

# Strategic Policy and Resources Committee

Friday, 17th October, 2014

## MEETING OF STRATEGIC POLICY AND RESOURCES COMMITTEE

Members present: Councillor Reynolds (Chairman);  
Aldermen Browne, Campbell and Robinson;  
Councillors Attwood, Carson, Corr, Haire,  
Hargey, Hendron, Jones, Kennedy, McCarthy,  
Mac Giolla Mhín, Mullan and Newton.

In attendance: Mrs. S. Wylie, Chief Executive;  
Mr. G. Millar, Director of Property and Projects;  
Mrs. J. Minne, Director of Organisational Development;  
Mr. S. McCrory, Democratic Services Manager; and  
Mr. J. Hanna, Senior Democratic Services Officer.

### Apologies

Apologies for inability to attend were reported from Alderman Patterson and Councillors Campbell, Clarke and McVeigh.

### Minutes

The minutes of the meeting of 19th 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 1st October, subject to:

- (i) the omission of the decision under the heading "Gasworks: Review of Service Charge" in so far as it related to the provision of a shuttle bus service which, at the request of Councillor Hargey, had been taken back to the Committee for further consideration; and
- (ii) the omission of the minute under the heading "Public Consultation on Zero Hours Contracts" in so far as it related to the consultation response questions 3 and 10, which at the request of Councillors McVeigh and Alderman Stoker, was taken back to the Committee for further consideration.

### Declarations of Interest

No declarations of interest were reported.

**Investment Programme**

**Leisure Transformation Programme –  
Moving Towards Mobilisation**

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

The Committee considered the undernoted report:

**“1.0 Relevant background information**

**1.1 At its meeting in August, the Committee were updated on the contractual arrangements being put in place in relation to the Leisure Transformation Programme, in accordance with Committee’s direction and legal advice.**

**2.0 Key issues**

**2.1 Contract issues**

**Consequent to Committee’s authority in August, work is ongoing to prepare a set of agreements which will give effect to Committee’s direction. This is in line with Committee’s intention that the Council’s ‘leisure’ assets serve a much broader neighbourhood development and social regeneration agenda. The agreements include:**

- a payment mechanism which links performance to quarterly payments;**
- an outcomes framework to measure social regeneration impact as well service standards and outputs;**
- VAT and surplus share arrangements in order to maximise value for money;**
- Specific management and performance monitoring arrangements for Girdwood Hub, to work with the Hub Forum and deliver SEUPB required outcomes in relation to peace and reconciliation**
- Quality standards based on legal, health and safety requirements, as well as industry good practice; and**
- Dispute resolution processes.**

**Expert legal and business advisors continue to support Council officers in ensuring that the agreements and funding mechanisms are in line with relevant legal frameworks; maximise VAT efficiency; and reflect industry good practice. Deloitte are also providing a management tool to provide a**

**‘check and challenge’ function, reviewing final agreements and testing that the final implementation of the new arrangements remain consistent with the business model option agreed by Committee in February 2014.**

**There are a number of specific issues arising from these discussions for Committee’s consideration outlined below.**

## **2.2 Finance and funding mechanism**

**Considerable work has been undertaken to determine the financial resources, running costs and income projections for leisure services, to inform the funding agreement with the Trust and its Strategic Operating Partner.**

**The Director of Finance and Resources has now finalised the financial figures. The Council’s budget would have been £8,855,101 but the payment to the Operating Partner will be £6,851,325 which demonstrates cash savings to the Council of £2,003,776.**

**Therefore, for 2016/17, the contract value will be £6,851,325 which includes the 3 transferring centres and assures Committee that the contract will guarantee cash savings of £2,003,776 by April 2016. This is in line with the capital financing strategy agreed by Committee at its meeting in June 2013.**

## **2.3 Pricing Principles**

**In its strategic principles, Committee has already determined that it wishes to see a 5\* service for 3\* prices i.e. that it should be an affordable and innovative customer and community-focussed service. All facilities and services shall be provided as efficiently, effectively and safely as possible whilst offering value for money.**

**One of the key benefits of the new arrangements, is that Active Belfast Limited and its Strategic Operating Partner will be able to take a ‘whole-business’ view of price-setting, enabling cross-subsidisation within the service, thereby reducing dependency on rate-borne income. An overly prescriptive approach will constrain income growth.**

**To enable Active Belfast Limited and its Strategic Operating Partner to develop its business plan, Committee is asked to set out a number of key parameters within which it should determine its pricing schedule. It is proposed that the Trust and its Strategic Operating Partner will:**

- Not introduce any change to core and concessionary prices (including staff) within the first 9 months of operations without written consent of Council, except the discretion to apply a rate of inflation increase already agreed by Council;
- Provide concessionary rates for certain groups, i.e. those for whom price is a true barrier to participation;
- Allow one free admission for carers/parent/support assistant per every disabled customer requiring assistance in taking part in a leisure activity;
- Limit concessions to Belfast City Council residents only from 1 April 2015;
- Will submit for written consideration to the Council an Annual Price Review;
- Will be permitted to introduce fair market prices for new offers including membership packages that offer value for money.

This is in line with the conclusions of the Equality Impact Assessment. Committee will soon be considering a corporate policy on pricing and it is intended that these principles will sit within that.

Active Belfast Limited and its Strategic Operating Partner will submit for written consideration to the Council an Annual Price Review, containing a list of proposed prices before the 1st October in each contract year. As part of the annual renewal process, this will be equality screened to identify where any targeted interventions may be required.

#### 2.4 Branding

In terms of branding and logos for the new service, there is a need for balance between letting the public know the Council still pays for the service, while at the same time promoting the 'step change' in provision. It is proposed that the Council's logo and the words 'Belfast City Council' will be visible on all promotional material and external building signage.

The Strategic Operating Partner, GLL has developed a consumer facing brand known as *Better*. It is used for all its products and services. It is proposed that the brand should be used in the context of its Belfast operation. This will allow the service to utilise existing web infrastructure and marketing materials, providing adaptations where required, limiting cost implications, while at the same time putting the new partnership at the centre of the provision. A draft branding proposition is provided in the appendix.

The Strategic Operating Partner will also be required to use the city branding 'B' be included in larger marketing campaigns e.g. for city events. The Council will have a home page on our website in relation to leisure facilities with a link to the 'Better' (Belfast) website and indicating that this leads to an external website.

The 'Better' (Belfast) micro-site / website will eventually have new functionality to allow users to book online and search and find far more information about activities, pricing and programmes.

It is not anticipated at this stage that Active Belfast Trust will have any branding presence, due to cost implications and complicating the proposition.

## 2.5 Property Maintenance

A detailed responsibility matrix in terms of property maintenance is under development but in summary outlines that:

- Planned and preventative maintenance remains responsibility of Council
- Reactive 'day-to-day' maintenance becomes responsibility of GLL
- Growth for Business Programme (upgrades/improvements) – to be determined on basis of business case submitted for approval to Council.

A Service Level Agreement will be required to agree sympathetic planning of works and required performance standards from both parties.

It is intended that the property maintenance arrangements are reviewed in 18 months.

## 2.6 Staff interests: Pensions

Throughout the Leisure Transformation Programme, the protection of pensions has been a key issue for Members, staff and trade unions. Committee required that the Trust would be expected to provide a broadly comparable pension scheme.

At its meeting in September, the NILGOSC Executive Committee accepted the application from GLL to join the pension scheme. This is on the basis of an 'open scheme' i.e. will be available to new employees.

**2.7 Staff interests: Belfast Living Wage and Casual Workers' protocol**

At its meeting in October 2013, the Committee considered the Council motion in relation to the use of 'zero hours contracts' and agreed that the Council should develop a policy framework on this matter. In anticipation of this policy position, it is planned that this will be included in the service specification to which GLL will work, in relation to the treatment of 'casual' or session workers in leisure. This will ensure that there is no detriment when session workers are unable to accept work and that they should be allowed to indicate the days and times that they are available to work and that they are recruited in a fair and equitable manner in accordance with best practice guidance. GLL has also confirmed that it will continue to use the current BCC list of 'casual' /session workers.

Members will also be aware that at the Strategic Policy and Resources Committee on 21 February 2014, a notice of motion was tabled regarding the Living Wage. It was agreed that the council would take action to become a Living Wage employer, in consultation with staff and their representatives, and to revise upwards payment to those employees currently receiving below the living wage level. Again, this will be integrated into the service specification as part of the contractual arrangements for leisure services.

The importance of these two practices has been discussed with GLL who has stated that it would be supportive of such contractual requirements, in-keeping with their social enterprise ethos.

**2.8 Staff engagement, learning and development opportunities**

Following the appointment of GLL as the Strategic Operating Partner, the Director of Parks and Leisure visited leisure centres and preparation is now underway for direct engagement with transferring employees and GLL. Area managers and the staff engagement group will visit GLL operations elsewhere to gain an understanding of its organisational values, culture and procedures. Other communication materials will be developed and shared with staff over the coming weeks.

GLL and Council officers are also currently drafting a learning and development programme for staff. In the first instance, for managers and supervisors, this will focus on:

- Serving the community; understanding of demographics and target groups, devising relevant programmes
- Leadership & management; staff development, performance management, succession planning, coaching
- Business performance; key performance indicators; budget monitoring and setting
- Service quality; cleanliness, energy control, health & safety, customer care & liaison; equipment & facilities; innovation
- Key performance indicators on employee learning and development will be embedded in the contract.

Officers are also facilitating contact for GLL with the Department of Employment and Learning, in order to ensure that apprenticeship and trainee schemes are in place at the earliest opportunity. It is planned that targets about apprenticeships and training schemes will be part of the performance reporting for the Trust and GLL.

## **2.9 Engagement with Trade Unions**

Engagement with the Council's Trade Union Group has been ongoing and will continue through fortnightly meetings until the date of transfer. These meetings provide the platform for TUPE requirements i.e., the provision of information to and consultation with staff and trade unions, as well as discussion around any additional employment related requirements that the Council might want to include in the service specification.

Ongoing discussion will focus on employment related policies that will transfer with employees, mobilisation activity, staff engagement, capacity building and apprenticeship schemes.

The Trade Union Group has met with members of the GLL senior management team and further engagement between trade unions and GLL is planned over the coming weeks.

## **2.10 Active Belfast Limited – resourcing and governance**

At its meeting in August, Committee noted that a process needed to be put in place to fully populate the board of Active Belfast Limited. In terms of populating the full Board of Directors, the legal advisors propose that an optimum number is no more than 12 persons. This allows for a representative

board, while at the same time being of a manageable size to make effective decisions.

In line with the Council's aspiration to have stakeholder involvement, as well as precedent such as the Board for the Tall Ships Local Organising Committee and the Belfast Harbour Commissioners, Active Belfast Board, Active Belfast Limited has proposed a composition. This is attached as an appendix. It is anticipated that the full board will be in place by the end of 2015. The Council may at any time by notice in writing to the Active Belfast Limited remove or replace its nominees. At the appropriate point, the interim Council-nominated Directors will step down from the Board.

This is in line with existing good practice and effective governance. It is anticipated that Pinsent Masons, the trust's independent legal advisors, will review this proposal to ensure that it is in the interests of Active Belfast Trust.

Previously, Committee had considered the potential to make a loan available to Active Belfast Limited. However, further legal advice proposes that this is integrated into the contract between Active Belfast Limited and the Council as a grant award. It is anticipated that this will not exceed £45,000 per annum and will allow the Board of Directors to fulfil their obligations under charitable law e.g. preparation of annual audited accounts; and independent legal advice. There is no expectation at this point of any full-time human resource beyond bought-in services. This will be funded through in-service savings and re-alignment of existing revenue budgets.

#### **2.11 Independence from Council and fiduciary duty**

Members will be aware that the Trustees would have a fiduciary duty to the Trust i.e. their sole responsibility will be to act in the interests of the Trust (rather than say, the Council). Detailed role descriptions will be developed in advance of the recruitment process, and an induction programme would be drafted for the Trustees highlighting their governance responsibilities to Active Belfast Limited.

In order to meet the necessary 'independence' test, charitable law requires that there is no undue control by the Council. Historically, representation which does not exceed 20% of the total number of directors has been considered acceptable by the Charity Commission. Anything greater than this proportion may attract scrutiny, from the Charity Commission at the point at which Active Belfast Trust is required to register in the

future, and possibly by HMRC when seeking charity tax clearance.

As a result of the fiduciary duty, under the Council's Code of Conduct, Councillors who sit on the Board of Active Belfast Limited will not be able to participate in Council discussions on matters related to the contract performance/planning.

## 2.12 Committee Scrutiny

One of the strategic principles for the Leisure Transformation Programme is 'democratic accountability'. A draft governance and accountability framework is attached as an appendix in which the final authority rests with the Council, via the SP&R Committee.

In this, it is proposed that the Strategic Policy and Resources Committee (and its successor) receives quarterly performance reports on expenditure, outputs, risks and issues from Active Belfast Limited. SP&R Committee will also set the annual strategy and affordability limits for the annual business plan, to be presented by Active Belfast Limited to Council.

In order to facilitate Committee's effective scrutiny of the performance of the Trust, a robust performance monitoring framework will be developed. The degree to which outcomes have been achieved can be measured using a suite of Key Performance Indicators (KPIs), measuring the contribution the Trust makes to the Council in achieving its overall vision.

This will also allow the Council to communicate the benefits of the Trust to the rate-payer and other stakeholders.

## 2.13 Neighbourhood asset planning – next capital investments

Committee previously requested officers to design a process by which to develop Phases II and III of the capital investment in leisure facilities, including the potential to invest in a city centre facility. There are a number of dependencies in relation to initiating this planning process with Members, including:

- Upcoming meetings with Department of Culture, Arts and Leisure regarding co-investment opportunities;
- The Sports NI Regional Facilities Strategy and subsequent capital funding scheme;
- The receipt of a conditions survey on the pool facilities in the Robinson Centre; and
- Potential for procurement of multiple projects through single design/build delivery mechanism.

**It is planned that a detailed engagement plan will be brought to Committee before Christmas for consideration, when further information is available on these and other related matters. Bearing in mind the intensity and quantity of work for Members over the next immediate period, this will set out a consultation and engagement process with Members via the Area Working Groups and party group briefings as well as with other stakeholders.**

**In addition, a remedial/defects maintenance programme (arising from conditions surveys) is being developed and this will be presented to Committee in due course for consideration.**

#### **2.14 LTP Assets: Heritage Lottery Fund Expression of Interest**

**The Templemore Users Trust has recently written to the Director of Parks and Leisure seeking the Council's support in taking the lead in another application to the Heritage Lottery Fund (HLF).**

**In feedback from HLF, it was highlighted that there was insufficient evidence of the Council's support for the refurbishment of the Templemore Baths in the 2013 bid. Without diminishing the commitment of the volunteer-based Templemore Users Trust, HLF has indicated that a re-developed proposal would be strengthened if the Council was the lead partner.**

**HLF will shortly be seeking expressions of interest for its next round of capital funding. Recognising the benefits of working in closer partnership with Templemore Users Trust and in order that Council may be in a position to draw down additional monies into the LTP capital financing strategy, Committee is asked to consider if it will agree in principle to being the lead partner for the purposes of the expression of interest.**

**Further information will be brought to Committee for consideration over the coming months.**

#### **2.15 LTP Assets: Upgrade of Combined Heat and Power (CHP) Units**

**The Council currently has 9 CHP units including 8 in its leisure centres at: Avoniel; Andersonstown; Ballysillan; Falls; Grove; Whiterock; Olympia; and Shankill – with the other being in the Waterfront. There are a number of issues to note:**

- The original funding for many of these units was provided by the DFPNI's Central Energy Efficiency Fund which ceased in 2010 and technology in relation to the units has moved on significantly since this time.
- Many units are currently oversized for the loads they are expected to meet. CHP units of this age cannot easily modulate to lower outputs without significant reductions in their efficiency.
- It is widely accepted that these units are nearing the end of their useful lifespan. Increases in unit down time and maintenance costs mean that some of the units will soon be operating at a loss. Our analysis shows that the average electrical efficiency has reduced by 4% and the thermal efficiency has reduced by 9%.
- Most of the plant is nearing the end of its useful life. Units are at an age where significant engine overhaul works are required to take place. This adds to the existing problem of long down times and high maintenance costs. It is also at a point where the cost of these overhaul works may not pay back over the remaining operational years.
- All of these units were installed and commissioned during the early days of CHP when performance contracts did not come as standard as they do now.

Due to the issues above in 2013/14 the CHP units operated at a loss (£7,731). The performance of units at Avoniel and Olympia negated any savings some of the others made. These units will be investigated further but if no practical solution can be found then it is recommended that these units be switched off until they can be replaced.

There are two main options available:

1. Direct capital investment in new units – Financing the replacement of the 7 of these CHP units (excluding Andersonstown and Olympia) would require an estimated capital investment of approximately £1 million. Under the direct capital purchase option, an approximate £1 million investment would yield potential annual savings of £200,000 with a payback of 5 years.
2. ESCo Contract – This would see a CHP supplier fund, install and maintain the units for their lifetime. All financial and operating risk passes to the supplier. In exchange, a service charge based on the unit output would be payable by the Council to the supplier.

**Purchasing gas for the units would remain with the Council. Using an ESCo option there would be no capital investment and an annual potential saving of £75,000. A further benefit of an ESCo contract to the Council would be to include the new units proposed for Andersonstown and Olympia within the tender. This would remove the capital cost of these units from the Investment Programme budget.**

**An ESCo contract could also be extended to the Robinson Centre would potentially bring the number of new units to 10. It is proposed that Committee consider the ESCo option which is affordable solution and will address the issues above. If Committee is agreeable, discussions will take place with GLL who will be jointly responsible for their operation under the new leisure arrangements.**

#### **2.16 Assurances: Equality Impact Assessment**

**The equality consultation closed on 19 September. The EQIA identified that the Leisure Transformation Programme provides a major opportunity to address current inequalities and improve facilities and services for particular equality categories. It recommends that the Council should therefore put in place measures to maximise the benefits of the Programme, to ensure that the facilities and activities provided are appropriate for all groups in terms of content, location, time of day and price, and that they are appropriately marketed.**

**It also recommended that the Council will also ensure that due regard is given to any equality of opportunity and good relations implications arising from proposed changes to operational policies as part of the annual review of the Trust's activities, which will include detailed consideration of the business plan for each year.**

**The full EQIA is appended to this report. Committee is given assurance that its conclusions will be reflected and mitigating actions integrated into the final contractual agreements with the Trust and its Strategic Operating Partner. Committee is asked to consider its conclusions and give authority for it to be published in accordance with the Council's Equality Scheme.**

## 2.17 Assurances: Best Value

In terms of the Council's Best Value obligations, in accordance with the Local Government (Best Value) Act (Northern Ireland) 2002, a consultation was completed alongside the EQIA consultation. The respondents included rate-payers, those currently using services and those not, and those who have an interest in the service, as required by the Act. The key issues identified were in summary: concern regarding an increase in prices, making services and programmes unaffordable, perception of threat of privatisation; reduction of social value programmes e.g. cardiac referral programme and older people's programmes; and importance of social activities and spaces other than sports e.g. using parks; meeting rooms and cafes; wi-fi.

In-keeping with Committee's direction, the contractual agreements are focussed on a 'social value' ethos including the appointment of a social enterprise as Strategic Operating Partner, and the contract will require the Trust and Strategic Operating Partner to address these issues through communications planning and programming.

Further consultation feedback will also be available through the Council's bi-annual corporate public survey which will soon be presented to Committee. The planning and performance mechanisms, as well as a partnership approach, will allow for continuous improvement in the way in which the contract is addressing these issues, having regard to a combination of economy, efficiency and effectiveness, as required by the Act.

The contract requires consideration of the Best Value implications every year as part of the annual planning process.

## 2.18 Conclusion

Over the next number of weeks, there is an intensive period of 'mobilisation'. Members will be kept informed on the transfer process in order that they are fully equipped to answer any queries from the public.

Fundamentally, in line with the strategic principles agreed by Committee in April 2014, this will deliver an unprecedented opportunity to re-vitalise our service, by offering fresh programmes and products to improve people's health in the city, as well as new training for existing employees and bringing in apprenticeships.

### **3.0 Resource Implications**

**Financial:** A revenue grant is made available to Active Belfast Limited, up to £45,000 per annum to allow the Board of Directors to fulfil their obligations under charitable law e.g. preparation of annual audited accounts; and independent legal advice. This will be funded through in-service savings and re-alignment of existing revenue budgets.

For 2016/17, the contract value will be £6,851,325 which includes the 3 transferring centres and assures Committee that the contract will guarantee cash savings of £2,003,776 by April 2016.

**Staff:** This is a major service transformation process and the implications for staff will continue to be assessed as part of the transfer process, with continuous consultation and engagement with staff and trade union representatives.

**Assets:** Legal Services and Estates are developing a suite of leasing arrangements, to sit within the overarching contracts, to ensure the continued protection of the Council's physical assets.

### **4.0 Equality Implications**

The Leisure Transformation Programme was screened in for a full Equality Impact Assessment. The final report is appended for Committee's consideration.

### **5.0 Committee decisions required**

Committee is asked to:

1. Approve the overall direction outlined in this paper including the proposed pricing principles, property maintenance framework, branding proposition, pensions arrangements and staff interest issues for integration into the contractual agreements;
2. Recommend that the agreements are advanced and awarded on the basis of the guaranteed £2million savings and the most economically advantageous arrangements for the Council, with full commitment to deliver against the social objectives agreed previously agreed by Committee;
3. In line with the strategic principles agreed by Committee in April 2014, authorise the Deputy Chief Executive and the Town Solicitor to give effect to the that direction and finalise the necessary documents,

- negotiating in the interests of the Council with Active Belfast Limited and GLL;
4. Consider Active Belfast Limited's suggested composition of its Board of Directors and offer guidance on its implementation
  5. Approve the Council's accountability and governance framework for the scrutiny of performance reports and annual plans from Active Belfast Limited
  6. Note continuing engagement with the Belfast Trade Unions Group, including formal consultation on the transfer of staff as legally required
  7. In consultation with the leisure Strategic Operating Partner, authorise officers to seek an ESCo contractor for the replacement of the Council's Combined Heat and Power units and to agree that this project is advanced to the invitation of tenders, to be awarded on the basis of most economically advantageous tenders received and full commitment to deliver
  8. Authorise the Directors of Parks and Leisure and Property and Projects to prepare and submit an Expression of Interest in partnership with the Templemore Users Trust to the Heritage Lottery Fund; and
  9. Note the conclusions of the EQIA and authorise its final publication."

During discussion, several Members expressed the view that further consideration needed to be given to the suggested composition of the Board of Directors and that a further report in this regard should be submitted to the Committee.

After further discussion, the Committee adopted the recommendations, subject to the omission of recommendation 4; it was agreed that a further report on the composition of the suggested Board of Directors be submitted to a future meeting.

### **Capital Programme – Update**

The Committee considered the undernoted report:

#### **“1.0 Purpose of report**

**1.1 The Council's Capital Programme is a rolling programme of investment which either improves existing Council facilities or provides new facilities. This report provides –**

- key highlights since the last Committee report in August
- proposed recommendations for movement between the Capital Programme stages
- specific project updates

## 2.0 Relevant Background Information

### *Capital Programme – Key highlights*

2.1 Significant progress has been made in the delivery of the capital programme since it was agreed by SP&R Committee in February 14. The Property & Projects Department is happy to arrange site visits to any capital project.

2.2 Key highlights since the last update report in August include –

- the tender for Phase 2 of the Connswater Community Greenway project has been awarded with work now underway. This will see the completion of a further £20m+ of work including:
  - 9km of paths, stretching through to Cregagh Glen and the Braniel Estate
  - CS Lewis-themed square at Holywood Arches, along with new public art at key gateways
  - river improvements and new flood defences, through the East Belfast Flood Alleviation Scheme
  - improved bridges and crossings
  - resurfacing of major arterial routes into Belfast
  - new play areas at Avoniel and Loop River Park
  - new signage, lighting, benches, landscaping and planting.

All work will be completed by mid 2016, with the Greenway running from Belfast Lough to the Castlereagh Hills.

- the tender for the main works (£23.4m) for the Belfast Waterfront Exhibition and Conference facility has been awarded with work under way
- a Letter of Offer for £6million ERDF funding has been received to support the infrastructure for the £8m Giants Park Environmental Resource Park project at the North Foreshore – the Council is contributing £2million towards this project
- construction works are also continuing on the £11.7m Girdwood Hub; the new £1.7m 3G pitch at Cliftonville; the new £430,000 Adventurers Learning Centre at Belfast Zoo; the new pavilion at Suffolk Playing Fields; Half Moon Lake and Drumglass Park
- Preparation works are continuing on £3.7m Tropical Ravine refurbishment project with works due to commence in the New Year

- An artist's contract has been awarded to undertake the commission of two bronze boxing sculptures of Rinty Monghan and John Caldwell and the tender process to commission an artist for a boxing themed art piece in Woodvale Park is underway
- Super-Connected voucher scheme - Over 700 applications have been received for connection Vouchers and 3 of the 16 demand stimulation (information) events have been run.
- Super-Connected wi-fi in public buildings. The tender has closed and BT have been selected as the service provider.

### 3.0 Key Issues

3.1 Members have agreed that all capital projects must go through a three Stage process where decisions on which projects progress are taken by SP&R. This provides assurance as to the level of financial control and will allow Members to properly consider the opportunity costs of approving one capital project over another capital project. Importantly it will also enable Members to focus on delivering the projects which can have maximum benefits and investment return for the city and local areas.

#### *Proposed movements*

Proposed movements from 'Stage 2 – Uncommitted' to 'Stage 3 – Committed'

3.2 It is proposed that the project outlined in Table 1 below is advanced from Stage 2 – Uncommitted to Stage 3 – Committed. Members are asked to note that the costs cited are pre-tender estimates only. These costs will be challenged and assessed at the tender preparation stage and any significant changes will be brought back to Committee.

Project	Project overview	Proposed Stage	Estimated Gross Cost	Estimated Net cost
Roselawn Section Z2-Z4	Members will be aware that the Council has a statutory duty to provide grave space. Current provision has fallen below the minimum requirements of 4,500 new burial plots being available at all times. The project proposes to create an additional 7,300 new grave plots as well as the associated infrastructure. Members are asked to note that this is a long term scheme and	Stage 3 (Tier 1)	£1,550,000	£1,550,000

Project	Project overview	Proposed Stage	Estimated Gross Cost	Estimated Net cost
	<p>infrastructure. Members are asked to note that this is a long term scheme and will provide provision up to 2025.</p> <p>A major factor influencing this project and requirements for approval is the expiry date for planning permission for new sections of the cemetery – if the council is unable to begin works on the identified area of land by April 2015, the project will be required to go through a new planning permission process.</p>			

- 3.4 Given the statutory duty to provide grave space and the need to progress this project before the expiration of planning, the Director of Finance & Resources has recommended that a maximum of £1,550,000 be allocated to this project and has confirmed that this is within the affordability limits of the Council. Members are asked to agree that this project is advanced to the invitation of tenders, to be awarded on the basis of most economically advantageous tenders received and full commitment to deliver.

*Capital projects – Updates*

- 3.5 Waterfront – Venue Event Management System – Members will recall that they agreed at the SP&R Committee in August that £450k, to be financed through non-recurrent capital, be set aside in order to upgrade the ICT systems in the Waterfront to ensure that they meet the requirements of a state of the art new conference venue and the needs of future clients and business delegates.
- 3.6 Members’ approval is now sought for the procurement for a new Venue Event Management System for the Belfast Waterfront to be funded from these monies. This new system will replace the current two systems and will provide a single integrated system that follows the key business processes of marketing, sales, planning, operations and support. This integrated functionality is essential to enable a more joined up service to be delivered so that the Waterfront can deliver under the objectives required under its Letter of Offer for funding. The new system will be designed to deal with the complexity of selling to, planning of and delivery to large complex

international association conferences as well as national corporate meetings, banquets, small exhibitions etc. It will also provide management information to show the performance of the business. Members are asked to agree that this project is advanced to the invitation of tenders, to be awarded on the basis of most economically advantageous tenders received and full commitment to deliver.

#### **EU funded projects**

- 3.7 Giant's Park Environmental Resource Park - Members will be aware that one of the major projects under the Investment Programme was the development of infrastructure at the North Foreshore to support the development of a green business park. Funding for this £8million project has now been secured with a letter of offer for £6million from ERDF via InvestNI together with the Council's investment of £2m. Members are asked to note that in accordance with the Letter of Offer the official title for the project is now the Giant's Park Environmental Resource Park.**
- 3.8 This is an innovative regeneration project which will create a 65 acre Cleantech business cluster. The components of the ERDF project comprise 1,734m of access roads, and preparation works to create 30 acres of development sites. The proposed ERDF project will transform a difficult brownfield site to make it more attractive for private sector investors in the cleantech environmental sector. It is in response to a demand for large industrial sites located close to the city, Belfast Port and motorway. The Council will market the disposal of the serviced sites to the private sector to encourage new cleantech businesses, investment, and employment opportunities. Giant's Park will form part of the wider "cleantech zone" being promoted by the Council, Belfast Harbour Commissioners, H&W and Belfast Metropolitan College as well as potential linkages with the Greenway in Dublin, to encourage the growth of the cleantech environmental technology and the renewable energy sector that could create significant job creation opportunities and private sector investment. This project is extremely significant in terms of acting as a catalyst for the wider North Foreshore site. Preparatory work is continuing for this project and it is anticipated that works will begin on site next year.**

#### **MUGA Programme – Update on new builds and Proposed refurbishments**

- 3.9 Members will recall that in January this year they agreed to the progression of a MUGA programme which included a series of**

refurbishments and proposed new builds. Under Phase 1A 6 MUGA sites were refurbished (Clara Street; Victoria Park; Finlay Park; New Lodge; Willowbank and Dover Street) with 3 new builds agreed at Springfield Avenue; Annadale and Clarendon Playing Fields. Members are asked to note that Navarra Place, located off the Whitewell Road was subsequently added to the list as a potential new build in June of this year. An update on the current status of these projects is outlined below

- **Annadale-** A planning application has been submitted and work is due to commence on site next year subject to an outstanding land issue being resolved which the Estates Team are working on
- **Clarendon Playing Fields** - Ground surveys have been commissioned and are underway. A design team has been appointed and detailed design work will now commence on the project
- **Springfield Avenue** - Planning approval is already in place for this project, although there is a restrictive condition in place. Following community representations it is intended to facilitate a local engagement meeting
- **Navarra Place** - A survey has been carried out to establish the extent of underground services in place and the implications for development work. It is intended to facilitate a workshop with local residents to establish a concept plan for the site.

3.10 Members also agreed in January that a rolling programme of refurbishments informed by independent condition surveys of the Council's remaining MUGA sites be developed. This is similar to the approach for the Council's Playground Improvement Programme. Members are asked to note that these surveys have been completed and the worst 7 sites in terms of condition are outlined in Table 3 below.

<b>MUGA PROGRAMME – PHASE 2</b>			
<b>Phase 2A – Refurbishments - £400,000</b>			
	<b>Location</b>	<b>Score</b>	<b>Comments and recommendations</b>
1.	Dr Pitt Park	10%	Complete by end of March 2015
2.	Springhill Park	20%	Complete by end of March 2015- This site is currently under consideration for housing development however it is understood that this is a long term plan which is not likely to progress within the coming years. This is being confirmed and if there is any change to this proposal Committee will be updated.

3.	Olympia	39%	<i>Defer - This site is currently incorporated with the Olympia regeneration proposals and it is proposed that no action is taken as the new Olympia will</i>
4.	Moyard	46%	<i>Defer - There is a proposal to relocate this site to the Matt Talbot Youth Club and it is proposed that this is deferred pending further discussions around relocation</i>
5.	Canmore	53%	Complete by end of March 2015
6.	Stewart Street	56%	Complete by end of March 2015 – linked to the playground refurbishment which is due complete by March
7.	North Queen Street	66%	Complete by end of March 2015

3.11 It is proposed that a maximum budget of £400,000 is allocated to the refurbishments for the five MUGA sites recommended above. The Director of Finance and Resources has confirmed that this is within the affordability limits of the Council and that Phase 2A will be financed through non-recurrent underspend with works to be completed by end of March. If Members agree Phase 2a above, approval is further sought to initiate the necessary procurement processes (including the invitation of tenders and/or the use of appropriate ‘framework’ arrangements) with contracts to be awarded on the basis of most economically advantageous tenders received and full commitment to deliver.

#### 4.0 Recommendations

4.1 Members are asked to note the contents of this report and

##### Proposed Movements – Capital Programme

- *Roselawn Section Z2-Z4* - agree if the proposed Roselwan project is progressed from ‘Stage 2 – Uncommitted’ to ‘Stage 3 – Committed’ and agree that this project is advanced to the invitation of tenders, to be awarded on the basis of most economically advantageous tenders received and full commitment to deliver. Members are asked to note that the Director of Finance & Resources has recommended that £1.55 million is the maximum amount available to this project.

**Project Updates**

- ***Waterfront Exhibition and Conference Facility – Venue Management System (IT system)*** – agree to the procurement of a new integrated Venue Event Management System for the Belfast Waterfront and agree that this project is advanced to the invitation of tenders, to be awarded on the basis of most economically advantageous tenders received and full commitment to deliver. Members are asked to note that the costs for project are covered under the £450,000 which was agreed by Committee in August for ICT projects related to the Waterfront

***EU projects update***

- **Giant's Park Environmental Resource Park** - note that a Letter of Offer for up to £6million of ERDF funding, managed via InvestNI, has been received for this project and that in accordance with the Letter of Offer the official title for the project is now the *Giant's Park Environmental Resource Park*. The Council is contributing £2million towards this catalytic project

***MUGA programme***

- Note the update on the MUGA programme and agree the proposed refurbishments to the MUGAs at Dr Pitt Park; Springhill Park; Canmore; Stewart Street and North Queen Street as part of Phase 2a of the MUGA Programme. Approval is further sought to initiate the necessary procurement processes (including the invitation of tenders and/or the use of appropriate 'framework' arrangements) with contracts to be awarded on the basis of most economically advantageous tenders received and full commitment to deliver. Members are asked to note that a maximum budget of £400,000 has been agreed for these refurbishments which will be funded out of non-recurrent underspend. The refurbishments will be completed by March 2015."

The Committee adopted the recommendations.

**Area Working Update**

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

**“1.0 Relevant Background Information**

**1.1 Members are aware that there are currently a number of Council funding streams which the AWGs have played an integral role in recommending investment decisions given their knowledge of local areas. These include the Capital Programme, Belfast Investment Fund (BIF); Local Investment Fund (LIF) and the Area Interventions. However Members will acknowledge that there a number of major opportunities and challenges facing both the Council and the city currently including:**

- the reform of local government and the proposed enhanced roles and responsibilities in addition to the extended boundaries including community planning, regeneration powers and spatial planning;
- the emerging Social Investment Fund (SIF) projects;
- a range of strategic projects being delivered across the city by partner organisations including the Rapid Transit system, the new University of Ulster, the emerging thinking around Urban Villages;
- the emerging Leisure Transformation Programme (LTP)

**An overview of these funding programmes has been circulated. Together with the continued implementation of Investment Programme, all of the above provide a great opportunity for Members to make a real difference to the economic, social and environmental wellbeing of Belfast, particularly in terms of physical investment decisions. Members agreed that given the above the Council should no longer plan in the context of its current role but should take into consideration the impact of the transferring roles and responsibilities and the enhanced boundaries of the new Council post 2015.**

**1.2 Given this changing context, Members will recall that in June they agreed that it was timely to look at the objectives and criteria of BIF and agreed that there was scope to look at how BIF/LIF could be realigned with future DSD funding as a neighbourhood regeneration fund. This was considered to be key given that the Council was proposed to become the regeneration authority for the city with a transferring regeneration budget from DSD. This had particular implications for some emerging BIF projects which required at least 50% match funding from other sources and the DSD, who were a key mechanism for many projects for securing match funding requirement under the current BIF criteria.**

**2.0 Key Issues**

- 2.1** Members will however be aware that since this time the Regeneration and Housing Bill, which is the legal instrument for the transfer of regeneration and community development powers to local authorities from 1 April 2015, has not yet received full consideration by the NI Executive. This has a number of potential consequences for the Council. If this transfer does not happen it means that the Council will be unable to develop a combined regeneration fund and, as such, programmes including BIF, LIF, SIF and others will continue as separate programmes, thereby losing the opportunity to maximise the impact of these combined resources for local people and for city development. The opportunity to create an integrated, strategic physical development programme for the city, linked to an agreed set of outcomes would therefore be significantly constrained.
- 2.2** Council officers are continuing to liaise closely with DSD with regard to the delivery of capital projects and the availability of match funding for programmes including BIF/ LIF. However given the uncertainty surrounding the transfer of functions and the on-going financial difficulties being experienced by the Executive, DSD have been unable to confirm which capital projects are being taken forward at this time. Members are asked to note that this is an evolving situation and the Committee will be verbally updated on any subsequent developments in relation to the Bill.
- 2.3** Members are asked to note that notwithstanding the possible deferral of the Regeneration & Housing Bill, the Council, under LGR, will be responsible for developing a community plan for the city and as part of this the new Transformation Committee will be looking at the roles, responsibilities and governance arrangements for the new Area Working Groups. There are also a number of ongoing pieces of work which will help inform future investment decisions including the development of an outcomes framework and a city vision.
- 2.4** However even in the context of all the above, Members will appreciate that the Council has limited financial resources and these will be stretched even further over the coming years in terms of the increased boundaries and roles and responsibilities and the Council is under increasing pressure to deliver more with less. The SP&R Committee, as the Council's investment decision maker, has a responsibility to focus on delivering the projects which can have maximum benefits and investment return for the city and local areas. Members need to

properly consider the opportunity costs of approving one project over another project. This raises a number of key issues and hard decisions for Members in terms project prioritisation. It is therefore key that investment decisions are not taken in isolation and it is important the links and inter-dependencies between projects are taken into consideration.

### **3.0 Options for Members to consider**

3.1 Members will appreciate however that in the interim the Council is continuing to come under pressure to progress a number of BIF projects which are not awaiting the outcome of DSD funding and/or which potentially have some match funding in place. Further, a key issue that is emerging in relation to BIF which is impeding the progress of a number of projects is the need to secure at least 50% match funding requirement given the scarcity of match funding sources and the competition for funding.

3.2 Members are asked to note that the South AWG has formally requested that the SP&R Committee review the match funding requirement for BIF projects which could allow projects that have a certain amount of match funding in place, but not the 50% requirement, to proceed. It is proposed that this could be reviewed on an interim basis until such times as the outcome of the Regeneration and Housing Bill is known, the status of DSD funding for projects is confirmed and the emerging community and area planning framework becomes clearer.

3.3 Members are asked to note that reviewing the match funding criteria does not constitute an agreement to invest at this stage in any individual project. The decision over which projects may ultimately receive funding will continue to be the responsibility of the SP&R Committee and projects will be brought forward as required for consideration.

3.4 If the DSD transfer is ultimately delayed it will be necessary to re-focus capital funding including BIF and LIF. A series of Member workshops will be organised in the near future to consider this.

### **4.0 Equality Implications**

Emerging equality implications to be considered as further details emerge of projects

## 5.0 Recommendations

Committee is asked to note the contents of this report and consider the proposal put forward by the South AWG that the 50% match funding requirement for BIF projects be reviewed, on an interim basis, until such times as the outcome of the Regeneration and Housing Bill is known, the status of DSD funding for projects is confirmed, and the emerging community and area planning framework becomes clearer.”

The Committee adopted the recommendation.

### Democratic Services and Governance

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

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

#### Appendix 1

Organisation/ Body	Event/Date - Number of Delegates/Guests	Request	Comments	Recommendation
School of Geography, Archaeology and Palaeoecology, Queen's University Belfast	Conference of the Irish Geographers 21st May, 2015 Approximately 200 attending	The use of the City Hall and the provision of hospitality in the form of a drinks reception	Delegates will be staying in accommodation in Belfast and the meeting will take place within the city.  This event would contribute to the Council's Key Theme of 'City Leadership – Strong, Fair, Together'.	The use of the City Hall and the provision of hospitality in the form of wine and soft drinks  Approximate cost £500
Irish Society of Surgical Pathology	Irish Society of Surgical Pathology Annual Conference 2015 2nd October, 2015 Approximately 100 attending	The use of the City Hall and the provision of hospitality in the form of a drinks reception	Delegates will be staying in accommodation in Belfast and the meeting will take place within the city.  This event would contribute to the Council's Key Theme of 'City Leadership – Strong, Fair, Together'.	The use of the City Hall and the provision of hospitality in the form of wine and soft drinks  Approximate cost £500

<p>British Society of Dental Hygiene and Therapy</p>	<p>Oral Health Conference and Exhibition 2016 18th November, 2016 Approximately 600 attending</p>	<p>The use of the City Hall and the provision of hospitality in the form of a drinks reception</p>	<p>Delegates will be staying in accommodation in Belfast and the meeting will take place within the city.  This event would contribute to the Council's Key Theme of 'City Leadership – Strong, Fair, Together'.</p>	<p>The use of the City Hall and the provision of hospitality in the form of wine and soft drinks  Approximate cost £500</p>
<p>Halo Northern Ireland</p>	<p>Halo NI Presentation Evening 18th November, 2014 Approximately 80 attending</p>	<p>The use of the City Hall and the provision of hospitality in the form of a pre-dinner drinks reception</p>	<p>This event will provide the opportunity to bring together companies that are looking for potential investment with investors who are looking for opportunities to provide not only monetary assistance but also provide business acumen and contacts.  This event would contribute to the Council's Key Themes of 'City leadership, strong, fair and together' and 'Better support for people and communities'.</p>	<p>The use of the City Hall and the provision of hospitality in the form of wine and soft drinks  Approximate cost £500</p>
<p>Northern Ireland Children's Enterprise</p>	<p>"Journeys through Faith and Culture" Programme Awards Presentation 25th November, 2014 Approximately 60 attending</p>	<p>The use of the City Hall and the provision of hospitality in the form of tea, coffee and biscuits</p>	<p>This event aims to highlight the achievements of a group of young men from two schools in North Belfast. The programme has allowed them to visit and engage with each other through their churches, sport and recreation.  This event would contribute to the Council's Key Themes of 'City leadership, strong, fair and together' and</p>	<p>The use of the City Hall and the provision of hospitality in the form of tea, coffee and biscuits  Approximate cost £150</p>

			<p>'Better support for people and communities' and in addition would contribute to the Council's thematic area of Children and Young People.</p>	
<p>Belfast Hospital School</p>	<p>Night of Celebration for the pupils of Belfast Hospital School</p> <p>16th December, 2014</p> <p>Approximately 140 attending</p>	<p>The use of the City Hall and the provision of hospitality in the form of tea, coffee and biscuits</p>	<p>This event will celebrate the academic success of children who attend this special school and will recognise the courage, resilience and sheer hard work and determination of children who are unable to attend school due to their illnesses.</p> <p>This event would contribute to the Council's key theme of 'City Leadership – strong, fair, together' and 'Better opportunities for success across the city' 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 tea, coffee and biscuits</p> <p>Approximate cost of £350</p>
<p>National Deaf Children's Society</p>	<p>Young Authors and Artists Prize Day 2015</p> <p>10th March, 2015</p> <p>Approximately 150 attending</p>	<p>The use of the City Hall and the provision of hospitality in the form of tea/coffee and biscuits.</p>	<p>This event seeks to celebrate and recognise the artistic achievements of deaf children and young people in the areas of creative writing and visual art.</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 tea/coffee and biscuits.</p> <p>Approximate cost £325</p>

<p>Girlguiding Belfast</p>	<p>County Awards Ceremony for young people and leaders  13th May, 2015  Approximately 250 attending</p>	<p>The use of the City Hall and the provision of hospitality in the form of tea/coffee and biscuits</p>	<p>This event seeks to 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 and Together' and 'Better opportunities for success' 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 tea/coffee and biscuits  Approximate cost £625</p>
<p>Polish Educational and Cultural Association</p>	<p>Polish Independence Day  16th November, 2014  Approximately 100 attending</p>	<p>The use of the City Hall and the provision of hospitality in the form of tea, coffee and biscuits</p>	<p>This event will aim to highlight the positive contribution that the Polish community, the largest ethnic minority in Belfast, has made to the shared future of the city. The event seeks to showcase the Polish culture to representatives from different communities and the province and will provide an opportunity for meaningful dialogue between members of the different communities.  This event would contribute to the Council's Key Themes of 'City leadership, strong, fair and together' and 'Better support for people and communities'.</p>	<p>The use of the City Hall and the provision of hospitality in the form of tea, coffee and biscuits  Approximate cost of £250</p>

<p>Bryson Intercultural</p>	<p>Romanian National Day Celebration 30th November, 2014 Approximately 400 attending</p>	<p>The use of the City Hall and the provision of hospitality in the form of tea, coffee and biscuits</p>	<p>This event will provide an opportunity for all to celebrate the “Great Union” of the Romanian territories. The event seeks to showcase the Roma culture to representatives from different communities and will provide an opportunity for meaningful dialogue in a relaxed atmosphere.  This event would contribute to the Council’s Key Themes of ‘City leadership, strong, fair and together’ and ‘Better support for people and communities’.</p>	<p>The use of the City Hall and the provision of hospitality in the form of tea, coffee and biscuits  Approximate cost of £1,000</p>
<p>Market Place</p>	<p>Belfast Christmas Market 10th Anniversary Celebration Dinner 14th December, 2014 Approximately 100 attending</p>	<p>The use of the City Hall</p>	<p>This event seeks to celebrate 10 years of the market, working with local traders, new start up businesses and local charities.</p>	<p>This event is not recommended as we will only provide the use of the City Hall for an organisation which is celebrating an anniversary which is a multiple of 25 years, such as 25th, 50th, 75th, or 100th anniversary</p>

The Committee adopted the recommendations.

**Northern Ireland Local Government Association –  
Local Government Recognition Event**

The Committee was advised that the Northern Ireland Local Government Association would be holding an event on 20th February, 2015 to collectively recognise the civic and community roles which had been played by the outgoing 26 local councils since 1973. The Association would be inviting the Lord Mayor and the Chief Executive to attend the event in La Mon Hotel, but that the Council could, if it so wished, reserve up to an additional eight seats for the event at a cost of £55 per person.

The Democratic Services Manager explained that, given the contribution made to the life and work of the outgoing Council by all political parties on the Council, it was considered that the Council should take up the offer to reserve an additional eight places for the event.

So that all the political parties might be represented, it was suggested that the eight places be allocated as follows:

Sinn Féin – 2 places  
DUP – 2 places  
SDLP – 1 place  
Alliance – 1 place  
UUP – 1 place  
PUP – 1 place

The Committee agreed to reserve eight places at the Northern Ireland Local Government Association recognition event and to allocate those places as outlined.

#### **National Association of Councillors – Annual General Meeting and Conference**

The Committee was advised that the Annual General Meeting of the National Association of Councillors would be held this year in Glasgow City Chambers, Glasgow from 28th till 30th November.

The Democratic Services Manager reported that the Annual General Meeting and Conference was designed to be of great value to Councillors at all tiers of Local Government. The theme for the Conference this year would be “Licensing and Community Initiatives”. The cost per delegate of attending the Conference would be £350 plus VAT and it was recommended that the Committee authorise the attendance at the Annual General Meeting and Conference of the Chairman, the Deputy Chairman, the Council’s representatives on the National Association of Councillors (Northern Ireland Region), and a representative from each of the Parties on the Council not represented by the aforementioned Members.

The Committee adopted the recommendations.

#### **Finance/Value-for-Money**

##### **Funding Issues – Ulster Orchestra**

The Committee was advised that a request for financial assistance had been received from the Executive Chairman of the Ulster Orchestra. The request was in the context of a forecast deficit of £400,000 for 2014/15 which had been caused by cuts in funding to the Orchestra by the Arts Council and the BBC.

The Chief Executive explained that there were two elements to the Ulster Orchestra’s request. Firstly, that the Council provide a comfort letter agreeing to cover any expenditure, not exceeding £500,000 in total, incurred by the Orchestra which was

not covered by its funding up to 31st March, 2015. That intervention would serve to secure the Ulster Orchestra's financial position in the short term.

Secondly, that the Council provide the Orchestra with a rent free period of five years for the use of the Ulster and Waterfront Halls on the basis that that would make a significant difference to the Orchestra's loss-making position, allowing greater flexibility to develop strategically and further its collaboration on special projects with the Council.

The Chief Executive reported that the request outlined the benefits of the Ulster Orchestra to Belfast and Northern Ireland, together with proposed developments which were planned for the next six months. She pointed out that, at present, the Council provided £149,283 of annual grant funding to the Orchestra but received income from the Orchestra in the form of hire and leasing charges. In 2013/14 that had amounted to £154,362.

During discussion, the Members indicated that more information was required in relation to funding requests which had been made by the Orchestra to other organisations, the outcome of discussions between the Orchestra and the Department of Culture, Arts and Leisure, the Orchestra's proposals on its future operating model, legal vires and further details on the rent agreement between the Council and the Orchestra.

After further discussion, the Committee agreed to defer consideration of the request by the Orchestra for the Council to enter into a "cash deficiency agreement" to enable the aforementioned information to be obtained and that the request for a five year rent free period be referred to the Shadow Strategic Policy and Resources Committee to enable that to be considered as part of the 2015/16 rate setting process. It was agreed also that appropriate Board members should attend a future meeting of the Committee.

### **Minutes of the Meeting of Budget and Transformation Panel**

The Committee noted the minutes of meeting of the Budget and Transformation Panel on 9th October.

### **Approval to Invite Tenders**

The Committee granted authority for the commencement of tendering exercises and delegated authority to the Director of Property and Projects, in accordance with the Scheme of the Delegation, to accept the most advantageous tenders received in respect of the following:

*Appendix A*

**Schedule of tenders:**

<b>Goods &amp; Services</b>	<b>Estimated Value per year</b>	<b>Period of Contract</b>	<b>Proposed Start</b>	<b>Anticipated advert date</b>
Installation of roof edge protection system to various locations	£ 110,000	To be agreed	Jan 15	Nov 14
Repair, maintenance & minor works to Building Energy Management System	£ 40,000	1 year plus 2 optional	Apr 15	Dec 14
Wedderburn Bowling & Changing Pavilions Installation of new gas heating & domestic hot water system	£ 60,000	To be agreed	Mar 15	Jan 15
St Georges Market, Supply of New General Lighting Systems	£ 70,000	To be agreed	Mar 15	Jan 15
Supply & delivery of electrical items	£300,000	1 year plus 2 optional	Apr 15	Jan 15
Supply & delivery of paper & degradable plastic sacks	£ 150,000	1 year plus 2 optional	May 15	Jan 15

The Committee approved also the extension of the current contracts for paint and oils and timber products by up to six months on the basis of existing contracted prices, in order to permit the refinement of the specifications and the rebalancing of the overall procurement priorities.

## Human Resources

### Public Consultation on Zero Hours Contracts

The Director of Organisational Development submitted further for the Committees consideration the undernoted report:

#### **“1.0 Relevant Background Information**

**1.1 At its meeting on 1 October the Council agreed that the draft response to the Department of Employment and Learning (DEL) consultation paper relating to zero hours contracts, be taken back to the Strategic Policy and Resources Committee for further consideration of the responses to Questions 3 and 10.**

#### **2.0 Key issues**

**2.1 A draft response (attached at Appendix One) contains proposed revisions to the answers provided at Questions 3 and 10 and also proposes minor revisions to some of the other answers to strengthen the Council’s position on this subject.**

**2.2 Revised draft answers to Questions 3 and 10 are set out below for members consideration:**

**Q3. Would banning zero hours contracts or exclusivity clauses create any negative impacts for SMEs? The revised draft response is as follows:**

**Belfast City Council only endorses the use of zero hours contracts where both parties to the contract enjoy flexibility; i.e., where there is no detriment to workers when they are offered work but are unable to accept work, ( i.e. where there are no exclusivity clauses). Such an approach can provide advantages, provided these contracts are not open to abuse by employers.**

**Q10. Do you think that there would be benefit in introducing a compensatory arrangement similar to that adopted in the Republic of Ireland which would guarantee a minimum payment for workers on zero hours contracts who had an expectation of work, but who were not called to work in a given week? If so, could you suggest 1) what the minimum payment might be based upon; and 2) in what circumstances such a payment might be triggered.**

For circumstances in which zero hours contracts are misused by employers a compensatory arrangement might offer a deterrent to such misuse. This however would not be necessary for properly constituted zero hours' contracts which genuinely offer flexibility to both parties to the contract, where there is no detriment to workers when they are offered work but are unable to accept work, (i.e. where there are no exclusivity clauses).

### 3.0 Resource Implications

#### 3.1 Financial

There are no financial implications contained in this report.

#### 3.2 Human Resources

There are no HR implications contained in this report.

#### 3.3 Asset and Other Implications

There are no Asset or Other implications contained in this report.

### 4.0 Recommendations

4.1 Members are asked to agree the revisions to the Council's response to DEL's public consultation on zero hours' contracts attached at Appendix One."

## Appendix 1

General Questions	
Question 1	<b>Are there circumstances when it is justifiable to include an exclusivity clause in a zero hours contract? If so, please state what these are.</b>
Answer 1	Belfast City Council is not aware of any circumstances in which exclusivity clauses would be justifiable.
Question 2	<b>Do you think that exclusivity contracts should be banned from zero hours contracts? Please state your reasons.</b>
Answer 2	Belfast City Council as an employer does not support the use of exclusivity clauses because they can prevent workers from taking up offers of work from other employers.
Question 3	<b>Would banning zero hours contracts or exclusivity clauses create any negative impacts for SMEs?</b>

<b>Answer 3</b>	Belfast City Council only endorses the use of zero hours contracts where both parties to the contract enjoy flexibility; i.e., where there is no detriment to workers when they are offered work but are unable to accept work, ( i.e. where there are no exclusivity clauses ) . Such an approach can provide advantages, provided these contracts are not open to abuse by employers.
<b>Question 4</b>	<b>Would you support a restriction on the use of exclusivity clauses in a zero hours contract? For example, banning the use of exclusivity clauses in employment contracts guaranteeing less than a minimum number of hours or a minimum gross pay? If so, could you please suggest what you consider the minimum hours, or minimum gross pay might be set at?</b>
<b>Answer 4</b>	We would support a restriction on exclusivity clauses to reduce the risk of potential misuse by employers.
<b>Question 5</b>	<b>Do you think a ban or restriction on the use of exclusivity clauses in employment contracts would discourage employers from creating jobs? Are there any other unintended consequences of such action that should also be considered?</b>
<b>Answer 5</b>	A ban or restriction on exclusivity clauses would not impact on the creation of jobs within our organisation. We would encourage measures to ensure that all employers, including SME's and medium sized businesses employ all staff including those on casual/session contracts in a fair and responsible manner.
<b>Question 6</b>	<b>Do you think the Department should provide more focused guidance on the use of exclusivity clauses, for example setting out commonly accepted circumstances when they are justified and how to ensure both parties are clear on what the clause means? If you answer yes, what information should be included?</b>
<b>Answer 6</b>	If exclusivity clauses are not banned, detailed guidance would be required.
<b>Question 7</b>	<b>Would a Code of Practice setting out fair and reasonable use of exclusivity clauses in zero hours contracts (a) help guide employers in their use, and (b) help individuals understand and challenge unfair practices? Please explain your response.</b>
<b>Answer 7</b>	If exclusivity contracts are not banned, a Code of Practice to assist employers, particularly SMEs, and individuals should be developed and implemented. This would be helpful to both parties to a contract to help both understand the employment rights and obligations.
<b>Question 8</b>	<b>Do you think that a worker on a zero hours contract should have an automatic right to guaranteed hours if they have worked a regular pattern and number of hours on a zero hours or non-guaranteed hours contract for a given period (e.g. 12 months)? If so, could you suggest how many hours and how long an employee should have worked in order to trigger the automatic right?</b>

Answer 8	<p>Yes. The suggested period of 12 months would be reasonable. It is difficult to suggest what number of hours would be reasonable as this would be dependent on the circumstances of the business and the type of work in question.</p>
Question 9	<p><b>Do you think that a worker on a zero hours contract should have an automatic right to request a fixed term contract if they have worked a regular pattern and number of hours on a zero hours or non-guaranteed hours contract for a given period (e.g. 12 months)? If so, could you suggest how many hours and how long an employee should have worked in order to trigger the right to request?</b></p>
Answer 9	<p>Yes, it may be advantageous to introduce an automatic right to a fixed term contract if a worker works a regular pattern on a continuous basis. The suggested period of 12 months would be reasonable. It is difficult to suggest what number of hours would be reasonable and this would be dependent on the circumstances of the business and the type of work in question.</p>
Question 10	<p><b>Do you think that there would be benefit in introducing a compensatory arrangement similar to that adopted in the Republic of Ireland which would guarantee a minimum payment for workers on zero hours contracts who had an expectation of work, but who were not called to work in a given week? If so, could you suggest 1) what the minimum payment might be based upon; and 2) in what circumstances such a payment might be triggered?</b></p>
Answer 10	<p>For circumstances in which zero hours contracts are misused by employers a compensatory arrangement might offer a deterrent to such misuse. This however would not be necessary for properly constituted zero hours' contracts which genuinely offer flexibility to both parties to the contract, where there is no detriment to workers when they are offered work but are unable to accept work, ( i.e. where there are no exclusivity clauses )</p>
Question 11	<p><b>Should a worker on zero hours contracts have the option to move to an annualised hours contract?</b></p>
Answer 11	<p>For circumstances in which a zero hours contract worker may be subjected to abuse the option of moving to an annualised hours contract might mitigate the risk to vulnerable workers. This however would not be necessary for properly constituted zero hours' contracts which genuinely offer flexibility to both parties to the contract.</p>
Question 12	<p><b>We welcome views on whether retaining the current arrangements (or doing nothing) is sufficient and whether taking forward legislation as set out above would undermine business flexibility and individual choice.</b></p>
Answer 12	<p>Retaining the current arrangements is not sufficient. There needs to be further clarification and best practice guidance for employers on the management of workers on zero hours' contracts.</p>

<b>Question 13</b>	<b>If you have sought employment information, advice, or guidance on zero hours contracts before, (a) where did you receive it from, (b) how helpful was it to you in terms of explaining your position in regard to zero hours contracts, and (c) how could it have been improved?</b>
<b>Answer 13</b>	Advice has been sought from CIPD and ACAS, which was helpful. It would be helpful if there was a definition of the types of zero hours contracts that are available so that a clear distinction can be drawn between contracts which may subject workers to abuse and contracts which genuinely suit the needs of both parties to the arrangement.
<b>Question 14</b>	<b>Do you think that model clauses for zero hours contracts would assist employers in drawing up zero hours contracts, and support employers and individuals to better understand their employment rights and obligations? If you answer yes, what should the key considerations be in producing model clauses?</b>
<b>Answer 14</b>	Yes. Model 'terms of engagement' would be helpful for both parties. The model clauses should include guidance on the wording to be used around annual leave arrangements and clear obligations for both parties in terms of offering and accepting work.
<b>Question 15</b>	<b>Do you think that existing employment law, combined with greater transparency over the terms of zero hours contracts, is the best way of ensuring individuals on zero hours contracts are making informed choices about the right contract for them to be on?</b>
<b>Answer 15</b>	Yes, a code of practice providing clear explanations of how such contracts can be used fairly would be essential.
<b>Question 16</b>	<b>Do you think there is more employers can do to inform individuals on zero hours contracts what their rights and terms are?</b>
<b>Answer 16</b>	Yes, and while not an issue for our organisation, it should be borne in mind that smaller organisations do not have the same access to resources to assist with this.
<b>Question 17</b>	
<b>Question 17</b>	<b>If you are an employer, do you use zero hours contracts in your business and if so, for what purpose?</b>

Answer17	<p>The Council has a number of 'casual/session' workers who are not obliged to accept any work and suffer no detriment if they choose not to accept offers of work, and can indicate to the Council the specific days / times that they are willing to be considered for any work. Such contracts have been offered for many years. Casual/session workers are recruited in line with the Local Government Staff Commission Code of Procedures on Recruitment and Selection on the basis of merit and paid the same hourly rate of pay in line with that determined by the National Joint Council for Local Government Services plus an additional percentage rate to compensate for untaken annual leave entitlement.</p> <p>This arrangement offers business flexibility and individual choice in front-line jobs in the Council such as fitness I coaches front of house workers in entertainment venues , receptionists and leisure attendants in leisure centres etc.</p>
Question 18	<b>Have you offered a job on a zero hours contract basis that includes an exclusivity clause? If so, for what reason?</b>
Answer 18	No.
Question 19	<b>What is your policy when an individual declines hours of work you offer?</b>
Answer 19	If a 'casua/sessionl' worker in the Council declines hours of work offered there is no detriment; he/she is not obliged to accept any work and the Council is not obliged to offer any work. The 'casual/session' worker will remain on the list of workers to be offered work if and when work becomes available.
Question 20	<b>Do you employ any individuals on a zero hours contract who work a pattern of regular hours? If so, how many hours a week and for what period of time?</b>
Answer 20	Management monitors the use of casual/session workers to ensure that such workers are deployed only as and when required to cover short term, specialist or ad hoc work.
Question 21	<b>If you offer additional hours of work, how much notice do you give the individual? If so, how do you make the offer e.g. by telephone?</b>
Answer 21	Management gives as much notice as possible (two weeks where practicable), to enable its 'casual/session' workers to accept the offer of work and this offer is made via telephone or email.
<b>Questions for Employees/Workers</b>	
Question 22	<b><i>If you are a worker, have you accepted a job on a zero hours contract basis that has included an exclusivity clause? What was the job and what reason was given for including an exclusivity clause?</i></b>
Answer 22	<i>Not relevant.</i>

<b>Question 23</b>	<b><i>If you are employed on a zero hours contract, do you have more than one employer or contract</i></b>
<b>Answer 23</b>	<i>Not relevant.</i>
<b>Question 24</b>	<b><i>Has being employed on a zero hours contract helped you to achieve a good balance between your work life and home life? Was this a factor in accepting a job on this basis?</i></b>
<b>Answer 24</b>	<i>Not relevant.</i>
<b>Question 25</b>	<b><i>Do you have a choice or say in how many hours or when you will work?</i></b>
<b>Answer 25</b>	<i>Not relevant.</i>
<b>Question 26</b>	<b><i>If you work a regular pattern of hours under a zero hours contract, how much notice do you receive if the number of hours decrease or drop off to zero, or increase?</i></b>
<b>Answer 26</b>	<i>Not relevant.</i>
<b>Question 27</b>	<b><i>If you have ever declined any hours of work offered to you, did your employer subsequently stop offering you work, or reduce the number of hours offered?</i></b>
<b>Answer 27</b>	<i>Not relevant.</i>
<b>Question 28</b>	<b><i>Would you wish to remain on a zero hours contract if a job with guaranteed hours was offered to you?</i></b>
<b>Answer 28</b>	<i>Not relevant.</i>

*Additional Questions to Address the Issues*

<b>Question 29</b>	<b><i>Are there any issues which you consider that the Department has not addressed in this document, and which would merit further discussion? Please provide detail.</i></b>
<b>Answer 29</b>	<i>The issue of zero hours' contracts has been the subject of widespread debate and has generated significant media attention. With no legal definition of what constitutes a zero hours contract, there is confusion between contracts that are not in keeping with best practice (i.e. workers on zero hours' contracts who are obliged to take the shifts that they are offered and suffer a detriment if they do not,) and those which can work to the mutual benefit of employer and employee (i.e. 'casual' workers who are not obliged to accept the work, who suffer no detriment, and who based on their individual choice can decide the specific days / times that they want to be considered for work).</i>
<b>Question 30</b>	<b><i>Are there any other possible policy options which should be considered to address issues relating to zero hours contracts? If so, please state what these are.</i></b>

Answer 30	
Question 31	<i>Do zero hours contracts or any of the options explored through this consultation create any negative equality impacts?</i>
Answer 31	<i>A formal equality impact assessment should be conducted o determine this.</i>
Question 32	<i>Do zero hours contracts create any difficulties for employees in accessing benefit entitlements?</i>
Answer 32	<i>There could be potential difficulties for workers accessing benefit entitlements.</i>

After discussion, the Committee approved the revised response, subject to the substitution of the words zero hours with sessional work in response to question 3.

### **Standing Order 55 – Employment of Relatives**

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

Noted.

### **Asset Management**

#### **Vesting of Land Adjacent to Orangefield Park**

In accordance with Notice on the Agenda, Councillor Hussey raised the issue of the vesting of land adjacent to Orangefield Park by the Council.

The Committee was reminded that, at its meeting on 19th June, it had approved a recommendation of the Parks and Leisure Committee to commence a process to vest an area of land adjacent to Orangefield Park in connection with the relocation of the Knock River in order to achieve the required flood defences in the area.

Councillor Hussey requested the Committee to consider deferring its decision to vest the land for a period of time to enable consultation to be undertaken with the residents. He indicated that, in his view, the residents had not been consulted properly by the Council in relation to the vesting and further consultation needed to be undertaken.

A Member pointed out that the East Belfast Partnership, together with Council officials and Rivers Agency staff, had held public meetings to which all residents who would be affected by the proposal to vest the land had been invited. The response to the proposal that the strip of land might be acquired and maintained by the Council had been largely supported.

After further discussion the Committee agreed to continue with the process of vesting the land but that in the meantime Council officers consult and inform the affected residents of the process.

### **Disposal of Land at Maysfield**

The Committee was reminded that, at its meeting on 22nd August, it had approved a number of recommendations that would enable a further development brief to be prepared for the Council's remaining land at Maysfield and that would also include a portion of land currently owned by the Northern Ireland Transport Holding Company.

The Director of Property and Projects explained that, following the strong market interest generated from the initial release of the Council's former Maysfield Leisure Centre premises, it was evident that there remained a latent demand for further development opportunity at that same location. In addition, the Members would be aware of a number of recent high profile property transactions in Belfast, notably the former Belfast Met buildings in College Square East and Brunswick Street, Clarendon House and the iconic Windsor House. All those sales were indicative of a resurgent private sector appetite for development opportunities in the city.

He pointed out that in a Development brief the Council would retain the ability to control the future development proposals from the private sector in terms of the uses, timing and other factors that reflected the Investment Programme, such as support for economic activity and job creation. The second Maysfield Brief had been advertised earlier in the week and was seeking submissions by 21st November to purchase the site.

The Director stated that, as with the first Brief, the prime objective was to secure further quality urban regeneration for the river front location, to create additional economic activity aimed at sustaining job creation and, crucially, within a reasonable time frame. As before, similar selection criteria had been incorporated in the current Brief which also detailed the scoring matrix to ensure the market fully understood the Council's requirements. Under section 96 (5) of the Local Government Act 1972 the Council was required to achieve Best Price in the disposal of any of its property assets. The Lands and Property Services section had provided a market value which had been adopted in the Brief and which bids must match/exceed to ensure that the statutory obligation was met.

After discussion, the Committee noted the information which has been provided and agreed that a report on any submissions be submitted to a future meeting of the Committee for consideration and approval.

### **Gasworks - Review of Service Charge**

The Committee considered the undernoted report:

**“1 Relevant Background Information**

**1.1** On 19th September 2014, the Strategic Policy & Resources Committee gave approval that the contract for the shuttle bus service at the Gasworks should not be renewed when it expires on 30th November 2014 but with a short extension of the contract to 31st March 2015. At Council on 2nd October 2014, at the request of Councillor Hargey, this decision was taken back for further consideration.

**2 Key Issues**

**2.1** Concerns have been highlighted that there has been no consultation with the local community groups in relation to this specific proposal and that the cessation of the shuttle bus service may lead to an increase in parking congestion in the immediate vicinity.

**2.2** Members will be aware that the shuttle bus is not funded by the Council and is paid for in full by the tenants of the Gasworks through the service charge. The request for removal of the service came from a number of the developer Landlords within the Estate with the aim of identifying cost saving measures for tenants.

**2.3** Under the Royal Institute of Chartered Surveyors Service Charge Code of Practice, the Council are obliged to monitor and keep under review the service charge and be responsive to the needs of tenants. The Council is obliged to consider their requests and make amendments that are deemed reasonable and not to the detriment of the Estate.

**2.4** However, Members will be aware that Council had previously agreed a Masterplan for the undeveloped Northern Fringe lands at the Gasworks which outlined proposals for progressing development on a site by site basis. As part of the redevelopment of the Northern Fringe, the Council gave an undertaking to continue to work with Members and the local community in respect of delivering community benefits in the area.

**2.5** It is therefore proposed to meet with the local community organisations to discuss the wider development of the Council's remaining undeveloped land at the Northern Fringe and ensure that the local community is fully consulted in relation to any future development proposals for these lands including use and access.

- 2.6 The intention is to hold a number of planning sessions in a focused manner with a clear end date for an agreement on final usage. The fact that BMAP has at last been finalised now sets out some parameters for planning this area.

### 3 Resource Implications

#### 3.1 Financial

The withdrawal of both of the shuttle bus and security service will reduce the service charge costs payable by the tenants at the Gasworks and will ensure that the Gasworks is competitively placed against competing business locations in the marketplace. Whilst occupation levels of buildings located within the Gasworks are fairly high, there nevertheless remain vacancies within some of the buildings.

Landlords and lettings agents have highlighted the high services charges as having a negative impact on the ability to secure sub tenants to the vacant units. Any reduction in the service charge costs should help attract and secure tenants. This in turn will benefit the Council whose equity rent could potentially increase as a result of new tenancies being created.

#### 3.2 Human Resources

Estates & Legal Services staff resource.

#### 3.3 Asset & Other Implications

The withdrawal of the shuttle bus service should not impair the quality environment created in the Gasworks Estate.

### 4 Recommendations

#### 4.1 Committee is recommended to approve:

- (i) That the shuttle bus service at the Gasworks is not renewed when it expires on 30th November 2014 and a short extension to 31st March 2015 is agreed.
- (ii) That a dialogue and consultation process is now initiated with the local community in respect of the Councils undeveloped Northern Fringe lands at the Gasworks.”

The Committee adopted the recommendations.

**Leases, Licences and Disposals**

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

**"1 Relevant Background Information**

**1.1 (i) Roselawn Cemetery - Northern Ireland Electricity Wayleave Agreement**

At its meeting on 12 June 2014 the Parks and Leisure Committee approved permission for Northern Ireland Electricity to remove overhead electricity cables which are affected by memorial trees and to have these cables put underground in a route approved by relevant Council Officers and NIE. An extract of the relevant minute of the Parks and Leisure Committee has been circulated.

1.2 NIE have offered to be responsible for the works and cost of re-laying the overhead cables in the areas affected. The Council's Parks and Leisure Department are to provide a suitable trench for the underground cabling and this will require a wayleave agreement between the Council and NIE.

**1.3 (ii) Duncrue Complex – Eircom Wayleave Agreement**

The Council's Digital Services section has requested a wayleave agreement to facilitate an enhancement to the services provided by them and to obtain a connection onto the Eircom network already in place at Duncrue Complex. Duncrue Complex is an IT resilience site for Digital Services and there is an IT hub located within the complex.

1.4 As part of Local Government Reform planning powers will be transferred to the Council and this will necessitate existing Planning Service IT systems being incorporated into the Council's existing IT maintenance contract.

1.5 Whilst the service connection link for Planning Service may ultimately have to be located directly into the office accommodation they will occupy, Digital Services also wish to make contingency arrangements for a possible connection into Duncrue Complex. There is a lead in time required for engineering and other associated works to be agreed.

**1.6 (iii) Deed of Dedication at Orangefield Playing Fields**

At its meeting on 12 January 2012 the Parks and Leisure Committee agreed to enter into a Deed to dedicate a substantial part of Orangefield Playing Fields as part of the

**Queen Elizabeth II Fields Challenge. The minute (Appendix 3) noted the need for legal and estates issues to be addressed as part of this process. The extent of the land to be included in the Deed totals approximately 35.32 acres.**

**1.7 A further report was provided to the Parks and Leisure Committee on 16 October 2014 setting out in more detail the impact of the proposed Deed on the value of the site and upon future use of the asset. A copy of the report has been circulated and the Director of Property and Projects will provide an update to Members on the meeting of the Parks and Leisure Committee.**

**1.8 (iv) Proposed Bridge at Dundonald  
At its meeting on 16 October 2014 the Parks and Leisure Committee received a report seeking in principle approval to the provision of access to allow Castlereagh Borough Council (CBC) and their contractors to carry out site investigations and to allow for the subsequent installation of a pedestrian bridge across Belfast City Council land at the rear of Dundonald Cemetery. CBC wish to enter into legal agreements with Belfast City Council to provide CBC with the rights they require to allow their project to move forward. CBC also require longer term rights across BCC land to retain and maintain the bridge structure and to manage and maintain an area of land beneath the bridge.**

**1.9 Belfast City Council (BCC) own land which lies between the Comber Greenway and Castlereagh Council's wider Dundonald Ice Bowl development. The land was originally acquired by BCC as part of Dundonald Cemetery but is now separated from the main cemetery site by the Comber Greenway. This area of BCC land currently falls within Castlereagh local government area and will fall within the Castlereagh/Lisburn LGA, after 1 April 2015. It will however remain in BCC ownership after 1 April 2015.**

**Castlereagh Borough Council (CBC) are planning redevelopment of the Ice Bowl. As part of the proposals they wish to install a 3 metre wide pre-fabricated pedestrian bridge to link the Comber Greenway with the redeveloped Ice Bowl site. This area of BCC land forms a narrow strip and the bridge is located some 270 metres from the eastern end of the site. For over half of this distance the BCC land is covered in trees and scrub. The remaining distance is in rough grass.**

**2     Key Issues**

- 2.1     (i) Roselawn Cemetery - Northern Ireland Electricity Wayleave Agreement**  
NIE and the Council Contractor will be required to carry out works in accordance with the proposed work requirements set out in the attached minute 12 June 2014.
- 2.2     NIE will be reminded that Roselawn Cemetery is a very busy site and an open Cemetery and the works scheduled will have to accommodate adjacent earth burials, burial of cremated remains at memorial trees and respect for the privacy of the visiting public to nearby graves and Memorial Trees.**
- 2.3     Similarly the closing down of the electricity to the site will also need to be planned and agreed so as to cause minimum disruption to the operation of the site.**
- 2.4     (ii) Duncrue Complex – Eircom Wayleave Agreement**  
A wayleave agreement is required over Council owned land at Duncrue Complex to facilitate a connection into the Eircom network for BCC business continuity purposes in relation to the transfer of planning powers to BCC.
- 2.5     (iii) Deed of Dedication at Orangefield Playing Fields**  
The key issues are as set out in the attached report to Parks and Leisure Committee (Appendix 4). The boundaries of the Deed of Dedication have been drawn in a way so as not to overlap or interfere with the Council’s development of the Connswater Community Greenway.
- 2.6     FIT have recently informed the Council that completion of the Deed of Dedication is required by 30 November 2014.**
- 2.7     (iv) Proposed Bridge at Dundonald**  
**Site Investigations.**  
Access is required to allow the drilling of trial boreholes at the location of the proposed bridge foundations. CBC have yet to confirm the access route but a ‘worst case’ scenario is where they would require access by JCB and a drilling rig over the whole of the 270 metre grass, tree and scrub covered area. It would not be CBC’s intention to reinstate the access route but merely to let it grow-over naturally. The risk to BCC in this approach is that the cleared path becomes an attraction for ant-social behaviour until such times as the relatively impenetrable growth returns. It is anticipated the site investigations would be carried out on a periodic basis between now and the commencement of construction.

- 2.8 A Licence Agreement between CBC and BCC would normally be required to regulate the access arrangements and the responsibilities and liabilities of the parties which flow from those arrangements. If CBC choose to utilise the 'worst case' access route, as referred to above, resources may need to be deployed to deal with anti-social behaviour, including possible fly-tipping. In view of this, officers are seeking agreement from CBC which would make CBC responsible for any additional management issues arising from the site investigations. If a short access route across adjoining CBC land can be identified then it is proposed this would be beneficial and may also reduce or eliminate any potential ASB costs to CBC.**
- 2.9 Construction Access.**  
**CBC are currently investigating whether construction traffic for installation of foundations and installation of the bridge itself will need to use access from the eastern end of the site. If such access is required it would require installation of appropriate surfacing along the whole 270 metre run across BCC land. Removal of the surfacing following completion of the bridge and an agreed level of reinstatement of the land would be required. CBC would be responsible for all security issues and any ASB associated with their use of the site during this period.**
- 2.10 Grant of Rights.**  
**The landing points of the bridge are not in BCC ownership however property rights would be required by CBC to allow them to retain the bridge over BCC land and to allow for the installation of foundation columns within BCC land. In addition CBC will require periodic access to a 5 metre wide strip of land beneath the bridge to facilitate not only maintenance of the bridge but to clear or cut back any trees or other growth which might interfere with the structure or use of the bridge. BCC will require CBC to be responsible for litter clearance beneath the bridge and a reasonable area around same. BCC are not proposing to deploy any additional BCC resources towards litter picking or Anti Social Behaviour (ASB) in this location. There are no current ASB issues on any of the BCC land on the south side of the Comber Greenway and thus minimal BCC resources are deployed here. Officers are thus seeking agreement from CBC to ensure any management issues arising from the installation and use of the bridge and its impact on the surrounding BCC land are resourced by CBC. This would include responsibility for maintenance of the shrubbery and trees in the vicinity of the bridge and for any ASB.**

**2.11 Legal Arrangements and Valuation.**

The Grant of Rights and Construction Access arrangements could be incorporated within an Easement to be granted to CBC for a period of 30 years, with detailed terms to be agreed by Estates Management Unit. The grant of these rights constitutes a disposal of an interest in land and thus falls within the 'best price' provisions as contained in Section 96 of the Local Government Act (NI) 1972. In view of this, Land & Property Services (LPS) have been requested to provide a valuation associated with the grant of the various rights and this will be incorporated within a Grant of Easement to be prepared by the Town Solicitor.

**3 Resource Implications**

**Finance and Assets**

**3.1 (i) Roselawn Cemetery - Northern Ireland Electricity Wayleave Agreement**

- The costs to Belfast City Council are estimated to be in the region of £10,000 and will be accommodated in the annual budget for Parks and Leisure. There are no additional costs identified at this time, and NIE are not proposing to charge the Council any fees.
- The work will reduce the risk to the public of electrocution and reduce the risk of trees causing power supply failure during periods of strong winds.
- The visual amenity of the site will be improved by the removal of some runs of overhead cables and poles and the locations of the proposed underground cables and associated wayleave agreements result in no greater impact on the property asset than presently exists.

**3.2 (ii) Duncrue Complex – Eircom Wayleave Agreement**

- The proposed route of the wayleave, which is for the benefit of BCC, is on Council land.

**3.3 (iii) Deed of Dedication at Orangefield Playing Fields**

- No income receivable and no expenditure incurred as a direct result of entering into the proposed Deed of Dedication.

- The proposed Deed would affect most of Orangefield Playing Fields. In arriving at the proposed area, for inclusion in the Deed, care has been taken to try and avoid any currently known areas where the requirements of the Deed could conflict with other legal obligations or circumstances. The Deed would underpin the use of the dedicated space for public recreational purposes. This goal is mainly achieved by making disposal of any part of the land an exercise which is unlikely to be cost effective.

#### 3.4 (iv) Proposed Bridge at Dundonald

- No capital cost to BCC. Proposed terms to be agreed with CBC would aim to limit opportunities for anti-social behaviour and make CBC responsible for any attendant revenue costs arising from the bridge development. LPS to provide valuation associated with the grant of rights to CBC and this value will be incorporated as part of the terms and conditions associated the Grant of Rights.
- Council officers will aim to limit the ecological and other impacts upon this BCC property asset and to retain as much flexibility as possible in relation to future utilisation of the surrounding lands by BCC. CBC will be required to obtain all necessary statutory approvals associated with the proposed development which they hope to complete by 31 March 2015.

#### 3.5 Human Resources

Staff resources from the Estate Management Unit, Community Services, Parks and Leisure Department and Legal Services will be required to complete all agreements.

#### 4 Recommendations

It is recommended that Members agree:

##### 4.1 (i) Roselawn Cemetery - Northern Ireland Electricity Wayleave Agreement

To authorise the request from NIE to carry out the realignment/re-engineering of the overhead electricity line crossing Roselawn Cemetery subject to NIE satisfying the terms to be agreed by the Parks and Leisure Department as referred to in the Parks and Leisure minute and subject to the completion of an appropriate wayleave agreement.

- 4.2 (ii) **Duncrue Complex – Eircom Wayleave Agreement**  
Committee is recommended to approve the grant of a Wayleave Agreement to Eircom, as outlined above, on terms to be agreed by the Council.
- 4.3 (iii) **Deed of Dedication at Orangefield Playing Fields**  
In accordance with the decision of the Parks and Leisure Committee of 12 January 2012 and 16 October 2014, Committee is recommended to proceed with completion of a Deed of Dedication with the National Playing Fields Association in respect of the identified land at Orangefield Playing Fields (Appendix 2) subject to the approval of the Department of the Environment.
- 4.4 (iv) **Proposed Bridge at Dundonald**  
Committee is recommended to approve the grant of a temporary Licence Agreement to allow periodic access by Castlereagh Borough Council (CBC) and/or their contractors to facilitate site investigations and to approve the Grant of Rights to CBC to allow the construction, retention and maintenance of a pedestrian bridge over Council land to the rear of Dundonald Cemetery, for a period of 30 years, subject to detailed terms to be agreed between CBC and the Estates Manager and subject to a valuation to be assessed by Land & Property Services with all such terms to be incorporated in appropriate legal agreements to be drawn up by the Town Solicitor.”

The Committee adopted the recommendations.

### Good Relations and Equality

#### Minutes of Meeting of the Good Relations Partnership

##### Bonfire Management Programme 2014

In considering the minutes of the meeting of the Good Relations Partnership of 13th October, a Member drew the Committee’s attention to the decision of the Partnership under the heading Bonfire Management Programme 2014 in which the following had been agreed;

*“The Partnership then proceeded to review the alleged breaches and supporting information relating to the remaining eight bonfires on the list, following which it was*

*Moved by Mr. P. Mackel,  
Seconded by Councillor Attwood,*

*That the Good Relations Partnership agrees to recommend to the Strategic Policy and Resources Committee that the remaining 30% of funding be allocated to the Lower Shankill Community Association and South Belfast Malecare and agrees to recommend also that that portion of funding in relation to the Graymount Community Group, the Lower Oldpark Community Association, Pitt Park, Suffolk Community Forum, The Hub (on behalf of York Park Bonfire Committee) and Walkway Community Association be withheld, on the basis that they had failed to use best endeavours to comply with the conditions governing the Council's Bonfire Management Programme.*

**Further Proposal**

*Moved by Alderman Stoker,  
Seconded by Councillor Reynolds,*

*That the Goods Relations Partnership take no decision on the matter and that it be referred to the Strategic Policy and Resources Committee for consideration.*

*On a vote by show of hands two members voted for the proposal and ten against and it was declared lost.*

*The original proposal standing in the name of Mr. P. Mackel and seconded by Councillor Attwood was thereupon put to the meeting when ten members voted for and two against and it was declared carried.*

*The Partnership noted that a report on the potential delivery by the Council of a Bonfire Management Programme for 2015 would be submitted to a future meeting."*

The Member made the point that, in his view, there had not been a appropriate analysis undertaken in relation to the types of breaches which had occurred. He pointed out that the same penalty of a 30% deduction in funding had been made for the differing levels of breaches of the criteria and that needed to be refined so that groups who attempted to adhere to the criteria were not penalised in the same way as groups which breached the criteria over a longer term.

After further discussion, it was

Moved by Alderman Robinson,  
Seconded by Councillor Kennedy,

That, with the exception of the Greymount Community Group and the Hub (on behalf of York Park Bonfire Committee), the remaining groups be allocated the remaining 30% of funding.

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

The Committee agreed that the Partnership, in reviewing the terms for the award of funding for the Bonfire Management Programme 2015 be requested to include more detail on the expectations with regard to action to remedy breaches when they occurred (including contacting other Statutory Agencies) and that these would be taken into account when considering the final payments.

### **Inquiry into the Together: Building a United Communities Strategy**

The Chief Executive drew the Committees attention to the minute of the Partnership under the heading "Inquiry in to the together: Building a United Communities Strategy" agreeing that an All-Party deputation from the Council seek a meeting with representatives with the Office of the First Minister and Deputy First Minister to discuss the reduction in funding and its impact upon the Council's delivery of its Good Relations Programme.

The Committee approved and adopted the minutes of the meeting of the Good Relations Partnership, subject to the inclusion of the request for the Partnership to consider different levels of breaches in its review of the criteria for funding for the Bonfire Management Programme.

### **Minutes of the Diversity Working Group**

The Committee approved and adopted the minutes of the meeting of the Diversity Working Group of 3rd October.

### **Cross-Cutting Issues**

#### **Update on Research into Economic Impact of Students in this City and Purpose Built Managed Student Accommodation**

The Committee considered the undernoted report:

#### **"1 Relevant Background Information**

- 1.1 Belfast currently has 5 Higher Education Institutions across the city and by 2018 will have 2 major University campuses close to the city centre. There is also a growing international student market which presents a significant opportunity for Belfast in terms of international marketing, tourism and knowledge research.**

- 1.2 International and UK research has shown that students studying and living within cities make a significant contribution to local and regional economies. To inform Council's ongoing work with partners on developing Belfast as a 'Learning City' and in developing a coherent strategic approach to student housing in the city, supplementary research to identify the economic impact of students in the city of Belfast has been completed. This report requests that Members note the research findings, a summary of which has been circulated.**
- 1.3 Members will be aware of a number of key workstrands that have been taken forward by the Council over recent years which have identified the need to develop Belfast as a Learning city and destination of choice for students, to harness the potential for economic growth, recommending a number of key actions for Council and its partners in relation to future provision of student accommodation in the city. Related workstrands have included:**

  - a) Draft City Centre Regeneration Strategy and Investment framework**
  - b) Belfast City Masterplan Review.**
  - c) Anchor Institutions Research**
  - d) Integrated Economic Strategy.**
  - e) Holylands and Wider University Area Strategic Study**
- 1.4 In taking forward the Strategic Study report recommendations, Belfast City Council has been leading a Joint Team (including DSD, NIHE, DoE, SIB), to develop a coherent strategic approach to provision of student housing within the city.**
- 1.5 Members will recall as part of this work, Council published a 'Framework for Student Housing and Purpose Built Student Accommodation' in April 2014 (developed with partners on the Student Housing Joint Team with input by HEIs and other stakeholders) which sets out the need for purpose built student accommodation in Belfast that is high quality, safe, secure, well managed and properly accredited accommodation. The Framework proposes a range of proposed planning criteria regarding the location, design, management impact of, and need for future proposals for student accommodation (Appendix III).**

- 1.6 As agreed by Strategic Policy and Resources Committee on 21 March 2014, support for these criteria are highlighted in responses from Belfast City Council to planning consultations by Planning Service on PBSA planning applications in the city. This approach aims to ensure that emerging PBSA developments deliver the standard of accommodation and accredited management required, to meet the needs of the 'Learning city', attracting more local and international students to the City and managing impacts on communities.
- 1.7 To strengthen this approach, the Framework document proposes that these criteria could form the basis for a future revised planning policy for PBSA (HMO Subject Plan, Policy HMO7) after 2015, following transfer of planning powers under Local Government Reform).

## 2 Key Issues

The research into the *Economic Impact of Higher Education Students on the Economy of Belfast* commissioned by Belfast City Council earlier in 2014 and undertaken by Viewforth Consulting identified that students coming to Belfast from outside the city (33,397 students in total) were estimated to

- Contribute £384.5million off campus expenditure (excludes tuition fees) to the Belfast economy,
- Create over 4,000 full time equivalent jobs and
- Contribute £192.32million to GVA.

### Emerging PBSA proposals in Belfast

- 2.2 Members will be aware of a number of recent proposals for PBSA developments in the city through a number of sources including news stories in the media, planning applications or developer contacts. A summary of known proposals in the city is provided in Appendix II.
- 2.3 As proposals for PBSA developments progress through community engagement and planning application phases, Members will need to consider the merits of such developments within the context of aspirations previously endorsed by Council to develop Belfast as a learning city and the potential for city regeneration and economic growth, arising from the contribution of the higher education sector and students. Additionally, Members are advised to refer to the proposed planning criteria as endorsed by Council and the Student Housing Joint Team partners, outlined in the 'Framework for Student Housing and PBSA' (Appendix III).

2.4 As previously outlined to Strategic Policy and Resources Committee on 21 March 2014 work is continuing with key partners including SIB, DSD and DEL, to explore the feasibility of options for the facilitation of purpose built student accommodation. A report outlining the outcome of this work will be brought to committee once this has progressed further.

3 **Resource Implications**

**Financial**

3.1 Costs for development of the student housing strategy have been allowed for in existing revenue estimates.

**Human Resources**

3.2 Council input to joint working arrangements with Joint Team partners is met from existing staffing arrangements.

**Asset and Other Implications**

3.3 None

4 **Equality and Good Relations Considerations**

4.1 There are no equality or good relations considerations in relation to this report – (information for noting only)

5 **Recommendations**

5.1 Members are asked to note the research into Economic Impact of Students in the City and the contents of this report on purpose built managed student accommodation.”

The Committee noted the contents of the report.

Chairman