's decision.

Ian A Gordon

Acting NI Local Government Commissioner for Standards
11 March 2022

APPENDIX A
NORTHERN IRELAND LOCAL GOVERNMENT COMMISSIONER FOR STANDARDS
IN THE MATTER OF FORMER COUNCILLOR DECLAN BOYLE

JOINT POSITION PAPER

1. This document is a joint position paper prepared collaboratively between Former Councillor Declan Boyle ('Councillor Boyle') and the Deputy Commissioner. Each party sets out their position below. Subject to the Commissioner's direction, it is agreed between the parties that this document may assist the Commissioner's findings of fact and determinations in respect of Stages 1 and 2 of the procedure for adjudication hearings.

STATEMENT OF FORMER COUNCILLOR BOYLE'S POSITION

Paragraph 5 of the Code ('Potential Breach 1')

2. Councillor Boyle acknowledges that the Northern Ireland Local Government Code of Conduct for Councillors ('the Code') requires at paragraph 5.2 that interests must be registered within 28 days of a councillor's election. He acknowledges that he did not register his interests within the required timeframe and accepts that he breached paragraph 5 of the Code in relation to registration of interests.
3. Councillor Boyle wishes it to be noted that this was because he was in the process of seeking an exemption and because of the intervening summer period when relevant staff took leave. As a result, he first registered his interests a few weeks late. Councillor Boyle notes that other councillors may similarly have registered their interests late.
4. Councillor Boyle acknowledges that the letter received from the Chief Executive of Belfast City Council outlining the extent of the exemption granted to him specified that he must *'make a declaration disclosing that [he had] property interests within a defined geographical area of the city, but that [he would] not be required to specifically list each property'*. Declan Boyle acknowledges that the detail given on the register of interests did not meet with what had been required by the Chief Executive. Councillor Boyle acknowledges that he did not update the registration of interests form after a request from the Chief Executive on 11th January 2017. He asserts that this was due to his belief at that time that what had been registered was sufficient and explains that at no point was any insufficiency in terms of what had been noted in the register drawn to his attention. Councillor Boyle refers to paragraph 25 of his written statement dated 22nd October 2021.
5. In relation to the basis for the exemption from registering or declaring specific details of his property holdings, Councillor Boyle has explained that he received a serious and

concerning threat notification from police in 2006 advising that

paramilitaries may be planning to carry out some form of attack against him or his family with a view to robbing his business. There have over the years been various attacks such as arson attacks or criminal damage to Councillor Boyle's properties, but it is acknowledged that only one threat notification was received some 8 years before Councillor Boyle's election, which was never rescinded.

Paragraph 6 and Paragraph 4.16 of the Code ('Potential Breach 2' and 'Potential Breach 3')

6. Councillor Boyle declared an interest as regards his properties in the Holylands area at a number of committee meetings where matters relevant to that area were listed for discussion. This was in accordance with the requirement in the Chief Executive's letter that he make declarations in respect of a defined geographical area of Belfast. It is acknowledged that the Code requires that a councillor must withdraw from a meeting whilst a matter in which an interest has been declared is discussed. Councillor Boyle asserts that he has observed a practice whereby such a declaration may be made by a councillor without the requirement to withdraw from the meeting, but accepts that the fact that others may have potentially breached the Code does not excuse an omission to ensure his own full compliance with it. It is agreed that there were some meetings where issues relating to areas in which Councillor Boyle held properties were listed for discussion and no declaration was made. Councillor Boyle accepts that he breached paragraph 6 of the Code in relation to declaration of both pecuniary and non-pecuniary interests in relation to his property holdings, as regards the need to make declarations and immediately remove himself from meetings. To contextualise these issues, it is acknowledged and agreed that Councillor Boyle sought and received advice on a number of occasions from council officials, who he explains advised him that in circumstances where his properties would not benefit any more than others in relation to a proposal, then he did not need to make a declaration and indeed would be entitled in those circumstances to put forward the proposal. That advice was confirmed with the Town Solicitor when it was first given. Councillor Boyle asserts that no greater advantage was at any point available in relation to his properties than to any other properties in the area under discussion and at no point did he intend to secure an advantage for himself or any other person. It is acknowledged that the advice he received may nevertheless have been incorrect or misleading and that reliance upon it led Councillor Boyle into factual breaches of paragraph 6 and paragraph 4.16 of the Code.

Paragraph 4.6 of the Code ('Potential Breach 5')

7. Paragraph 4.6 of the Code deals with compliance with Commissioner's requests. Councillor Boyle acknowledges that he did not provide details of his property holdings to the Commissioner's Investigators and accepts this was in breach of paragraph 4.6 of the Code. He has asserted that this was due again to the risk that they may be divulged and lead to a risk to himself and his family, his tenants, and his properties.

Summary of Councillor Boyle's Position

8. Councillor Boyle has sought to engage and co-operate with this hearing process in good faith, and in particular to compile this Position Paper with a view to saving

time and expense to the public purse. Councillor Boyle has accepted breaches of paragraph 5 of the Code in relation to registration of interests, paragraph 6 of the Code in relation to the declaration of both pecuniary and non-pecuniary interests and paragraph 4.6 in relation to compliance with requests from the Deputy Commissioner in respect of the investigation. Councillor Boyle does not accept the alleged free-standing breach of paragraph 4.2 of the Code, in relation to disrepute ('Potential Breach 4').

9. Councillor Boyle acknowledges that breaches of the Code whereby interests are not registered or declared, or where interests are declared but a councillor nevertheless remains at a meeting in full do have the potential to impact on public trust and confidence in the councillor and the work of the council as a whole.
10. Councillor Boyle accepts that as a result of the matters outlined herein, technical and material breaches of the Code have regrettably arisen. He acknowledges the powers of the Commissioner under Section 59 of the Local Government (Northern Ireland) Act 2014 and confirms that he will submit to any disposal deemed to be appropriate by the Commissioner.

STATEMENT OF THE DEPUTY COMMISSIONER'S POSITION

11. While acknowledging that this matter is now before the Commissioner for hearing, and that any decisions will be a matter for the Commissioner, the Deputy Commissioner who has investigated this matter acknowledges the assistance provided by Councillor Boyle in reaching an agreed basis from which the Commissioner may make a determination on a number of highly related matters/instances, which includes the saving of expense and the bringing of an expeditious conclusion to a complex case.
12. The Deputy Commissioner welcomes Councillor Boyle's acceptance of breaches of paragraph 5 of the Code in relation to registration of interests, paragraph 6 of the Code in relation to the declaration of both pecuniary and non-pecuniary interests and paragraph 4.6 in relation to compliance with requests. The Deputy Commissioner notes the context and potential mitigation which Councillor Boyle has outlined. The Deputy Commissioner notes that Councillor Boyle does not accept the alleged free-standing breach of paragraph 4.2 of the Code, in relation to disrepute and the Deputy Commissioner's findings in respect of same as set out in the Deputy Commissioner's report under the heading 'Potential Breach 4'. In the circumstances, and while any decision will be a matter for the Commissioner, the Deputy Commissioner would be content not to pursue the alleged breach of 4.2. Similarly, while the decision is a matter for the Commissioner, it is the Deputy Commissioner's position that Councillor Boyle's acceptance of the substantive breaches as outlined above renders it unnecessary to call evidence on or reach a determination in respect of the four remaining 'relevant disputed facts' in the Statement of Facts.

Strategic Policy and Resources Committee

Friday, 21st October, 2016

MEETING OF STRATEGIC POLICY AND RESOURCES COMMITTEE

Members present: Councillor Hussey (Chairperson);
The High Sheriff (Alderman Rodgers);
Aldermen Browne and Convery;
Councillors Attwood, Clarke, Corr, Haire,
Hargey, Hutchinson, Jones, Long, McCabe,
McVeigh and O'Donnell.

In attendance: Mrs. S. Wylie, Chief Executive;
Mr .G. Miller, Director of Property and Projects;
Mr. R. Cregan, Director of Finance and Resources;
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 Councillors Kennedy, McAllister, Reynolds and Walsh.

Minutes

The minutes of the meeting of 23rd September were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 3rd October.

Declarations of Interest

No declarations of interest were reported.

Restricted Items

The Information contained in the following four reports is restricted in accordance with Part 1 of Schedule 6 of the Local Government Acts (Northern Ireland) 2014

Maysfield Developments

The Committee considered a report in relation to proposals regarding the development of the former Maysfield site by Allstate and Concentrix.

After discussion, the Committee:

- (i) Agreed not to accede to the request from Allstate to contribute towards the cost of removing and the disposing of the contaminated silt at the Maysfield Water Inlet; and
- (ii) Agreed to endorse the proposal from Concentrix to provide a riverside staff/public café at Maysfield as part of its refurbishment scheme of the former leisure centre, subject to detailed terms to be agreed by the Estates Manager and Town Solicitor.

Transfer of Assets / Liabilities to Belfast City Council

The Committee was reminded that, at its meeting on 23rd September, it had considered a report in relation to capital projects under the remit of the Department for Communities and a request from that department seeking a commitment from the Council to take ownership and the associated maintenance and liability of those assets upon completion of the capital projects.

The Director of Property and Projects reminded the Members that the Committee had been asked to agree, in principle, to the transfer of the upgraded assets, subject to a number of caveats and to agreed revenue budgets being in place at the time of transfer. The Committee, while noting its support for the capital investment proposed, had agreed to defer consideration of the matter to enable him to hold discussions with the Department for Communities and the Executive Office on the ongoing revenue implications and the conditions under which the Council would accept the transfer of assets.

The Director reported that further discussions had since taken place with officers from the Department for Communities and the Strategic Investment Board (Urban Villages) regarding the terms of any such transfers and he submitted a report outlining the proposed conditions.

After discussion, the Committee agreed in principle to the transfer of land and property assets from the Department for Communities, or other central government bodies as appropriate, upon completion of identified capital projects, subject to the conditions of transfer as set out in the report and specifically on agreement on revenue budgets at the time of transfer, with up to three years agreed maintenance costs being provided as a minimum, depending on the nature of the asset.

Civic Headquarters Unit – Structural Changes

The Committee considered a report in relation to the proposed structural changes to the Civic Headquarters Unit which would be required following the opening of the new Exhibition Area in the City Hall and the transfer of the responsibility for the development and application of revised criteria for access to the City Halls function areas.

After discussion, the Committee:

- Delegated authority to the Director of Property and Projects and the Director of Organisational Development to change the staffing

structure of the Civic HQ Unit of the Facilities Management Section as proposed and in accordance with agreed HR policies and procedures, with the context of the overall organisational development programme; and

- Agreed that the Director of Property and Projects report back to the Committee should there be any material changes to the proposals following staff and TU consultations and the application of agreed HR and OD processes.

Update on Operational Issues with Waste Collection

(Mr. N. Grimshaw, Director of City and Neighbourhood Services, attended in connection with this item.)

The Committee noted the contents of a report which provided an update on the issues and actions relating to waste collection problems linked to the new waste collection routes which had went live on 17th October, 2016.

The Committee noted also the use of delegated authority for emergency procurement, of letter delivery services, by the Director of Finance and Resources in conjunction with the Chairperson of the Committee.

Governance

Declarations of Interest at Meetings and Register of Members' Interests

The Committee considered the undernoted report:

“1.0 Purpose of Report or Summary of main Issues

- 1.1 To remind Members of the Council’s policies on conflicts of interests at meetings and the Register of Members’ Interests.

2.0 Recommendations

- 2.1 The Committee is asked to:

- Note the contents of the report.

3.0 Main report

Key Issues

Background

- 3.1 A report on this matter was last presented to the Committee in May this year.
- 3.2 The Local Government (Northern Ireland) Act 2014, at Part 9, included powers for the Department of the Environment to issue a code of conduct for councillors and all councillors upon their election were required to sign an acceptance of office which stated that they would abide by the Northern Ireland Local Government Code of Conduct for Councillors.
- 3.3 The Code, at sections 5 and 6, includes rules for the registration and disclosure and declaration of interests and any alleged breaches of the Code were required to be reported to and investigated by the Northern Ireland Ombudsman, in his/her capacity as the Northern Ireland Commissioner for Complaints.
- 3.4 In December, 2011 the former Belfast City Council adopted a policy on conflicts of interests for councillors.
- 3.5 This policy covered three main areas – general principles for dealing with conflicts of interest; formal registration of interests by councillors; and procedures for declaring and managing conflicts of interest. Although this policy has to some degree been superseded by the Local Government (Northern Ireland) Act 2014, the principles established within it still apply and it offers very sound advice to members in relation to declarations of interest.

Current Position

- 3.6 Section 28 of the Local Government Act (NI) 1972, in relation to the conduct of meetings, requires a Councillor who has a pecuniary interest, direct or indirect, in any contract, proposed contract or other matter which is under consideration, to disclose that interest to the meeting, the nature of the interest and not to preside over or take any part in the consideration of that matter. Any Councillor who contravenes this obligation commits an offence which may attract a penalty of imprisonment and/or a fine. A person's pecuniary interests are their business interests (for example their employment, trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments and assets including land and property).
- 3.7 Accordingly, a failure to make a declaration of interest at a meeting may constitute an offence. Moreover, the participation of any Member in any matters for which they ought to have disclosed an interest, if that participation has

resulted or is likely to have resulted in a different outcome, could result in that Member being liable to surcharge if the decision in question were to be the subject of legal proceedings by a third party.

- 3.8 In terms of interest, there is a distinction to be made between those which are personal and those which arise in respect of a Member's role in constituency work or appointments in respect of external bodies. Generally the latter will not give rise to an interest that is required to be declared if that Member's sole interest arises out of the fact that they have been appointed to an external body to represent the Council. If a Member's interest arises due to the fact that they are associated with or hold a position of membership or authority on an external body (including cultural and sporting clubs and associations) to which they belong and their appointment has not been by the Council then that interest should be declared, subject to the exemptions set out in the following paragraph. Association with a body or organisation that does not constitute membership may not give rise to a declarable interest, subject to the member being satisfied that the relationship does not compromise their ability to be objective.
- 3.9 An examination of cases demonstrates that two categories of case exist-
- (A) Direct financial or personal gain (direct pecuniary interests) - these are straightforward and determined on the facts
 - (B) Private or personal non pecuniary interest-in these cases a breach of the Code is determined by reference to the interest being so significant as to be prejudicial (to the decision being taken)
- 3.10 Participation at a meeting in relation to an interest that arises because of membership of a public body or in respect of being a member or supporter of a charity, voluntary body or other organisation formed for a public purpose (not for the benefit of its members) is permissible subject to the interest being declared. However members should not vote in relation to any matter relating to finance or property if the position they hold relates to the management committee or governing body of that organisation.
- 3.11 Members may speak and vote in relation to interests that arise as a result of an appointment to a body on behalf of the Council.
- 3.12 The rules apply to all meetings of Council and therefore to Area Working Groups.

- 3.13 As there can be some level of complexity in determining if an interest is declarable and whether the member should or should not participate, members should consult the Town Solicitor to determine the appropriate course of action in any case in which there is a doubt.
- 3.14 There appears to be some confusion as to what action a Member needs to take if they have a declarable interest in a matter. The clear position is that a Member must declare their interest either at the start of the meeting when the Chairperson asks for any declarations of interest or when the matter itself comes up for debate. In making the declaration, the Member must state the nature of the interest so that this can be recorded in the minutes of the meeting. Having declared an interest that prevents participation, the Member must leave the meeting for the duration of the debate and must not take part in any discussions. Again, this action will be recorded in the minutes of the meeting. It is a personal responsibility of each individual Member to ensure that they make clear declarations of any interests at meetings
- 3.15 Attached at Appendix 3 is a check list to assist members when deciding if they have an interest which ought properly to be declared at a meeting. It is hoped that this will prove useful for Members.
- 3.16 Financial & Resource Implications
- None associated with this report.
- 3.17 Equality or Good Relations Implications
- There are no equality or good relations considerations associated with this report."

The Committee noted the information which had been provided.

Schedule of Meetings 2017

The Committee approved the following schedule of meetings for the Strategic Policy and Resources Committee during 2017, commencing at 9.30am:

Friday, 6th January
Friday, 20th January
Friday, 17th February
Friday, 24th March
Friday, 21st April
Friday, 19th May
Friday, 23rd June

No meeting in July – summer recess
Friday, 18th August
Friday, 22nd September
Friday, 20th October
Friday, 17th November
Friday, 15th December

Belfast Agenda

Belfast Agenda Update

The Committee noted the contents of a report which provided an update on the progress towards the production of the Belfast Agenda (Belfast's Community Plan) and that the document would be discussed further at a special Strategic Policy and Resources Committee workshop, to which all Members of the Council would be invited, to be held at 9.30am on 28th October. The Committee agreed also to the proposed consultation plan which would include a twelve week public consultation on the Belfast Agenda in order to provide the opportunity for stakeholders and communities to provide feedback, with initial consultation/information events commencing before the end of November, 2016.

Extension of Sunday Trading Hours

The Committee considered the undernoted report:

"1.0 Purpose of Report or Summary of main Issues

1.1 The purpose of this report is to brief the Strategic Policy and Resources Committee on the powers contained within the Shops (Sunday Trading & c) (Northern Ireland) Order 1997 and to seek Committee approval to consult on a proposal to designate the entire Belfast City Council area (or specific parts of the area) as a 'holiday resort'.

1.2 The effect of this designation would be to extend the Sunday trading hours for large shops on up to 18 Sundays (other than Easter Sunday) between 1 March and 30 September in any calendar year.

2.0 Recommendations

2.1 The Committee is asked to:

- **note the contents of the report and the key issues outlined within**
- **provide approval for the Council to consult (by way of a public notice) on designating the entire area of Belfast City Council or specific part(s) of the area as a holiday resort under Article 6 of the Shops (Sunday Trading & c) (Northern Ireland) Order 1997**

3.0 Main report

Background

- 3.1** During a recent meeting with the Minister for Communities, Members and Chief Officers indicated that there is a strong lobby within the city (e.g. Belfast Chamber of Commerce) for a review of the current Sunday trading laws which have been in place since 1997. Such a review would be in the context of boosting the local economy, benefiting the tourism industry and supporting the regeneration of towns and city centres.
- 3.2** The Minister had to leave the meeting before this item was raised but Departmental officials indicated that there may not be any appetite amongst politicians to amend existing legislation on Sunday trading.
- 3.3** Members will wish to note however that a provision exists under Article 6 of the current legislation which allows District Councils to designate any area within the district as a 'holiday resort' and that large shops in designated holiday resort areas may open at any time on Sunday on up to 18 Sundays (other than Easter Sunday) between 1 March and 30 September.
- 3.4** The following towns - Portrush, Portstewart, Ballycastle, Newry and Kilkeel - and the entire former Derry City Council area have all been designated as 'holiday resorts' for this purpose over the past number of years.

Key Issues

Legislation

- 3.5** The Shops (Sunday Trading &c.) (Northern Ireland) Order 1997 replaced the Shops Act (NI) 1946 and brought the Northern Ireland shops law broadly into line with the corresponding law in England and Wales (the Sunday Trading Act 1994).

The 1997 Order (copy attached at Appendix 1):

- removes the 1946 Acts restrictions on the goods which may be sold in shops on Sunday
- allows small shops (floor area not more than 280 sq m) to open at any time on a Sunday
- allows most large shops (floor area greater than 280 sq m) to open between the hours of 1pm and 6pm on a Sunday (except for Easter Sunday or when a Christmas Day falls on a Sunday)
- allows District Councils to designate any areas as holiday resorts; large shops in designated holiday

resorts may open at any time on Sunday on up to 18 Sundays (other than Easter Sunday) between 1 March and 30 September in any calendar year.

- allows certain large shops to trade without restrictions on Sunday
- gives District Councils powers to prevent undue annoyance to local residents from deliveries to certain large shops early on Sunday mornings; and
- provides employment protection measures for shop employees in relation to Sunday working

3.6 The provision to allow District Councils to designate any areas as holiday resorts is outlined in Article 6 – Additional permitted Sunday opening hours for large shops in holiday resorts.

- Large shops within a designated holiday resort may open for retail trade at any time on up to 18 Sundays (other than Easter Sunday) between 1 March and 30 September in any calendar year.
- Any designation as a ‘holiday resort’ must be done by resolution of the Council.
- Before making a designation the Council must first consult persons likely to be affected by the proposed designation.
- The Council must publish notice of any such designation in such manner as it deems appropriate.
- To make use of the exemption, the occupier or proposed occupier of a large shop must notify the local District Council of the dates of the Sundays involved. The notification does not take effect until 14 days from the date it is given, unless the Council agrees that it should come into effect earlier.
- A Council must maintain a register of shops in its district making use of this exemption and make the register available to the public at all reasonable times.

Use by other Councils

3.7 A number of Councils have already designated areas within their district as ‘holiday resorts’ for the purpose of extending Sunday trading hours. Notably, Causeway Coast and Glens have designated Portrush, Portstewart and Ballycastle and Newry Mourne and Down have designated Newry and Kilkeel as ‘holiday resorts’ for this purpose. The former Derry City Council designated the entire Derry district area as a ‘holiday resort’ back in 1998. Whilst no applications for additional opening were received until 2013, during that year some

17 notifications were received coinciding with a city of culture event. It appears that Derry City and Strabane have received four notifications this year for additional permitted opening hours, three from the same business which has two shops in Derry City and one large store in Strabane town centre. In light of these applications Derry City and Strabane Council are considering whether to designate the entire council area as a holiday resort and have agreed to go out to consultation in the form of a public notice. There is no indication as to whether this has taken place.

Next steps – Belfast City Council

- 3.8 The Council may wish to examine in more detail the impact and benefits of designating the Belfast district area as a ‘holiday resort’ and extending Sunday trading hours during the months of March to October.
- 3.9 The baseline tourist / visitor figures show that Belfast is by far the most visited district of the 11 local government districts in Northern Ireland. It may be difficult to argue against such a designation given that a number of other councils have already designated their own areas as holiday resorts and others are looking into doing so.
- 3.10 Any proposal to designate the Belfast district as a ‘holiday resort’ in order to extend Sunday trading hours would be subject to consultation with such persons as may be affected by the designation. It is proposed that Members grant permission for officers to proceed to an initial consultation (by public notice) before a formal proposal is brought back to Committee for resolution or otherwise.
- 3.11 **Financial & Resource Implications**
- There are no Financial and Human Resource implications attached to this report.
- 3.12 **Equality or Good Relations Implications**
- As with any other policy development, any such proposal to designate the district as a holiday resort will require formal Equality Screening. Any good relations issues will need to be addressed following the consultation on any such proposal.”

The Committee adopted the recommendations.

Smart Cities - Project to Pilot New Technology

The Committee was reminded that, at its meeting on June 2016, it had received an update on the Council's Smart City programme which aimed to: foster a collaborative environment between public and commercial partners for the better collection and exploitation of city data; enhance the existing digital infrastructure; present the city as a test bed for innovation; and build capabilities in using data and smart technologies in the Council. It was reported that the local SME "See.Sense" had developed an award winning innovative smart sensor which it proposed to fit to the "Belfast Bikes" as part of the project. The sensors, which used leading edge technology, would allow the Council and its city partners to collect real-time information about such things as road quality, for example, location of pot-holes, commuter behaviour, traffic congestion, sudden stops, near misses and accident hotspots. Over time, the data would paint a sophisticated picture of the city's road infrastructure and, in particular, the experience of the city's thousands of cyclists.

If successful, it would be an international demonstrator that could be exported to other cities across the world. It would help showcase Belfast's potential as a test-bed for smart city investment whilst at the same time support local entrepreneurship and provide valuable insights into important issues regarding urban transport.

See.Sense had already been exploring the practicalities of the pilot project with partners including Next Bike. Cisco and BT had agreed to put in place the infrastructure required to capture the sensor data using a citywide radio system which would test out the foundations required for future smart projects. BT would provide the data platform in the cloud to hold the data and Queen's University's data scientists had agreed to provide the complex data analytics to interpret the real-time data for the Council and its partners, including the Department for Infrastructure which had also agreed to contribute.

The Committee approved a contribution of £10,000 research and development funding for the development of innovative sensor technology across the city to support ongoing analysis of the city's transport system and to help test technology required to set in place the foundations of a smart Belfast.

Physical Programme and Asset Management

Capital Programme Update

The Committee considered the undernoted report:

"1.0 Purpose of Report or Summary of main Issues

- 1.1 The Council's Capital Programme is a rolling programme of investment which either improves existing Council facilities or provides new Council facilities. This report outlines highlights of current status of projects under the Programme and projects recommended to be moved on the Capital Programme**

2.0 Recommendations

2.1 Members are asked to –

General

- **Note the update in relation to the Capital Programme as outlined in 3.1 and that the Property & Projects Department is happy to arrange site visits for Members/ Party Groups to any capital programme project.**

Proposed movements on the Capital Programme

- **agree that the Secure Web Architecture Firewall Technology Refresh IT project is moved to ‘Stage 3 – Committed Projects – Schemes at Tender Preparation Stage’ on the Capital Programme and agree that the necessary procurement processes (including the invitation of tenders and/or the use of appropriate ‘framework’ arrangements) be initiated with contracts to be awarded on the basis of most economically advantageous tenders received and full commitment to deliver. The Director of Finance & Resources has confirmed that this is within the affordability limits of the Council. Members are asked to note that the project is required to ensure business continuity and service provision. (Section 3.3)**
- **Fleet Programme – note that in 2014 it was agreed to lease 10 temporary additional assets (2 RCVs and 8 medium mechanical sweepers) to ensure service continuity for Cleansing Services. The assets were leased from Riverside Ltd on a three year basis with the costs being funded from the standard capital replacement budget. Cleansing Services have confirmed that they will continue to require these assets and there is an opportunity to purchase these at a reduced cost at the end of the lease period. Members are asked to agree that discussions are undertaken with Riverside Ltd to agree a reduced purchase price on the basis of the 3 years of depreciation which have occurred and that subject to a satisfactory price being agreed that the assets are purchased. Members are asked to note that the costs will be funded from the 2017/2018 Fleet Replacement Budget which has already been ringfenced (£2.1m) and the Director of Finance & Resources has agreed that this is within the affordability limits of the Council. Members are asked to note that this proposal will not increase the current size of the BCC fleet**

Leisure Programme

- Templemore - note that the Council has been successful in its Round 1 application for the restoration and extension of Templemore Baths under the Heritage Lottery Fund's Enterprise scheme and will now receive a development grant of £380,000 to work up detailed proposal for the project
- Church Lane - agree to the grant of a sublease between the Council and GLL, who will operate the new gym at Church Lane
- Note that a detailed report on the leisure programme, including the outcomes from the current consultation exercise, will be brought to Committee next month

3.0 Main report

Key Issues

- 3.1 The Council's rolling Capital Programme is a significant programme with over £185m of projects recently completed or currently underway. Members are asked to note the updates under the Capital Programme. Members will be aware that when projects are completed they transfer from the Property & Projects Department to the relevant client Department (City & Neighbourhoods or Development) under the stewardship of the People and Communities and City & Growth Committees as appropriate. It is the role of the client department and the relevant standing Committee to manage the assets

Projects recently completed/in final stages of completion

- a new MUGA at Springfield Avenue - due to be handed over to the City & Neighbourhoods Department w/c 17th October
- the new Boxer sculpture in Woodvale Park which is being unveiled on Saturday 22nd October – the Boxer sculpture will be handed over to the City & Neighbourhoods Department w/c 17th October
- Connswater Community Greenway - the section from Beersbridge Rd to Grand Parade which is being opened on Saturday 22nd October and will be handed over to the City & Neighbourhoods Department
- Phase 1 - Whiterock Community Corridor which is due to be handed over to the city & Neighbourhoods Department w/c 24th October - a launch event is currently being planned for the end of October

Projects currently on the ground

- new pitch and pavilion at Musgrave (due for completion end of the year) and new pavilion at Victoria under the Pitches Strategy
- the new £21.7m leisure facility at Olympia which is due to open in January 2017
- new Council accommodation which will be complete in early 2017
- the £3.7million upgrade of the Tropical Ravine

Projects at tender preparation stage

- Preparatory work is continuing on a wide range of projects including the remaining sites under the pitches strategy (Cherryvale and Falls),

Proposed movements on the Capital Programme

3.2 Members are asked to agree the following movements on the Capital Programme.

Project	Project overview	Proposed Stage	Cost
Secure Web Architecture Firewall Technology Refresh	The procurement and commissioning of modern cyber security firewall devices to replace current aging estate. Required to ensure business continuity and ensure ongoing IT service provision.	Move to Stage 3 – Committed	Up to a maximum of £90k
Creative Hub	The proposed development of a Hub to support the city's creative and	Drop to Stage 1- Emerging (currently Stage 3 – Scheme at risk)	N/A

3.3 IT projects - *Secure Web Architecture Firewall Technology Refresh* – The Council's server and storage ICT infrastructure is connected to the Internet and like all ICT infrastructures is subject to a wide range of cyber security threats. A key part of the controls put in place to manage the associated risks is the creation of secure parts of the BCC infrastructure that interface with the corporate network and the interne (Demilitarized Zones or DMZs). The boundaries of DMZs are enforced by devices called firewalls. Members will be aware that the Council is moving to more cloud based IT services and Digital Services are currently carrying out the necessary infrastructure preparation works which will improve internet throughput. This has involved

replacing some of the Council's core network switches. This has had a knock on effect on one layer of the Council's firewall protection (which was due for replacement in January) which is now having difficulty in working in a resilient configuration. This is putting the Council at significant additional risk and the firewalls need to be replaced in order to provide the required resiliency and to ensure ongoing continuity of service.

The Director of Finance & Resources has recommended that a maximum of £90,000 be allocated to the Firewall Technology Refresh project and has confirmed that this is within the affordability limits of the Council. Committee is asked to agree that the necessary procurement processes (including the invitation of tenders and/or the use of appropriate 'framework' arrangements) be initiated with contracts to be awarded on the basis of most economically advantageous tenders received and full commitment to deliver

- 3.4 Fleet Update – In 2014 the Cleansing Services Section was experiencing a difficult period in terms of service delivery caused by an ageing fleet asset base and increased responsibilities via LGR etc and it was agreed to lease a number of temporary additional assets. Following a competitive procurement exercise, 2 x 26-tonne RCVs and 8 medium mechanical sweepers were leased from Riverside Ltd with the costs being funded from the standard capital replacement budget. The assets are in good condition and have been well-maintained throughout their use. The lease period for these assets is due to end on 30th September 2017. Discussions with Cleansing Services have highlighted that they will still require these (or similar) assets to provide their current levels of service. Two options are therefore available

- seek to agree a reduced purchase price for these assets from Riverside on the basis of the 3 years of depreciation which have occurred, or
- return the assets at the end of the lease period and instead purchase brand new assets of the same type.

- 3.5 Following an analysis of the options and on the basis that the assets are required to ensure service continuity going forward it is recommended that the Council seeks to agree a reduced purchase price for the assets with the monies to be secured from the 2017/2018 Fleet Replacement Budget which has already been ringfenced (£2.1m). Members are asked to note that this proposal will not increase the current size of the BCC fleet - the proposal set out above would allow procure used instead of brand-new assets when replacing existing vehicles and will therefore free up some of the agreed capital funding for additional purchases in 2017/18. This represents better value for money as it maximises the use of the 2017/2018 Fleet budget. The Director of Finance & Resources has confirmed that this is within the affordability

limits of the Council. Committee is also asked to agree that the necessary negotiations' be initiated with Riverside Ltd to secure a reduced purchase price

Leisure Programme – Update

Templemore – HLF Update

- 3.6 Members will be aware that in June 2016, the Council submitted a round 1 application through the Heritage Lottery Fund's (HLF) Enterprise scheme for the restoration and extension of Templemore Baths. The Council was notified last week that it had successfully passed through this assessment stage and as part of this will now receive a development grant of £380,000 to help work up detailed proposals for the project, which is estimated to cost £16.8m (£5m to come from HLF).
- 3.7 A large number of organisations from across all sectors had been competing for funding within this UK wide competition and the fact that the Templemore Baths proposal emerged successful is a testament to its significance and the real opportunities that this investment presents to restore the baths to their former glory and meet the aspirations of the Leisure Transformation Programme. The proposed project will not only restore the original features of the Baths but will also provide a new 25m pool and state-of-the-art gym. A press release was issued by HLF last week that was well picked up by the local press and the news of the investment has been very positively received.

Church Lane

- 3.8 At its meeting on 23 October 2015, Committee agreed to authorise officers to negotiate the lease terms for the acquisition of the City Centre gym. Planning permission for change of use to a gym was obtained in August this year for a property on Church Lane and the lease between the landlord and the Council is due to be executed shortly. Committee is now asked to agree to the grant of a sublease between the Council and GLL, who will operate the facility.
- 3.9 Members are asked to note that a detailed update on the Leisure Programme, which will include the outcomes of the current consultation on the concept designs for Robinson, Andersonstown and Brook, will be brought to committee next month.

3.10 Financial & Resource Implications

IT projects – up to a maximum of £90,000 for the Firewall Technology Refresh

Resources – Ongoing resources in terms of project operation

Equality or Good Relations Implications

All capital projects are screened as part of the stage approval process.”

The Committee adopted the recommendations.

'Investing in your Areas Event Proposal

The Committee considered the following report:

“1.0 Purpose of Report or Summary of main Issues

1.1 Members are aware that the Council has invested significantly over the past 4 years in the city in physical projects with plans for further investment. While there is often good publicity around individual projects once they are completed it has been highlighted by Members on a number of occasions that the full extent of the Council's investment, both citywide and in individual areas, is not being recognised. It is also important that the Council's physical programme is not seen as simply the building of buildings but that it is fundamentally about the benefits and outcomes of this investment.

1.2 It has therefore been suggested at several of the AWGs that an event(s) is held to showcase the Council's physical investment including the latest round of BIF commitments. It is envisaged that this will be similar to the previous LIF event that was held in 2013 at the start of the LIF programme and will be opportunity for both Members/community groups to showcase their projects and the investment in local areas. Importantly such an event would also be an opportunity to highlight the programming of physical projects and how the Council's capital investment in projects is actively transforming lives and changing and regenerating local areas.

2.0 Recommendations

2.1 The Committee is asked to –

- agree that a series of events are held to showcase physical investments and how they have already benefited/will benefit local areas to include
 - a citywide event in the City Hall in mid/late November (date currently being agreed – Members

will be verbally updated on this at Committee) to coincided with the half year corporate plan updates and the half year finance review . It is proposed that all Groups who have received in principle commitments for funding under BIF together with a range of LIF2 projects and all Members are invited to this event.

- As part of this Members are asked to agree to the commissioning of a video for LIF and BIF projects using the community groups who have benefited from the investment and allowing them the opportunity to highlight the real difference this has made to their work. The video will then be a resource which can be used on the Council's website, through social media etc.
- a series of focused area events in the North/South/East and West to be held in the New Year – these events will provide an opportunity to go into detail on local projects and other investments in local areas including both revenue initiatives and other capital investments by partner agencies including BRT/DfC/Urban Villages/SIF etc. These sessions will be a mechanism for Members to start to connect physical investments to the work which is being taken forward on area planning and ensuring that the investment in capital projects helps to deliver on the outcomes under the Belfast Agenda. Members will be kept up to date on the arrangements for these sessions
- agree that a one-off area based 'City Matters' is produced showcasing the physical investment programme and the projects recently completed, underway and/or planned and their impact in local areas

3.0 Main report

KEY ISSUES

3.1 Members will be aware that the Council has invested significantly in physical projects over the past four years including

- over £150m of capital programme projects either completed/planned or currently underway – including the major EU funded projects /the £15m pitches

programme and other pitches at Hammer/Marrowbone and Sally Gardens/ refurbishment of over 20 playgrounds across the city/ the new Tropical Ravine/ the Connswater Community Greenway/Whiterock Community Corridor etc.

- a £105m investment in leisure with the works nearing completion at Olympia, detailed designs being worked up for Andersonstown/Brook and Robinson, concept designs moving forward for Avoneil and the award of monies from HLF for Templemore
- £9m of LIF projects which has seen over 110 local community regeneration projects either completed/currently underway or planned
- in principle investment of over £16million in BIF projects across the city (10 projects committed in principle to date with the Strand due to go to Committee this week) and monies ringfenced for a number of other additional projects in the Shankill area, North and the South
- A £2m programme of investment in the areas that transferred in from Lisburn and Castlereagh (Twinbrook Wildlife Park/new playground at Mount Eagles etc.)
- A rolling £6m maintenance programme which has seen significant upgrades to assets including those that transferred in (Henry Jones Pavilion etc.)

3.2 In addition the Council has also become the delivery agent for a range of projects under externally funded initiatives including SIF, Urban Villages and BSC.

3.3 The Physical Programme is therefore a key strategic programme for the Council as it

- helps to lever in additional monies into the city through other investment – e.g. external funding, private sector investment
- helps to cement the growing reputation of the Council as a ‘can-do’ organisation within the city with a proven track record of delivery
- helps to support jobs not just internally but also in the construction and the wider supplier sector. It is estimated that over 8,500 construction jobs have been supported through our physical projects while over 220 job opportunities have been created through social and community benefit clauses within the physical contracts

3.4 Members are aware that the while there is often good publicity and launch events around individual projects it has

been highlighted by Members on a number of occasions that full picture of the Council's investment both citywide and in individual areas is not being recognised. However it is also important that the Council's physical programme is not seen as simply the building of buildings but that it is fundamentally about the benefits and outcomes of this investment. One of the key issues is that this massive investment into the city's physical infrastructure is inconsequential if physical projects are simply seen as the stand-alone development of a facility/asset. The physical programme is therefore intrinsically linked to the other corporate programmes of the Council and requires associated programming and input from the Council and other partners/ agencies in order to make this work

- 3.5 In addition Members will be aware that other organisations and partners across the city are investing in areas (SIF/BRT/DfC/Urban Villages etc.) and there is a need to ensure to these investments are aligned to ensure maximum benefit for local areas and to enable Members to be able to connect them

Proposal re events to celebrate physical investments showcasing how they have benefited the city and local areas

- 3.6 Members will recall that an event was held in 2013 at the start of the LIF programme and it has been proposed at several of the AWGs that a similar event(s) is organised to showcase the Council's physical investment including the latest round of BIF commitments. It is however proposed that the event is also used to highlight the programming of physical projects and how the Council's capital investment in projects is actively transforming lives and changing and regenerating local areas.

- 3.7 Members are therefore asked to agree that a series of events are held to showcase physical investments and how they have already benefited/will benefit local areas to include

- a citywide event in the City Hall in mid/late November (date currently being agreed – Members will be verbally updated on this at Committee) – it is proposed that all the Groups who have received in principle commitments for funding under BIF together with a range of LIF2 projects and all Members are invited to this event. An outcomes framework for BIF is also currently under development and this will be launched at the event. This event is being timed to coincide with the half year corporate plan updates and the half year finance review

- a series of focused area events in the North/South/East and West to be held in the New Year – these events will provide an opportunity to go into detail on local projects and other investments in local areas (BRT/DfC/Urban Villages/SIF etc) and will be a mechanism for Members to start to connect physical investments to the work which is being taken forward on area planning and ensuring that the investment in capital projects helps to deliver on the outcomes under the Belfast Agenda.

Members will be kept up to date on the arrangements for these sessions

3.8 Proposal re a special one-off ‘City Matters’

Members are also asked to agree that a one-off special ‘City Matters’ is produced which showcases physical investment programme and the projects recently completed, underway and/or planned and the benefit of this for local areas. The timescales for this are currently being looked at and Members will be kept up to date

3.9 FINANCIAL & RESOURCE IMPLICATIONS

- Financial – Any costs associated with the events will be secured from existing resources
- Resource - Project sponsors in the Property & projects Department have worked on the capital programme/ BIF/LIF projects and will play a key role in helping to pull together the narratives/testimonials etc however maximising the benefit of the event will require a cross departmental team including input from client departments to highlight the programming and corporate communications

3.10 Equality or Good Relations Implications

There are no equality or good relations implications.”

The Committee adopted the recommendations.

Area Working Update

The Director of Property and Projects submitted for the Committee’s consideration the following report:

“1.0 Purpose of Report or Summary of main Issues

- 1.1 To update Members on a number of area related issues for Members consideration.**

2.0 Recommendations

- 2.1 The Committee is asked to –**

AWG minutes

- approve the most recent round AWG Minutes (South – 19th September; West – 29th September, North – 5th October and East – 6th October).

Local Investment Fund

- agree the recommendations from the North AWG in relation to LIF funding (Section 3.2)
- note the additional projects which have been scored (Section 3.3) which have met the minimum threshold and agree that these are progressed to due-diligence
- note that the LIF programme has been shortlisted for the Independent Property Excellence Awards 2016 under the category of ‘Community Benefit Project of the Year’

Belfast Investment Fund

- agree the recommendations from the West, North and East AWGs in relation to BIF as below

PROJECT	CURRENT STAGE	RECOMMENDATIONS
WEST		
Glencairn Community project	Stage 2 – Uncommitted	Agree to ringfence £700k for this project out of the £1.2m agreed allocation for projects in the Court DEA
Royal British Legion	N/A	Add as Stage 1- Emerging to allow feasibility to be worked up and to ringfence £500k for this project out of the £1.2m agreed allocation for projects in the Court DEA
NORTH		
Former LIDL site	N/A	Add as Stage 1- Emerging to allow feasibility to be worked up
Sunningdale Community Centre	N/A	Add as Stage 1- Emerging to allow feasibility to be worked up

Old Grove - Shared Community Hub Basement Youth Club /Midland Boxing Club		Add as Stage 1- Emerging to allow feasibility to be worked up
EAST		
Strand Cinema	Stage 2 – Uncommitted	Move to Stage 3 – Committed with a maximum allocation of £1,800,000 to be ring-fenced for a period of two years, with an option to extend by a further year on the basis that it received additional funding from other sources which would enable the project to proceed.
Remaining allocation - £330k		The East AWG also recommended that of its remaining £330k allocation that £130k of this is ringfenced for pre-contract work on projects and the remaining £200k is ringfenced for contingency

- **East - Members are asked to note that there is no remaining capacity to fund additional projects in the East (with the exception of the £2m ringfenced for the Outer East) and it recommended that no further projects are considered for funding by the East AWG under its BIF.**
- **note that an outcomes framework for all the BIF projects is currently under development and will be launched at the proposed event to mark physical investments and their benefits (see separate paper on the agenda for discussion today)**

3.0 Main report

KEY ISSUES

3.1 AREA WORKING GROUP UPDATES

Members agreed in June that the Area Working Group minutes would be taken into the SP&R Committee for approval going forward in line with the Council's commitment to openness and transparency and to ensure a consistency in approach to the other Member-led Working Groups. Members are asked to approve the most recent round of AWG Minutes (*South – 19th September; West – 29th*

September; North – 5th October and East – 6th October
which are attached at Appendix 1.

LOCAL INVESTMENT FUND UPDATE

- 3.2 **NORTH AWG - The North AWG at its meeting on 5 October, made the following recommendations for the consideration of the SP&R Committee in relation to their LIF.**

Ref No	Project	£ Amount
NLIF2-09	Greencastle Orange Hall	£35,000
NLIF2-17 NLIF072	Ballysillan Youth for Christ	£47,000 £20k LIF2 and £27k LIF1
NLIF2-06	Church of the Nazarene	£10,000 (Additional allocation of £10k making a total allocation of £50,000)

Projects recommended to proceed to due-diligence

- 3.3 **Members are asked to note in addition to the North projects as above that 4 LIF2 projects which had previously been agreed for in principle funding (*ELIF2-14 – The Dock Titanic Quarter; NLIF-16 – Workforce Training Services; NLIF2-04 – John Paul Youth Club and NLIF2-05–Mercy Primary School*) have now been scored by officers (see Appendix 2) and have successfully met the minimum threshold. It is recommended that these projects now proceed to the Due Diligence stage of the LIF process**

LIF Awards

- 3.4 **Members are asked to note that the Council's LIF Programme has been shortlisted for Independent Property Excellence Awards 2016 under the category of '*Community Benefit Project of the Year*'. The winners are due to be announced on Thursday 10th November and Members will be updated if the Council is successful.**

BELFAST INVESTMENT FUND UPDATE

- 3.5 **Members will recall that a detailed update paper on BIF was brought to Committee last month. In the latest round of AWGs the North, West and East AWGs made further recommendations in relation to their BIF allocations. These are set out below and a summary of the proposed position in relation is attached at Appendix 3.**

- 3.6 WEST AWG - Members will recall that last month as part of the BIF update report it was agreed that £1.2million would be ringfenced for projects within the Shankill area on the basis that the previous Shankill AWG was amalgamated into the West AWG following the LGR Reform and that by this time the previous West AWG had already considered and recommended a range of BIF projects which had meant that the previous Shankill AWG (now part of the Court DEA) had not had an opportunity for projects to be considered within the West context. The West AWG at its meeting on 29th September, made the following recommendations for the consideration of the SP&R Committee in relation to this ringfenced BIF allocation**

Project	£ Amount	Comments
Glencairn Community Project	£700,000	Agree to ringfence £700k for this project out of the £1.2m agreed allocation for projects in the Court DEA
Royal British Legion	£500,000	Add as Stage 1- Emerging to allow feasibility to be worked up and to ringfence £500k for this project out of the £1.2m agreed allocation for projects in the Court DEA

- 3.7 NORTH AWG – The North AWG at its meeting on 5th October made the following recommendations for the consideration of the SP&R Committee in relation to their remaining BIF allocation**

Project	Comments
Former LIDL premises	Add as Stage 1 – Emerging – feasibility to be worked up and brought back to a future North AWG
Sunningdale Community Centre	Add as Stage 1 – Emerging – feasibility to be worked up and brought back to a future North AWG
Old Grove - Shared Community Hub Basement Youth Club /Midland Boxing Club	Add as Stage 1 – Emerging – feasibility to be worked up and brought back to a future North AWG

- 3.8 EAST AWG - Members will recall that last month as part of the BIF update report it was noted that the East AWG had requested that a report be brought back to a future AWG in relation to the costs for the Strand Arts Facility project. This**

report was brought to the East AWG for consideration at its meeting on the 6th October and the East AWG made the following recommendations for the consideration of the SP&R Committee in relation to their remaining BIF allocation

Project	£ Amount	Comments
Strand Cinema	£1,800,000	Move to Stage 3 – Committed with a maximum allocation of £1,800,000 to be ring-fenced for a period of two years, with an option to extend by a further year on the basis that it received additional funding from other sources which would enable the project to proceed.

- 3.9 The East AWG also agreed that of its remaining £330,000 allocation that £130,000 would be ring-fenced for pre-contract work on projects with the remaining £200,000 to be designated for contingency. Members are asked to note that there is no remaining capacity to fund additional projects in the East (with the exception of the £2m ringfenced for the Outer East) and it recommended that no further projects are considered for funding by the East AWG under its BIF. A special meeting to consider BIF projects for the Outer East area is taking place on 24th October.

Outcomes Framework for all BIF projects

- 3.10 Members are asked to note that an outcomes framework for all the BIF projects is currently under development and will be launched at the proposed event to mark physical investments and their benefits (see separate paper on the agenda for discussion today).

3.11 FINANCIAL & RESOURCE IMPLICATIONS

Financial – £5m has been allocated to LIF 1 and £4m has been allocated to LIF2.

LIF1

AREA WORKING GROUP	TOTAL AMOUNT ALLOCATED	AMOUNT AGREED IN PRINCIPLE	AMOUNT REMAINING
North	£1,127,500	£1,127,500	£0
South	£1,127,500	£1,083,600	£43,900
East	£1,127,500	£1,127,500	£0
West	£1,127,500	£1,127,500	£0
Shankill	£490,000	£490,000	£0

LIF 2

AREA WORKING GROUP	TOTAL AMOUNT ALLOCATED	AMOUNT AGREED IN PRINCIPLE	AMOUNT REMAINING
North	£800,000	£636,400	£163,600*
South	£800,000	£796,000	£4,000
East	£1,200,000	£1,200,000	£0
West	£1,200,000	£1,196,000	£4,000

BIF - £23,200,000 has been allocated to BIF

PROJECTS	AMOUNTS
Stage 3 - Already committed (Stranmillis Gateway- £2.15m, Raidio Failte - £950k, Davitts - £1m and Willowfield - £560k Cancer Lifeline - £650k; Grace Family Centre - £1.6m; Lanyon Tunnels - £1.3m; Bredagh GAC - £700k; H&W Welders- £2.37m; Bloomfield - £440k* and St. Comgall's - £3.5m) <i>* subject to outcome of EA</i>	£15,220,000
Stage 3 – Proposed commitments (Strand Cinema -£1.8m)	£1,800,000
Ringfenced commitments <ul style="list-style-type: none"> • Shankill –Glencairn Community project - £700k and Royal British Legion - £500k; • Gilpins/Sandy Row UV area - £1.35m • Old Grove/Ballysillan Masterplan - £2.25m • East - £330k for pre-contract work and contingency and • West- £50k for contingency 	£5,180,000
Sub-total	£22,200,000
Remaining allocation	£1,000,000 (North only)

- **Resource - Officers time to deliver projects.**

Equality or Good Relations Implications

LIF has been equality screened.”

The Committee adopted the recommendations contained in the report.

Assets Report

Lands at Church Road, Castlereagh

The Committee granted approval to the disposal of 0.68 acres of land at Church Road, Castlereagh to the Department for Infrastructure to facilitate a new footpath at that location in the sum of £8,000, plus reasonable legal costs, which would exclude compensation for any disturbance that might be caused by and during the works which would be assessed on completion.

Illumination of “Origin”, a New Art Work in Cavehill Country Park

The Committee granted a licence and easement to Cultúrlann McAdam ÓFiaich to install a mains powered illumination at the recently unveiled “Origin” sculpture in the Cavehill Country Park in Belfast, with An Cultúrlann accepting responsibility for the installation, maintenance and operational costs associated with the Illumination project and to the maintenance of the “Origin” sculpture being retained by the Council.

Proposed Disposal of Primrose Street Former Civic Amenity Site

The Committee approved the disposal of the former Civic Amenity Site at 27 Primrose Street at a cost of £30,000.

Proposed Surrender of Lease from The Royal British Legion at Bapaume Avenue Cenotaph and Title Rectification

The Committee approved the surrender of the lease from The Royal British Legion at Bapaume Avenue Cenotaph and the transfer of a small portion of land from adjoining land owners for the purpose of regularising the title in order to reflect the physical boundaries of the lands on the ground.

Proposed Acquisition of Land at Colin Valley Football Club, Poleglass

The Committee approved the acquisition of an 0.14 acre plot of land from the Collin Valley Football Club to facilitate a new children’s playground, with the land being transferred for a nominal consideration and the Council accepting a 50% maintenance liability on the access road and shared car parking facilities.

City Hall Update - Creation of New Exhibition/Memorabilia Update

The Committee considered the undernoted report:

“1.0 Purpose of Report or Summary of Main Issues

- 1.1 Members will be aware that work on the creation of the new Exhibition/Memorabilia Area in the East side of the City Hall**

building has commenced and is on schedule, with the facility due to open to the public in May 2017.

- 1.2 Members will also be aware from previous reports that the placement of the facility presents problems of access and control for those seeking to manage it, because of the number of points of entry and egress (front door, courtyard/back door, East entrance, Bobbin corridor and East staircase).
- 1.3 This report therefore seeks the Committee's approval to close the East entrance (while still permitting exit) on the basis that, on balance, it improves the operating environment for the exhibition facility and minimises the associated control difficulties.

2.0 Recommendations

2.1 The Committee is asked to:

- Agree to close the East entrance of the City Hall once the Exhibition Area is fully operational, and to review the out-workings of this approach at a later date (not later than 31st October 2017) before any final decision is taken on the matter.
- Agree to make an offer to LOAF Ltd to provide the franchised catering service in the refurbished Bobbin area for a period not to exceed 6 months on the rates prevailing at the termination of the previous contract, and not to require the invitation of quotations for this work on the basis of the very temporary nature of the service, the goodwill created by LOAF and their previous experience in operating the facility.

3.0 Main report

- 3.1 It is clear that, as a dedicated Tours & Exhibitions Reception area will be provided at the front of the building and as the full route commences from that point, it is preferable to have most/all visitors arrive at that point if possible. Here they can be greeted by dedicated exhibition staff, pay for headset hire, merchandising and printed souvenir building guides etc and commence the full exhibition from the intended start point. This approach is strongly advocated by Redhead, the council's consultants on the project.
- 3.2 If the East entrance were to remain open, it raises the possibility that either individuals or groups of visitors – or indeed the larger organized groups – may enter via the East despite whatever signage and marketing messages are used. Where this happens it would create obvious difficulties as

these individuals would then start to move the ‘wrong’ way around the tour route to find Reception and hire headsets etc, thus causing un-necessary bottlenecks and over-crowding. It would also make it more difficult to accurately assess the numbers of visitors in the facility if we have flows of visitors going in both directions. Some of the other principal advantages and disadvantages are set out below for the Committee’s consideration:-

ADVANTAGES	DISADVANTAGES
Offers best customer experience if most/all customers arrive through the front doors rather than in East area - also aids sales of headsets, souvenir material & merchandising thus maximising potential income to BCC	Inconvenient, in that it would require many Bobbin customers to enter via the front doors and then work their way through the exhibition customers/area to reach the Bobbin
Would allow better control of organised (charged) groups rather than have them enter by the East in the middle of the exhibition and potentially begin moving to Reception against the flow of other visitors	Makes the overall building less accessible to the general public and adds to any perceived ‘chill factor’
Would better enable BCC to design bespoke commercial packages for commercial bookings to maximise ability to cater to this growing market (possibly separate tours point at front doors)	May encourage more people to enter Bobbin via the back gate which is undesirable and not wheelchair-accessible etc
May make it easier to ensure adherence to overall facility capacity numbers imposed by Building Control/Fire Regulations etc (350)	Wouldn’t solve all of the access & control problems as the other entrance/exit points are still open
Can better control the potential loss of technology (headsets) from customers forgetting to return these after their visit	May adversely impact the throughput and turnover of the new Bobbin franchise operator
Area currently used as a car park for contractors and overspill from court yard and disability access not up to standard. Would avoid significant upgrading costs if East is an exit only	Special arrangements may be needed for a small number of external events traditionally taking place in East area e.g. Stromberg, Titanic
	May cause bottle-necks at the main Reception area at the front door

- 3.3 In the light of the fact that Building Control and Health & Safety have agreed an overall maximum usage figure of 350 visitors at any point in time, it is clear that opportunities exist to market paid tours of the facility to large commercial groups (e.g. cruise ship tour operators etc) while still offering plenty of capacity for walk-in visitors. This may well involve a separate group-bookings area at the front of the building opposite the new Reception, which again would benefit from the closure of the East entrance in order to provide a single focal point for group bookings.
- 3.4 From a purely practical, financial point of view we do also need to ensure so far as possible that visitors paying for the hire of the multi-lingual headsets do return these to Reception after use (as the cost of each headset is many times greater than its rental value or any deposit paid) rather than simply leaving without returning their headset, and having the East entrance completely open would probably not assist in this.
- 3.5 In terms of the modalities of closure it would be the intention that the relevant doors would be fitted with the appropriate 'panic-bar' & closer fittings to allow visitors to leave easily and also allow effective evacuation in an emergency. The area immediately outside the East entrance is used as a car-park and the temporary disabled ramp is not fully fit for purpose in circumstances where numbers are large, so that consequently an upgrade of the area would probably be necessary if it were to remain open as a main entrance once the Exhibition Area is operational.
- 3.6 It is hopefully clear from all of the above that the decision as to whether or not to close the East entrance is neither an obvious nor easy one; there are advantages and disadvantages to doing so as set out herein. On balance however, it is the view of the Civic HQ Unit - which will be responsible for managing the Exhibitions & Tours operations - that there are somewhat greater benefits to closure of the East than to the retention of the *status quo*.
- 3.7 The Committee may wish to agree to the East entrance closure on a trial basis, to be reviewed after 6 months of full operation of the Exhibition Area.
- 3.8 Bobbin issues
- The exhibition infrastructure works will also impact on the Bobbin Coffee Shop. The current franchisee contract was due to expire on the 4th September 2016 but was extended to 2nd October 2016 on the basis of a reduced franchise fee to reflect the disruption caused. Part of the overall Exhibition

project includes the installation of a new air-handling system into the Bobbin area and also to form an opening in the wall of the area currently used by the telephonist staff in order to provide enhanced Bobbin facilities to cater for large parties. This work is, of course, both disruptive and dirty, and thus necessitated the closure of the complete facility with effect from Sunday 2nd October 2016 to permit the necessary works to take place.

- 3.9 Members will be aware that the current franchisee is a social enterprise organization and that the facility has proven very popular with staff, users and visitors. The franchisee did generate a significant and mutually beneficial increase in throughput in the Bobbin facility and added significantly to the existing goodwill.
- 3.10 Members may also be aware that the broad area of catering within the council's principal civic buildings is currently the subject of an external consultancy review being carried out by APSE Consultancy Services. This review will address the operation of the Atrium staff restaurant and the Bobbin franchise, together with the potential opportunities arising from function catering in the 3 prestige rooms on foot of nearly 500 functions per year, with a view to making recommendations around an optimal business model going forward.
- 3.11 While this consultancy review process is due to be completed by late November 2016, the out-workings and implementation of any recommended changes may take some additional time. There is therefore the likelihood that there will be a period starting approx. late February 2017 (when the work in the Bobbin is complete) during which there could be several months in which there will be no contracted supplier for the Bobbin.
- 3.12 In recognition of the work of the franchisees in terms of generating goodwill for the Bobbin facility the Committee may therefore wish to offer the outgoing franchisee the opportunity to provide the specified services until formal contracts can be put in place, on foot of the recommendations of the catering review. Any such offer would be made on a purely temporary basis only, and on the basis of the same schedule of charges previously applied under the contract. This would require the Committee to dispense with the requirement to invite quotations for this work for the interim period and make the offer direct to LOAF Ltd.

3.13 Finance and Resource Implications

The costs associated with the physical alterations to the East doors and new signage etc can be borne from the existing City Hall administration of buildings revenue budget. Additional staffing will be required in order to operate and manage the Exhibition facility, and these will be set out in more detail in a separate report. Making an offer to the outgoing franchisee in respect of the temporary operation of the Bobbin from February/March 2017 for a period not to exceed 6 months would generate income to the council of up to £12,500 while the broader approach to council catering is being finalised.

Equality and Good Relations Implications

There are no direct equality implications arising from this report.”

The Committee adopted the recommendations and agreed that the consultants to the Memorabilia Project, Redhead, provide a briefing on the content of the exhibition to the Party Group Leaders.

Solar Powered Charging Points in the City Hall Grounds

The Committee was advised that, following the implementation of Belfast Wi-Fi in the City Hall and with the impending extension of the Belfast Wi-Fi service into the grounds of the City Hall and throughout the city centre, the number of mobile devices being used in and around the City Hall was growing rapidly. In its first year the City Hall had been the most popular of the Belfast Wi-Fi sites, with approximately 240,000 unique users connecting to the free Wi-Fi service, with those figures continuing to grow.

The Director of Finance and Resources reported that there was a growing trend, particularly in the United States, to locate mobile device charging stations in areas where the use of public Wi-Fi was very popular. The Council had been approached by a company called, Environmental Street Furniture (ESF), in partnership with the media advertising company Bravo, with a proposal to locate solar powered charging stations as a pilot in the grounds of the City Hall. The pilot would allow the Council to review the popularity of charging stations and the added value that they would bring for visitors to the City Hall.

The Committee agreed to:

- Install 2 solar powered charging stations in the Grounds of the City Hall as a pilot for 6 months, at a cost of £2,000 which would be covered by the existing Smart City revenue budget, to determine their suitability and popularity; and
- Authorise investigation of longer-term funding for the roll-out of charging stations across the city through sponsorship opportunities should the pilot prove to be successful

Finance, Procurement and Performance

Finance and Efficiency Programme Update

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

"1.0 Purpose of Report or Summary of main Issues

1.1 The purpose of this report is to:

- Provide an update on the key financial factors to be considered when setting the district rate for 2017/18
- Outline the next steps in the rate setting process.

2.0 Recommendations

2.1 The Committee is asked to note:

- Progress on the 2017/18 estimates and the key issues being considered
- The impact of uncontrollable costs and the contracting rate base
- Further updates will be provided to Committee as part of the 2017/18 rate setting process.

3.0 Main report

3.1 The development of the revenue estimates for 2017/18 commenced in August 2016 when Committee considered key drivers to the rate setting process and agreed the £2m efficiency programme. Five key areas require consideration for 2017/18:

1. Uncontrollable Costs
2. Other Costs / Income
3. The Efficiency Programme
4. The Rate Base, and
5. The Level of Reserves

3.2 Pay Bill Costs

The Deputy Chief Executive and Director of Finance and Resources advised Committee in August that uncontrollable pay bill costs of £2,194,908 could be anticipated in 2017/18. This figure has reduced to £1,356,192 as a consequence of NILGOSC's decision to hold the employers pension contribution at 2016/17 levels of 20%.

Other Increased Costs / Loss of Income

- 3.3 As part of the estimating process work will continue between Departments and Central Finance to assess the impact of other financial pressures on the District Rate. These include:**

- 1. Central Government Grants**
- 2. Waste Disposal Costs**
- 3. Belfast Agenda**
- 4. Capital Investment / Financing / Whole Life Costs**
- 5. Accommodation**
- 6. Departmental Growth**
- 7. Non Recurring Expenditure**

Efficiency Programme

The Strategic Policy and Resources Committee on 19th August 2016 agreed the following work strands and targeted savings for 2017/18 which amount to £2.0m:

- 1. Voluntary Redundancy - £1m**
- 2. Procurement and Spend Management -£500k**
- 3. Rates Maximisation -£100k**
- 4. Planning Advertising -£150k**
- 5. Marketing / Spend Management -£50k**
- 6. Budgetary Challenge -£200k**

It is anticipated that the efficiency target of £2.0m will be achieved for 2017/18. Details of the savings will be brought to Committee in November.

3.5 The Rate Base

Members will recall that the Quarter 1 budget monitoring report presented to Strategic Policy and Resources Committee in August advised of a £1m forecast shortfall in district rate income. At the beginning of October the Director of Finance and senior finance officers met with the Chief Executive of LPS and his senior staff to discuss an updated forecast for this financial year and to consider the impact of the tax base on the district rate for 2017/18.

LPS have now confirmed that the non-domestic rate base is contracting whilst the domestic rate base is showing slight growth of less than one per cent. It is therefore anticipated that there could be a potential claw back of up to £2m for 2016/17 and that a district rate of 1 penny will yield less in 2017/18 than it did in 2016/17.

There are two main reasons for the adverse forecast outturn at the year end and the reduction in the estimated penny product for 2017/18 – appeals against the valuation list and demolition and refurbishment of major sites in the city centre.

Appeals against the valuation list

We are now in year two post non-domestic revaluation. The level of appeals whilst modest have an increased impact on income as they are backdated to April 2015. Successful appeals not only result in a loss of income in the current year but they also reduce the value of the valuation list for future years.

Demolitions and Refurbishments

There are a number of non-domestic properties in the city which are no longer yielding rates because of either demolition or major refurbishment. While in the medium to longer term these properties will provide a rates income, in the shorter term they represent a major loss of rates income to the city.

To assess the full impact of these adjustments to the Valuation List Building Control and Planning staff are looking at the level of demolitions and refurbishments anticipated over the remainder of 2016/17 and 2017/18. We are also looking for any additions to the valuation list over this period. This information together with information on appeals will inform both the in-year forecast and the EPP for 2017/18. An update on this work will be provided in the half year budget monitoring report and the Revenue Estimates report to Strategic Policy and Resources Committee in November.

3.6 Reserves

As part of the mid-year budget monitoring exercise the adequacy of our reserves will be reviewed in the context of the potential impact of the adverse rate income forecast and departmental year end forecasts. The outcome of this exercise will be considered when setting the district rate.

3.7 Next Steps

Central Finance staff are currently reviewing departmental submissions. Directors will then go through a challenge process with the Chief Executive and the Deputy Chief Executive and Director of Finance in the week beginning 24th October to consider all aspects of their budget submission.

BCC staff will continue to work closely with LPS to refine the data on the valuation list. Other areas such as bad debt will

also be scrutinised. The first draft of the EPP is due from LPS by 21st October. BCC will work with LPS to consider adjustments to this draft with a final agreed EPP planned for mid-November.

A detailed report will be submitted to the November Strategic Policy and Resources Committee.

3.8 Finance and Resource Implications

Members are asked to note that the half year monitoring report presented to Committee in November each year is when Members would normally re-allocate any forecast year end revenue under spend or surplus income for non-recurrent purposes for the following year. An example of this is the £635k supplement to community grants provided in 2015/16 and 2016/17. The scale of the rates claw back may mean that there will be no capacity to re-allocate money for non-recurrent purposes for 2017/18.

3.9 Equality Implications

None.”

The Committee adopted the recommendations.

Contracts for Award

The Committee:

- Approved the public advertisement and acceptance of tenders as listed in Appendix 1, Table 1 through the Council's electronic procurement system;
- Granted delegated authority to the appropriate Director, using pre-agreed criteria, to accept the most economically advantageous tender and allow extensions for contracts under review as per Table 2; and
- Approved the award of the contract outlined in Appendix 1 that had been carried out by arc21 on behalf of the Council.

Appendix 1 - Schedule of tenders for consideration

Table 1 - New tenders

Title of tender	Senior Responsible Officer	Proposed contract duration
Provision of mobile phones	Ronan Cregan	3 years
Advertising of planning applications	Phil Williams	2 years plus 2
MTC for mechanical services	Gerry Millar	1 year plus option to renew for a further 2 years
MTC for installation of new metal fencing	Gerry Millar	1 year plus option to renew for a further 2 years
Supply and delivery of trees	Nigel Grimshaw	1 year plus option to renew for a further 2 years
Masterplanning Expertise	Nuala Gallagher	1 year

Table 2 - Contracts for extension of contract period

Title of tender	Director Responsible	Proposed extension
Provision of animal healthcare service for the Zoo	Nigel Grimshaw	1 year

Table 3 – Tenders awarded by Arc21 on behalf of the Council

Title of tender	Director Responsible	Proposed extension
Supply and delivery of wheeled refuse collection containers, bottle banks and other supplies contracts	Nigel Grimshaw	12 months with the option to renew for up to a further 12 months

Equality and Good Relations

Shared City Partnership

The Committee approved and adopted the minutes and the recommendations of the Shared City Partnership meeting held on 10th October, 2016, including :

- That the proposed retention of funding as outlined in the minutes be endorsed and allocated to the listed organisations which had took part in the 2016 Bonfire Programme;

- The allocation of £29,286.50 to 46 organisations through the St Patrick's Day Celebration grant programme;
- Funding of £4,920 being allocated to the 22nd Old Boys Football Club for funding to transform a mural on the Woodvale Road; and
- A one off payment to the West Belfast Athletic and Cultural Society of £2,900.00 towards the repair costs of the Northumberland Street art piece.

**American Troops - Request to Mark 75th Anniversary
of Arrival in Belfast**

The Committee was advised that, following receipt of correspondence from Councillor Craig requesting the Council to consider marking the aforementioned event on January, 2017, officers had been asked to bring forward options on how the event could be commemorated.

Information had been presented at the Diversity Working Group meeting in August and Members had then agreed to consider the 75th anniversary as part of the wider discussions around future commemorations. However, in the interim, given the timeframe involved, the Members had requested that the item be placed on the agenda of the next meeting of the working group for consideration. As the working group did not meet in October, the request was being submitted to the Strategic Policy and Resources Committee for consideration.

The Members were reminded that officers had been in discussion with a senior official from the US Consulate in Belfast regarding the anniversary who had indicated that the consulate did not have any plans to initiate specific events marking the anniversary. It was pointed out also that the presence of American troops was already commemorated by a memorial in the grounds of the City Hall which was originally erected on 26th January 1943 and placed at the gateway of the City Hall. It had been rededicated at its present location by President Clinton in 1995. In addition, a memorial garden at Lisnabreeny had also been acquired through the Local Government Reform process.

The Committee agreed to:

- A small-scale event at the Dockside which would need to take place in consultation with the Harbour Commission;
- A letter being sent from the Lord Mayor to the family of Milburn Henke, the first US soldier to set foot off the boat in Belfast;
- A small dance programme in the Ulster Hall (if available); and
- A small lunch to be held by the Lord Mayor.

Operational Issues

Minutes of the Budget and Transformation Panel

The Committee approved and adopted the minutes of the meeting of the Budget and Transformation Panel of 13th October, 2016.

Minutes of the Meeting of the Active Belfast Limited Board

The Committee noted the minutes of the meeting of the Active Belfast Limited Board of 13th October, 2016.

Requests for the use of the City Hall and the Provision of Hospitality

The Committee adopted the recommendations for the requests for the use of the City Hall and the provision of hospitality as set out below:

Appendix 1

Organisation / Body	Event/Date - Number of Delegates/Guests	Request	Comments	Recommendation
Association of Chartered Physiotherapists in Sports and Exercise Medicine	Conference Reception Event 5th October, 2017 Approximately 100 attending	The use of the City Hall and the provision of hospitality in the form of a pre-dinner drinks reception	Delegates will be staying in accommodation in Belfast and the Congress will take place within the city. This event would contribute to the Council's Key Themes of 'City Leadership – Strong, Fair, Together'.	The use of the City Hall and the provision of hospitality in the form of a pre-dinner drinks reception Approximate cost £500
British Dermatological Nursing Group	Annual Conference Dinner Dance and Awards 14th June, 2017 (Provisional) Approximately 300 attending	The use of the City Hall and the provision of hospitality in the form of a pre-dinner drinks reception	Delegates will be staying in accommodation in Belfast and the Congress will take place within the city. This event would contribute to the Council's Key Themes of 'City Leadership – Strong, Fair, Together'.	The use of the City Hall and the provision of hospitality in the form of a pre-dinner drinks reception Approximate cost £500
Girlguiding Belfast	Belfast County Girlguiding Awards Ceremony 26th April, 2017 Approximately 250 attending	The use of the City Hall and the provision of hospitality in the form of tea/coffee and biscuits	This event seeks to recognise the achievements of Guides and their Leaders. Awards being presented include Queen's Guide, Duke of Edinburgh, Baden Powell Award for Guides and Long Service Awards for Leaders. This event would contribute to the Council's Key Themes of 'City Leadership, Strong, Fair	The use of the City Hall and the provision of hospitality in the form of tea/coffee and biscuits Approximate cost £625

			and Together' and 'Better opportunities for success' and in addition would contribute to the Council's thematic area of Children and Young People.	
Young Enterprise Northern Ireland	Young Enterprise Northern Ireland Innovation Awards 4th May, 2017 Approximately 400 attending	The use of the City Hall and the provision of hospitality in the form of a drinks reception	<p>This event will celebrate the achievements of a cross-section of young people from the community, many of whom have learning and physical disabilities. The programme provides the opportunity to showcase the unique talents of the participants while clearly communicating that a lack of academic success does not equate to failure.</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' and in addition would contribute to the Council's thematic area of Children and Young People.</p>	<p>The use of the City Hall and the provision of hospitality in the form of a drinks reception</p> <p>Approximate cost of £500</p>
Rosario YFC	50th Anniversary Gala Dinner Dance 27th May, 2017 Approximately 400 attending	The use of the City Hall and the provision of hospitality in the form of a drinks reception	<p>This event will celebrate the 50th Anniversary of Rosario Youth Football Club. It will highlight the work undertaken by the Club with all sections of the community of all ages, genders and abilities. It will also promote the many partnerships the club has undertaken with various local charities, agencies and organisations to promote diversity and good relations programmes.</p> <p>This event would contribute to the Council's Key Themes of 'City Leadership – Strong, Fair, Together' and 'Better Support for People and Communities' and in addition would contribute to the Council's thematic area of Children and Young People.</p>	<p>The use of the City Hall and the provision of hospitality in the form of a drinks reception</p> <p>Approximate cost of £500</p>
Women's Forum N.I.	50th Anniversary Friendship Lunch 21st April, 2018 Approximately 100	The use of the City Hall and the provision of hospitality in the form of a drinks	This event will celebrate the 50th Anniversary of the Women's Forum Northern Ireland. It will highlight the work undertaken by the Forum to enhance the role	The use of the City Hall and the provision of hospitality in the form of a drinks

	attending	reception	and influence of women in the life of our society. This event would contribute to the Council's Key Themes of 'City Leadership – Strong, Fair, Together' and 'Better Support for People and Communities'.	reception Approximate cost of £500
Helplines Network NI	Helpline Network NI Information Day 6th February, 2017 Approximately 150 attending	The use of the City Hall and the provision of hospitality in the form of tea/coffee and biscuits	This event will highlight the work undertaken by the various helplines operating throughout the City for those sections of the community seeking help or advice in their time of most need. This event would contribute to the Council's Key Themes of 'City Leadership – Strong, Fair, Together' and 'Better Services – Listening and Delivering'.	The use of the City Hall and the provision of hospitality in the form of tea/coffee and biscuits Approximate cost £375
Wave Trauma Centre	Trauma Training Learning Pathway Awards 2017 16th February, 2017 Approximately 200 attending	The use of the City Hall and provision of hospitality in the form of tea/coffee and biscuits	This event seeks to promote the success of those who, due to their experiences during the troubles have returned to education and training through the support of WAVE Trauma Centre. Accredited certificates will be awarded on the night to individuals who have successfully completed Open College Network courses through WAVE. This event would contribute to the Council's Key Theme of 'Better opportunities for success across the city', 'Better support for people and communities' and 'Better services – listening and delivering'.	The use of the City Hall and provision of hospitality in the form of tea/coffee and biscuits Approximate Cost £500
National Deaf Children's Society	Young Authors and Artists Prize Day 2017 7th March, 2017 Approximately 160 attending	The use of the City Hall and the provision of hospitality in the form of tea, coffee and biscuits	This event seeks to celebrate and recognise the artistic achievements of deaf children and young people in the areas of creative writing and visual art. This event would contribute to the Council's Key Themes of 'City Leadership - strong, fair, together' and 'Better support for people and communities'	The use of the City Hall and provision of hospitality in the form of tea/coffee and biscuits Approximate Cost £400

			and in addition would contribute to the Council's thematic area of Children and Young People.	
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Chairperson

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