

# People and Communities Committee

Thursday, 22nd September, 2022

## HYBRID MEETING OF THE PEOPLE AND COMMUNITIES COMMITTEE

Members present: Councillor McMullan (Chairperson);  
Councillors Bunting, Bower, Canavan,  
Cobain, Corr, Donnelly, de Faoite,  
Flynn, Garrett, Magee, Maghie, Murray,  
Newton and Verner.

Also attended: Councillor McCabe.

In attendance: Mr. D. Sales, Director of Neighbourhood Services;  
Mrs. S. Toland, Director of City Services;  
Mrs. C. Matthews, Director of Resources and Fleet;  
Ms. N. Largey, Interim City Solicitor;  
Mr. J. Hanna, Senior Democratic Services Officer; and  
Mrs. S. Steele, Democratic Services Officer.

### Apologies

An apology was reported on behalf of Councillor O'Hara.

### Minutes

The minutes of the meeting of 9th August were taken as read and signed as correct. It was reported that the minutes had been adopted by the Council at its meeting on 1st September.

### Declarations of Interest

Councillors Donnelly and Verner declared an interest in items 2 (b) Advice Service and item 2 (c) Community Provision Funding Update in that they either worked for or were associated with an organisation that was in receipt of funding from the DfC. Both Members left the meeting whilst the matter was being discussed.

The Chairperson, Councillor McMullan, declared an interest in item 2 (d) Carew Family Centre: Bridging Support, in that he was a Council representative on the Eastside Partnership and he removed himself from the meeting and chair whilst the matter was being discussed.

### Restricted Items

**The information contained in the reports associated with the following 7 items is restricted in accordance with Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.**

Resolved – That the Committee agrees to exclude the Members of the Press and public from the Committee meeting during discussion on the following 4 items as, due to their nature, there would be a disclosure

of exempt information as described in Section 42(4) and Section 6 of the Local Government Act (Northern Ireland) 2014.

### **Financial Reporting - Quarter 1 2022/23**

The Director of City Services summarised the contents of the report which presented a Quarter 1 financial position for the People and Communities Committee, including a forecast of the year end outturn. She explained that the Quarter 1 position for the Committee showed an underspend of £1.338m (6%), with the forecast year-end position being an underspend of £785k (0.9%) which was well within the acceptable variance limit of 3%.

The Committee was advised that one of the reasons for the Quarter 1 underspend were due to vacant posts across several services. In addition, the forecast did not include the significant financial pressures being caused by the current rate of inflation, the anticipated cost of these pressures was £8m, and funding of these would result in a forecasted corporate deficit of £2.7m.

The Committee was further advised that it needed to be aware of recent unbudgeted pressures, not factored into the departmental forecast, which would impact significantly on this position, therefore any further underspends that arose throughout the year would firstly be used to offset the forecast deficit.

The Committee noted the report and the associated financial reporting pack.

### **Pitch Partner Agreement – Alderman Tommy Patton Memorial Park**

The Committee noted that this item had been withdrawn from the agenda.

### **Community Provision Funding Update**

The Committee considered a comprehensive report which provided an update regarding the current provision of Community Funding.

The Director of Neighbourhood Services reminded the Members that this was the final year of the current funding arrangements for Capacity Building and Revenue for Community Building Grants ending 31st March 2023. The open call for the Capacity Building and Revenue for Community Buildings Grants 2023-2026 had ended on 9th September. He advised that further papers would be presented to the Committee relating to these grants in the coming months.

Following consideration, the Committee approved:

- the second 50% instalment to organisations funded through Council's Capacity Building Grant, Revenue for Community Buildings Grant and Advice Funding allocations for the 2022/23 financial year. With all payments to be made as detailed in the Letter of Offer's terms and conditions;
- the payment of a revenue grant to Independently Managed Community Centres on an annual basis and that this payment would

- include an annual increase aligned with Consumer Price Index increases (CPI), effective from 1st April each year; and
- the payment to Independently Managed Community Centres of a summer scheme funding allocation of £2,500 (for each IMCC) every year.

### **Carew Family Centre: Bridging Support**

(The Chairman, Councillor McMullan, who had declared an interest in this item, left the meeting while it was under consideration and the Deputy Chairperson, Councillor Bunting, took the chair.)

The Director of Neighbourhood Services drew the Members' attention to a report seeking authority to provide 'Bridging Support' to the Carew Family Centre. He took the Members through the detail of the report and advised that the proposed award would help to support interim revenue costs for the building (Tamar Street, East Belfast) to enable the Eastside Partnership (ESP) to meet the timeframe for an application to the Council's Community Development grants programme which was currently open to applications for grant support from April 2023.

The Committee was advised that the ESP would continue to develop Carew as a Children and Family Centre until it could be handed back to the community, to an existing group/organisation, or a new group that was representative of a coalition of interests aligned to the vision of the centre. He reported that, without the proposed additional support (financial and human resources), there would be a risk that it would not be able to sustain the role as custodian until a sustainable succession plan had been implemented.

The Committee agreed the provision of one off 'Bridging Support' to Eastside Partnership, to the value of £7,296, to contribute to the projected revenue costs associated with Carew Family Centre for the period September 2022 to April 2023.

(The Chairperson returned to the meeting.)

### **Pedestrian Access to Alexandra Park HWRC**

(Mr. B. Murray, Waste Manager, attended in connection with this item.)

The Director of Resources and Fleet advised that, following the queries raised in relation to pedestrian access to Household Waste Recycling Centres, in particular, Alexandra Park Avenue (only one access and egress gate), Resources and Fleet had reviewed the position with the Corporate Health and Safety Unit (CHSU) who had advised that the current access/egress for facilitating walk in pedestrians at the site was not sufficient.

In response to the above, the Resources and Fleet Service had engaged with colleagues in Physical Programmes to commission a feasibility study into the pedestrian access of Alexandra HWRC. She reported that an assessment of the existing Alexandra Park HRC site and development of the optimal layout to accommodate the requirements of the pedestrian access had identified that it would be feasible to provide

pedestrian access to the site and she took the Members through the proposals and preferred option as detailed in the feasibility report.

Several Members welcomed the outcome of the feasibility report and stated that they felt that option 1 appeared to be the most preferred option but stated that they would be keen to see the mature tree being relocated.

A further Member stressed the need for similar consideration to be given to the accessibility of other household recycling centres, specifically Palmerston Road.

The Committee:

- welcomed the proposed works to the pedestrian access to the Alexandra Park HWRC and that funds of £21k had been agreed to progress the work;
- noted that Option 1 appeared to be preferred option and noted the possible relocation of the mature tree; and
- agreed that a report would be submitted to a future meeting which would consider the pedestrian access to other Household Waste Recycling Centres, including Palmerston Road.

#### **Enforcement of Litter and Dog Offences – Potential Supplementary External Pilot Project**

The Director of City Services drew the Members' attention to a report seeking the Committee's approval for Belfast City Council to commence a 12-month pilot project with Waste Investigations Support and Enforcement (WISE), along with permission for the removal of the early payment discounted rate pertaining to fixed penalties issued for littering dog fouling and fly tipping offences for the duration of the pilot.

The Members noted that littering, fly-tipping and dog fouling activity had been the focus of ongoing discussion in recent months due to significant adverse press coverage of the city, in particular, the city centre. The Director also referred to the recently established Cleansing Task Force and the Member focus on these issues. She advised that this report was being submitted in the context of the current financial situation that the Council faced with growing pressures and that the Members would be further appraised at the September Strategic Policy and Resources Committee.

During discussion, there was unanimous agreement from all Parties that they did not wish to adopt the proposed pilot project, with the Members citing their desire to keep this role in-house to ensure the quality of the service and the job security of staff. Several of the Members also drew reference to problems that had been experienced with the use of the pilot in other Council areas.

The Members discussed at length the ongoing cleanliness issues in the city which had also been discussed at the Cleansing Task Force, along with the need to enhance the service by building up the Council's in house resources and skills to ensure continuity of the service.

The Members also discussed the recommendation that the early payment discounted rate pertaining to fixed penalties issued for littering, dog fouling and fly tipping offences be removed. Following which, it was

Moved by Councillor Murray,  
Seconded by Councillor Flynn,

That the Committee agrees the removal of the early payment discounted rate pertaining to fixed penalties issued for littering, dog fouling and fly tipping offences.

On a vote, six Members voted for the proposal and nine against and it was declared lost.

The Committee:

- agreed not to proceed with the procurement of a 12-month supplementary enforcement pilot with an independent enforcement company, targeting litter and dog fouling; and
- agreed to retain the early payment discounted rate pertaining to fixed penalties issued for littering, dog fouling and fly tipping offences.

### **Resources and Fleet Waste Update**

(Mr. B. Murray, Waste Manager, attended in connection with this item.)

The Director of Resources and Fleet updated the Committee on Waste Collections Management and Performance. This included an overview and update in respect of the following key issues:

- Waste Performance and City Recycling Rates;
- Waste Framework Update;
- Carpet Recycling Scheme;
- Reuse of Laptops and Electrical Equipment Scheme;
- Diversion of (Bulky Household) wooden items from landfill;
- Feasibility studies for Brown Bin and Glass Collection expansion;
- HVO fuel trial; and
- Inter Council / DAERA Collaboration.

Following a query from a Member, the Director advised that every effort was being made to reinstate the glass recycling service that had recently been suspended due to resource issues, specifically the lack of category C (HGV) drivers. She outlined that the current employment market was making it extremely difficult to recruit and retain drivers, however, she reported that a successful recruitment exercise had been held recently and job offers made. Once the drivers commenced employment this service would resume with immediate effect. She also added a range of other measures, including a Council run Driver Academy, were being progressed to support continuity of service operations.

The Committee noted the update provided.

### **Request for a Funfair at Boucher Road Playing Fields**

The Committee:

- noted that the item had been withdrawn from the agenda and that the Director would take the decision, in consultation with the Party Group Leaders and the Chairperson, in accordance with the Scheme of Delegation; and
- agreed that a report be submitted to a future meeting explaining the Scheme of Delegation for future reference

### **Matters referred back from the Council/Motions**

#### **Commonwealth Games Success and Female Sporting Needs in the City**

The Democratic Services Officer informed the Members that the Standards and Business Committee, at its meeting on 23rd August, had referred the following motion, which had been proposed by Councillor Maskey and seconded by Councillor McCabe, to the People and Communities Committee for consideration:

*“This Council also notes with concern a lack of capacity for female sports across the City and resolves to work in partnership with the Department of Communities, Sport NI, the Irish Football Association and any other relevant body to do an immediate and focussed audit of female sporting needs across the City in an attempt to have as early data as possible in terms of what is required to meet capacity for female sports across all sporting disciplines.”*

With the permission of the Chairperson, Councillor McCabe, who had seconded the motion, addressed the Committee and provided an overview of the motion.

A number of Members spoke in support of the motion and urged officers to ensure that, whilst considering the motion, female participation in smaller sports was also considered.

The Chairperson also emphasised the need to ensure that all sporting disciplines give due consideration to the need to be inclusive for those with a disability and asked that this also be considered within the remit of the report.

The Committee adopted the motion and agreed that a report on how this would be facilitated, resourced and managed would be submitted to a future meeting.

#### **Herbicide Reduction Policy**

The Democratic Services Officer informed the Members that the Standards and Business Committee, at its meeting on 23rd August, had referred the following motion, which had been proposed by Councillor Flynn and seconded by Councillor Smyth, to the People and Communities Committee for consideration:

*“This Council notes that Northern Ireland ranks 12th worst in the world for biodiversity loss, with significant threats to our natural and native wildlife and habitats due to human intervention.*

*It further notes that a scientific study published in June stated that chemical pollution has passed the safe limit for humanity.*

*This Council commits to the principle of herbicide reduction and will develop a herbicide reduction policy for use across the council estate, in line with best practice regarding weed control and land management.”*

The proposer of the motion, Councillor Flynn, addressed the Committee and provided an overview of the motion.

The Committee adopted the motion and agreed that a report on how this would be facilitated, resourced and managed would be submitted to a future meeting.

### **Committee/Strategic Issues**

#### **Belfast Boxing Strategy Quarterly Update and 2022/2023 Action Plan**

The Director of Neighbourhood Services reminded the Committee that the Council had previously agreed to provide £200,000 in funding to the Irish Athletic Boxing Association Ulster Branch (IABA) in the current financial year for delivery of an agreed action plan which supported the Belfast Boxing Strategy and he then provided an update on the progress in relation to the agreement up to the end of June 2022.

He explained that, in line with the Council’s objectives, the Belfast Boxing Strategy Steering Group had met quarterly. The Steering Group was chaired by the Director of Neighbourhood Services and attended by Council officers, IABA officers and officials and Co. Antrim officials.

The Committee was reminded that the Council had previously agreed a total of 37 Indicators with the IABA to monitor delivery of the programmes. The Director reported that the IABA had been compliant with all the reporting requirements. He advised that the IABA had provided narrative against each of the KPIs to describe progress against each indicator and planned to ensure that all targets were achieved at year end.

The Committee was advised that in line with normal process the IABA had developed its programme action plan relating to 2022/2023.

The Committee noted the quarterly progress update report.

#### **Stadia Community Benefits Initiative**

The Committee considered the undernoted report:

##### **“1.0 Purpose of Report or Summary of main Issues**

- 1.1 To advise Committee of progress with the Stadia Community Benefits Initiative (SCBI) for 2022/2023 and provide an update on the action plan.**

**2.0 Recommendations**

**2.1 The Committee is asked to**

- Note progress to date.

**3.0 Main report**

**3.1 The Council has been undertaking the Leisure Transformation Programme to renew its Leisure facilities across the City. This Programme has been influenced by the Partnership opportunities presented by the NI Executive Stadia Programme.**

**3.2 The Council, Department for Communities (DfC) and the Irish Football Association (IFA) have recognised the opportunities presented by the Stadia Programme, have committed to work together to maximise these benefits, and have agreed to establish a Stadium Community Benefits Initiative as part of the Belfast Community Benefits Initiative ('the Project') to implement and deliver agreed objectives including promoting equality, tackling poverty, and tackling social exclusion within the Belfast area.**

**3.3 In March 2016 the Council, DfC and IFA signed an agreement which sets out their respective commitments to the project. As other major stadia are developed in Belfast it is anticipated that other sports governing bodies shall become parties to the agreement. At its April 2018 meeting, People and Communities committee agreed that Council would work with the Gaelic Athletic Association (GAA) within the Stadia Community Benefits Initiative and recognised their significant planned investment in Gaelic Games in the city to support their Gaelfast strategy. GAA activities became fully incorporated into the action plan at the start of financial year 2019-2020, with Gaelfast staff imbedded into the governance structure at Communications Board, Delivery Board, Policy and Performance Board.**

**3.4 The agreement is for a period of ten years with financial commitment from Council and IFA in place to the end of March 2026. Delivery is managed through monthly meetings of the Delivery Board, which reports quarterly to the Policy and Performance Board. Financial and performance reports will be presented to Council and other partners' Boards as necessary.**

**3.5 The Policy & Performance Group is responsible for agreeing the Benefits Realisation Plan and associated annual targets. Work was undertaken to ensure the end benefits/outcomes are aligned to partners' strategies. To measure the progress of this the Council and the IFA have developed a range of**



indicators/intermediate benefits which are monitored through programme delivery:

- a. Number of coaching sessions provided
- b. Number of coaches engaged in delivering coaching
- c. Number of sessions improving club governance
- d. Number of volunteering opportunities
- e. Participation opportunities for under 16s
- f. Female participation rates
- g. Number of people completing skills development programme
- h. Number of sessions for under-represented groups
- i. Number of sessions for school and youth groups
- j. Community group usage of stadia
- k. Number of clubs attaining club-mark
- l. Educational opportunities
- m. Number of programmes targeting ASB
- n. Improved collaborative working
- o. Number of disabled participants
- p. Number of older people participating

- 3.6 Following the completion of a baseline assessment in early 2017, annual workplans are developed each year. The Action Plan for 2022-2023 has been produced by the partners and includes a mixture of sports specific programmes (e.g. National Governing Body specific coach education) and some joint collaborative initiatives delivered by both sporting codes such as information webinars which proved highly successful within the previous Covid environment which restricted in-person workshops

3.7 Performance

As we continue to emerge from Covid Restrictions, programme delivery to date in Q1 of year 6 (financial year 2022/2023) has begun strongly and details of the IFA and GAA specific activities are included at appendix 1 and appendix 2.

Joint initiatives are planned for Q3 and Q4 and include sports nutrition courses, club funding, female coaching, club ethos, mental health first aid, collaborative delivery in schools.

3.6 Financial and Resource Implications

In accordance with the Council's obligations under its DfC Funding Agreement for the Olympia Regeneration Project, the Council has committed a sum of £100,000 per annum for a minimum of ten years, so that a minimum of £1,000,000 is contributed in total to the Project. In relation to 2022/23 Q1 spend, partners have reported a normal level of spend in line

with programmes delivered. Partners have projected full utilisation of the budget across both

joint and individual work programmes and it is assumed that additional budget will be sought to cover activities planned and the expansion of projects to be delivered.

**3.7 Equality or Good Relations Implications/  
Rural Needs Assessment**

**There are no additional impacts related to this report.”**

The Committee noted the update.

**Update on Cemeteries and  
Crematorium Working Group**

The Director of City Services drew the Members’ attention to the minutes of the Strategic Cemeteries and Development Working Group and provided a brief update in regard to the matters that had been considered, as follows:

- Update on City Cemetery Heritage Project;
- Update on the Crematorium Development; and
- Update on Bereavement Services – Operational.

The Director advised the Members that the Coronavirus Act 2020 contained provisions which had allowed the electronic transfer of statutory documentation relating to burials and cremations. She reported that these provisions had been due to expire on 24th September, however, since the Working Group had met, she was glad to report that some of the measure had now been extended which would enable Funeral Directors to still lodge these electronically.

The Committee approved and adopted the minutes and the recommendations from the Strategic Cemeteries and Crematorium Development Working Group meeting held on 24th August, 2022.

**Update on Reference Group on Older People**

The Director of Neighbourhood Services drew the Members’ attention to the minutes of the Reference Group on Older People, advising that Alderman Copeland had been appointed as the Working Group’s Chairperson. He then provided a brief overview of the items that had been considered, as follows:

- Update on the development of Age-friendly Belfast Plan 2022-2026;
- Update on Extreme Weather and Winter Planning with Older People;  
and
- Update in respect of age-friendly Belfast Activities and Events.

A Member advised that, given the current heating crisis, the possibility of waiving Building Control Inspection fess had been discussed at the recent Working Group meeting and he asked that this be further considered.

The Committee:

- approved and adopted the minutes and the recommendations from the Reference Group on Older People meeting held on 22nd August, 2022; and
- agreed that a report would be submitted to a future meeting which would consider the potential of waiving Building Control Inspections fees in relation to insulation inspections.

### **Update on Belfast City Youth Council**

The Director of Neighbourhood Services advised the Members that, due to a number of factors over recent months, the BCYC had seen a decrease in activity and he therefore suggested that the special joint meeting scheduled for October be postponed until December 2022.

He reported that a new Children and Young People's Co-ordinator had recently been appointed and this delay would give the officer time to build on relationships internally and externally and particularly with BCYC members to focus on reviewing previous plans and progress and on supporting them to develop new ideas, priorities and projects.

He also highlighted that, at the June 2021, joint special meeting between People and Communities and the BCYC, it had been agreed that there was potential to improve communication and co-operation between Councillors, officers and BCYC and that this could be done via the nominated Youth Party Champions who would engage with the BCYC on issues and/or motions relating to young people. He further suggested, given the recommendation to postpone the October Special Meeting, that a meeting of the nominated party Youth Champions and the BCYC be organised in October/November to enable introductions and initial discussions to commence in advance of the proposed December meeting.

The Committee approved the recommended approach to engagement with Elected Members and the BCYC in the coming months, including postponing the next special joint meeting of the committee with the BCYC until December 2022 and officers arranging an initial meeting with the BCYC and the nominated Elected Member Youth Champions.

### **Physical Programme and Asset Management**

#### **Cherryvale Gate Anti-Social Behaviour Measures Consultation**

The Committee considered the undernoted report:

#### **“1.0 Purpose of Report or Summary of main Issues**

##### **1.1 The purpose of the report is to:**

- Update members on the findings of the Cherryvale gate anti-social behaviour measures survey
- Present options as to next steps for members to consider

## **2.0 Recommendations**

### **2.1 The Committee is asked to:**

- Note the results of the ASB measure survey residents' survey.
- Note that this matter was considered by the East Area Working Group on the 31st May 2022 and the feedback from EAWG in paragraph 3.7,3.8 & 3.10.
- Consider options in paragraph 3.14 and agree next steps.

## **3.0 Main report**

**3.1 Following a request at People and Communities Committee on 3rd March 2020, the Committee agreed to commence a consultation process with immediate neighbours and other stakeholders regarding the potential re-opening of an entrance gate into Cherryvale Playing Fields from Knockbreda Park.**

**3.2 At the People and Communities Committee meeting on 11 August 2020, officers were asked to arrange a site meeting to allow Elected Members the opportunity to meet with various user groups to discuss any relevant issues regarding the Playing Fields. A site meeting was held on the 3rd September 2020 and involved Elected Members, representatives from Friends of Cherryvale and various sports users of the facility. Belfast City Council Officers provided an update on works that were taking place within the Playing Fields. Officers also provided an update that 100 households within the immediate vicinity of the gate had been sent a questionnaire asking for their views concerning the potential re - opening of the gate.**

**3.3 At a further People and Communities Committee meeting, on 8th September 2020, officers were asked to widen the survey to incorporate additional residents. Following discussion, it was subsequently decided to extend the survey scope to a 400 metre radius (i.e. approximately within a 5 minute walk) from the gate.**

**3.4 The Committee, in reviewing the findings, asked that in an attempt to address the anti-social behaviour concerns, that an assessment be carried out in consultation with adjacent**

residents who might be affected on the possible options to prevent anti-social behaviour including new lighting options, anti-graffiti paint and anti-climb paint.

- 3.5 To complete this survey, Belfast City Council officers determined that 61 properties would need to be consulted in which residents who may be affected by any such anti-social behaviour issues would live. The residents identified live in the following properties;

Address	Property numbers
Knock Eden Pk	1 to 17 odd and even side
Rosetta Pk	16-36 odd and even side.
Knockbreda Rd	24 - 55 odd and even side.

- 3.6 Belfast City Council received a total of 18 responses from residents who received letters requesting they be engaged with in person to discuss the potential reopening of the gate and to detail any concerns they may have. The respondents who had requested interviews which were scheduled for Wednesday 26th May failed to respond to any further correspondence or communication with the Open Spaces and Street Scene Manager. Interviews with the remaining 15 respondents were conducted over three scheduled days via face to face engagement or via Microsoft Teams. The respondents were asked to complete a semi structured interview with set questions and an opportunity to elaborate and detail further concerns they have during and after the questionnaire was completed. The results of the fixed questions are as attached in Appendix 1. A timeline of all decisions and stakeholder engagement is included as appendix 2.

- 3.7 Key findings include:

- 60% of residents surveyed are not in favour of opening the gate. 40% are in favour of reopening. (Note that overall, 89% of respondents to the wider consultation were in favour of reopening).
- 67% of those surveyed either agreed or strongly agreed that the opening of the gate will increase the instances of anti-social behaviour in the area.
- Of the three measures proposed to prevent ASB higher fencing was the most popular, although the majority of those interviewed either disagreed or strongly disagreed that the proposed measures would have any effect on reducing the likelihood of ASB.

**3.8** During the course of the interviews, a number of measures were requested if a decision to open the gate was made. The measures detailed are as follows:

- The gate to be 12 foot in height in order to prevent youths entering the park during such times the park is closed.
- Meaningful control measures to prevent dogs running freely and fouling within the park indiscriminately.
- The erection of extensive two-meter security fencing at the rear of the properties in Rosetta Park to protect their private property from intrusion from people and dogs as well as potential crime.
- Installation of surveillance cameras (CCTV) in order to closely monitor and deter anti-social behaviour and potential crime.
- The erection of higher fencing around the substation to prevent youths congregating within the substation.
- The reduction of foliage and tree coverings within the area inside the gate in order to increase light and to discourage anti-social behaviour.
- Potential installation of a lighting system to provide light within the area of access the reopening of the gate will allow as a means of security and prevention of anti-social behaviour.
- Increase dog fouling bins if the gate is reopened to facilitate the increase in dog walkers within the area and access to the park via Knockbreda Road.

**3.9** If such measures detailed above were implemented in order to manage anti-social behaviour concerns, the costs would be as follows –

- Additional Litter bins - £800
- Erection of fencing around substation and rear of houses of Rosetta Park - £8,000 - £10,000
- CCTV –based on similar CCTV being erected at Girdwood, costs would be approximately £25k.
- Resurfacing of the small unadopted land situated outside the gate between 36 Rosetta Park and 36 Knockbreda Road - £4,000
- Installation of security lights within the proximately of the gate - £51,800

**3.10** During the course of the resident interviews, a number of items of note were discussed:

- The funeral parlour at the junction of Knockbreda Road and Knock Eden Park was, according to the residents, refused permission by Belfast City Council to hold funeral services within the premises. This was due to concerns around congestion and parked cars,

which according to the residents would constitute the same issues as opening the Knockbreda Road entrance into Cherryvale Park and residents have questioned should the P&C committee not have a consistent approach to the Planning committee.

- If parking restrictions are implemented within the area, this will de value properties within and change the areas character.
- The residents interviewed have requested a consultation meeting with either the elected members of Lisnasharragh DEA or members of the P&C committee.

3.11 This matter was considered by the East Area Working Group (EAWG) at their meeting dated 31st May 2022 and they

- noted the update provided
- noted that a triangle of land exists between the gate and the footpath which officers had not yet been able to identify ownership of and the issue had been referred to Legal Services
- agreed that after the funding options have been explored further and the matter considered by this committee that Members representing the Lisnasharragh District Electoral Area would seek to have a meeting with any concerned residents.
- requested a more comprehensive ASB profile for the park would be provided to the People and Communities Committee in August. Colleagues in Community safety team have confirmed that they have had no reports of ASB in this area with the exception of 2 incidents reported in relation to the Kingspan stadium. The PSNI have also been contacted and officers are awaiting information from them.
- requested that should committee agree with option 2 that the proposed safeguarding measures such as the installation of higher fencing around the electricity substation and to the rear of the houses in Rosetta Park which abutted the Park should be completed before the gate was opened.
- requested that officers would engage with NI Electricity to request that they would consider permitting the Council to connect to the substation within the park in order to reduce the proposed cost of £51,800 for the security lighting.

3.12 Officers have met on numerous occasions with Department for Infrastructure officials to discuss any implications on traffic, parking and crossings in regard to the gate. The road

service has stated that no additional lighting is required. Parking restrictions lines would not be added prior to the gate opening; however, this would be monitored and if lines are required there would be no cost to the council.

- 3.13 The Department for Infrastructure have identified their preferred option for a traffic light system on Knockbreda Road. Funding has been assigned to the project by The Department for Infrastructure and we are awaiting confirmation from the department on timescales.
- 3.14 The committee is asked to agree upon one of the following options and consider next steps:
1. The gate remains closed: the overall consultation results support the re-opening of the gate. However, concerns have been expressed by both those in favour and those against, of opening the additional pedestrian access.
  2. The gate is opened taking into account the matters raised by the EAWG. This decision would be subject to the completion of an equality and rural needs assessment and funding being found to fund the costs listed in 3.9 above. The majority of initial wider consultation returns (89% of those indicating a preference) would support this option.

#### Financial and Resource Implications

- 3.15 Operational arrangements can be accommodated within existing budgets. The funding for the proposed measures listed at 3.9 within the report are not within existing budgets. Should members agree to proceed with option 2 this will be subject to funding being identified to complete the work.

#### Equality or Good Relations Implications / Rural Needs Assessment

- 3.16 An Equality & Rural Needs impact assessment of the proposal has been completed and no implications have been identified.

#### Legal Implications

- 3.17 A triangle of land exists between the gate and the footpath which officers had not yet been able to identify ownership of. The issue had been referred to Legal Services and is subject to further investigation in relation to title.”

A Member asked the Committee to consider reopening the gate and requested that a letter be forwarded to the Department for Infrastructure (DfI) seeking it to proceed



with the installation of the pedestrian crossing prior to the actual reopening of the gate, to address the obvious safety concerns.

A further Member stated that whilst he had no specific objection to the gate being reopened, he did have concerns about the possible cost of some of the proposed measures identified to manage potential anti-social behaviour concerns, highlighting the antisocial behaviour issues that were already prevalent in other parks throughout the city.

During discussion a Member acknowledged that he felt that some of the proposed measures were excessive and he suggested that the Committee agree to the reopening of the gate 'in principle' and in the interim a meeting of the Lisnasharragh Elected Members would be held to seek agreement on the necessary measures.

The Committee:

- agreed 'in principle' to reopen the gate at Cherryvale, subject to a further meeting of Lisnasharragh Elected Members to agree the final remedial measures to be implemented to try and mitigate against anti-social behaviour, with a report detailing the proposed measures to be submitted to Committee prior to final approval; and
- agreed to write to the DfI asking it to proceed with the installation of the pedestrian crossing prior to the gate being reopened.

#### **Request for the Renaming of Moltke Street Playground**

The Director of Neighbourhood Services reminded the Committee that a housing association development in 2014 in the Village area of the city had created an area of open space at the junction of Nubia Street and Moltke Street. He reported that after a very protracted legal process a transfer of the land to the Council had been completed in 2019, this was the last transfer agreed before the Council took a decision to accept land only from statutory partners, along with an accompanying financial contribution towards future maintenance.

The Director detailed that, at the beginning of the development, the community through the Blackstaff Community Development Association had requested the asset be named after the late Ruby Murray who was a local resident. With the complexities of completing the land transfer the naming had not been treated as a priority at that time.

He detailed that there had been a number of requests from the community over the intervening years and most recently contact had been made by Mr. Burgess the husband of the late Ruby Murray in support of the initiative. The Chair of the local Neighbourhood Partnership had also been consulted and had indicated that he had no issue with the name being proposed.

The Committee was advised that, whilst there was no current policy on the naming of parks, the framework (available on mod.gov) formed the basis of current practice with the public consultation element carried out through the Council's "Your Say" platform. Officers were therefore suggesting that, given the strong support within local community, the Committee might consider not undertaking the normal process of

wide scale public consultation on this occasion and that the asset be renamed the Ruby Murray Park.

The Committee agreed that officers should commence the process of renaming the Moltke Street Playground the Ruby Murray Park.

### **Public Right of Way at Orby Green**

The Committee considered the following report:

#### **“1.0 Purpose of Report or Summary of main Issues**

##### **1.1 Under the Article 3 of the Access to the Countryside Order (NI) 1983 all Local Councils have a duty to**

*...assert, protect and keep open and free from obstruction or encroachment any Public Right of Way.*

**1.2 A fence with a gate was erected in 2014 across a path between Orby Green and Orby Link. In 2020 this gate was welded shut and members of the public alleged that this had blocked a public right of way. A questionnaire and map were sent out to residents. The evidence returned showed that people did use the routes as of right and that the developer at the time of construction had intended to create public access through. The evidence also revealed that this route has been used regularly for a prolonged time by members of the public.**

#### **2.0 Recommendations**

**2.1 The Committee is asked to**

- **Assert the Public Right of Way on foot from Orby Green to Orby Link.**

#### **3.0 Main report**

##### **Key Issues**

**3.1 The Access to the Countryside (Northern Ireland) Order 1983 places a duty on District Councils to ‘assert, protect and keep open and free from obstruction or encroachment any public right of way’.**

**3.2 In 2021 when the gate was welded shut once again, having been reopened, the Council were compelled under the above duty to investigate. The Council wrote to the landowner asking for the gate to be reopened to restore the public right of way. The landowner stated that they held no evidence of a public right of way. The Council investigated the matter by means of a community survey. 100% of the total returns**

(25 respondents) provided evidence that a public right of way had come into existence by presumed dedication.

- 3.3 Legal Services have been consulted and have confirmed that the path appears to meet the common law tests for establishment of a public right of way, so have recommended that the Council assert this Public Right of Way as required by its duty under the Access to the Countryside Order.
- 3.4 For a Public Right of Way to exist at Common Law there are two essential elements,
- a) Dedication by the owner of the soil
  - b) Acceptance of the Right of Way by the public
- 3.5 Dedication by the Landowner can be either express or presumed. The vast majority of cases will turn on presumed dedication by the Landowner, as only very rarely will a Landowner expressly dedicate his lands as a Public Right of Way.
- 3.6 The following evidence shows presumed dedication by the landowner;
- a) The path was constructed through the amenity space by the developer providing a pedestrian link between Orby Green and Orby Link. It is constructed of a sealed tarmac surface.
  - b) The route in question has been used 'as of right' by the general public.
  - c) The public's use of the path was open until 2014. At this point a fence with a gate was erected but the use continued until the gate was welded shut in 2020. The gate was reopened in 2020 but reclosed in 2021. Prior to this the public's use of the path was open so that the landowner knew or should have known about it, did nothing to stop it. The construction of a fence with gate indicates an intention to retain access through.
  - d) the use continued for a sufficient period to imply the owner intended to dedicate a Public Right of Way.
  - e) The route connects two public places or places to which the public regularly resort
  - f) That use has followed a more or less consistent line.
- 3.7 Given the above assessment, members are asked to assert the route from Orby Green to as a Public Right of Way on foot.

#### Financial and Resource Implications

- 3.8 There are no Financial or Resource implications.

**Equality or Good Relations Implications/  
Rural Needs Assessment**

**3.9 There are no Equality or Good Relations Implications.”**

The Committee agreed to assert the Public Right of Way on foot from Orby Green to Orby Link.

**Operational Issues**

**Proposal for Naming New Streets**

The Committee approved the application for naming a new street in the City as set out below:

<b>Proposed Name</b>	<b>Location</b>	<b>Applicant</b>
Gilchrist View	Off Linen Mill Grove, Edenderry, BT8	KMBC Properties, Ltd

**Consultation response to Food Standards Agency  
on the Draft Food Hygiene Rating (Online Display)  
Regulations (NI) 2023**

The Committee considered the following report:

**“1.0 Purpose of Report or Summary of main Issues**

- 1.1 Over recent years, there has been significant growth in the online sale of food, including from cafes, fast food and restaurant outlets, via online apps (including online aggregator outlets/apps such as ‘Just Eat, Deliveroo, Uber Eats’), websites and via social media channels.**
- 1.2 Food businesses that offer food for sale at a physical premises are legally required to display a food hygiene rating sticker. Currently online food sales are not required to display a food hygiene rating at point of sale.**
- 1.3 The Food Standards Agency (FSA) is now seeking views and comments of stakeholders on draft Food Hygiene Rating (Online Display) Regulations (Northern Ireland) 2023 and the potential impact on food businesses and district councils. The consultation focuses on the introduction of secondary legislation needed to implement the online display provision within the statutory food hygiene rating scheme established by the Food Hygiene Rating Act (Northern Ireland) 2016.**
- 1.4 The Council’s Food Safety team have reviewed the FSA consultation questionnaire and have prepared a draft response for committee approval. The draft response**

indicates general support for the implementation of the regulation, however makes comment on a number of technical points and queries in relation to implementation.

## **2.0 Recommendations**

**2.1** The Committee is asked to approve and endorse the draft consultation response, subject to ratification at the October meeting of Council.

## **3.0 Main Report**

**3.1** The Food Hygiene Rating Act (Northern Ireland) 2016 introduced a statutory food hygiene rating scheme in Northern Ireland. The legislation includes provisions which make it mandatory for food businesses to display food hygiene rating stickers at their premises and, if consumers can order online, to display their rating online in a specified manner.

**3.2** Secondary legislation has been implemented to require the display at physical establishments however a separate piece of legislation is required to implement the requirement for display on an online ordering platform. Without this legislation there exists an asymmetry of information available relating to a business' food hygiene compliance, therefore increasing consumers' risk of illness attributed to foodborne disease. This absence of accountability to consumers also limits compliance incentives for businesses, exacerbating regulatory burdens. Secondary legislation mandating online display of food hygiene ratings (FHRs) will seek to correct these shortcomings and ensure the scheme delivers its intended benefits in all settings.

**3.3** While it should be anticipated that this secondary legislation will ensure consistency of Food Hygiene Rating display across all platforms and provide authorised officers with the appropriate tools for enforcement, and the consultation response indicates support in this respect, Food Safety Officers within Belfast City Council have also raised a number of reservations with regard to implementation of the legislation and future enforcement. These concerns have been reflected in the consultation response to assist FSA in taking forward the proposed legislation and to seek further clarification on specific points.

- The requirement for a sitting NI Executive/NI Assembly to introduce new legislation may affect the suggested commencement date.
- There may be an increase in complaints from consumers with regard to display of Food Hygiene rating information on sales via Social media.

We anticipate there may be difficulties in finding sufficient information to locate these businesses to enable appropriate investigation and follow up. FSA will need to undertake further engagement with social media platforms to address these difficulties.

**Finance and Resource Implications**

3.4 None

**Asset and Other Implications**

3.5 None

**Equality or Good Relations Implications/  
Rural Needs Assessment**

3.6 None.”

The Committee endorsed the draft consultation response available [here](#), subject to ratification at the October meeting of the Council.

**Regulation of Cosmetic  
Treatments in Northern Ireland**

The Committee considered the following report:

**“1.0 Purpose of Report or Summary of main Issues**

1.1 The popularity of aesthetic cosmetic treatments has grown rapidly in recent years, with new non-surgical procedures continually emerging on the market.

1.2 New legislation to improve regulation of this sector has recently been introduced in England, along with a proposed licensing scheme for non-surgical cosmetic procedures. Powers available to Environmental Health Officers in Northern Ireland to regulate this sector to protect health and safety remains significantly more limited. The NI Local Authority Health and Safety Liaison Group (on which BCC is represented) is seeking support of all Councils to advocate for an appropriate regulatory regime for this sector.

1.3 This report seeks the committee’s support and approval for Belfast City Council to write to the Minister for Health to seek improved regulation of cosmetic treatments in Northern Ireland, along with the introduction of a licensing scheme for non-surgical cosmetic procedures.

**2.0 Recommendations**

2.1 The Committee is asked to

- Write to the Minister for Health to seek improved regulation of cosmetic treatments in Northern Ireland, along with the introduction of a licensing scheme for non-surgical cosmetic procedures.

**3.0 Main report**

- 3.1** In October 2021 the Botulinum Toxin and Cosmetic Fillers (Children) Act 2021 came into force in England making it illegal to administer Botox or a filler by way of injection for a cosmetic purpose to a person under 18 years of age. No such law exists in Northern Ireland.
- 3.2** The UK Government recently confirmed its intention to introduce a licensing regime for non-surgical cosmetic procedures to better regulate the cosmetic industry in England through an amendment to the Health and Care Bill.
- 3.3** The licensing scheme in England will introduce consistent standards that individuals carrying out non-surgical cosmetic procedures such as lip fillers, botox etc. must meet, as well as hygiene and safety standards for premises. It will focus on those cosmetic procedures which, if not properly performed, have the potential to cause harm.
- 3.4** In recent years there has been a significant rise in the number and type of non-surgical aesthetic procedures available, with many practitioners performing treatments without being able to evidence appropriate training and the required standards of oversight and supervision.
- 3.5** The existing legislation available to Environmental Health Officers to regulate this sector in Northern Ireland is considered no longer fit for purpose and no licensing scheme (similar to that being introduced in England) currently exists in Northern Ireland.
- 3.6** The Local Authority Health and Safety Liaison Group (HSLG) is a subgroup of Environmental Health Northern Ireland (EHNI). HSLG is seeking the support of all Councils by requesting that each Council write to the Health Minister to ask for better regulation of cosmetic treatments in Northern Ireland, along with the introduction of a licensing scheme for non-surgical cosmetic procedures.

**Finance and Resource Implications**

- 3.7** None

**Asset and Other Implications**

3.8 None

**Equality or Good Relations Implications/  
Rural Needs Assessment**

3.9 None.”

A Member welcomed the proposal to write to the Minister of Health regarding the regulation of cosmetic procedures and asked for the correspondence to be extended to also seek improved regulations of wellness centres, with a focus on regulating those offering fertility treatments. She stated that she felt this also lacked scrutiny in Northern Ireland and was an issue that had been raised with her by constituents.

The Committee agreed to write to the Minister of Health to seek the improved regulation of cosmetic treatments in Northern Ireland and the introduction of a licensing scheme for non-surgical cosmetic procedures.

It was further agreed that it would also to also raise with the Minister the opportunity for the regulation of wellness and treatment centres offering fertility treatments.

**Issues Raised in Advance by Members**

**Council Allotments - Councillor Flynn**

With the permission of the Chairperson, Councillor Flynn addressed the Committee and outlined his concerns regarding the general lack of maintenance and upkeep of Council owned allotments.

A number of Members concurred with the Member, highlighting that, despite numerous allotments not being maintained, there was lengthy waiting lists across the Council area seeking allocation. It was suggested that the lease system might need to be reviewed to address those people not maintaining their allotment.

It was also suggested that officers investigate if they could identify any suitable plots of land that would be suitable to accommodate new allotments.

The Committee agreed to undertake a review of all Council managed allotment facilities, including investigating the levels of upkeep of individual plots, the ongoing management and maintenance of the sites and length of waiting lists at the various sites with a comprehensive report to be submitted to a future meeting.

Chairperson