

Document Pack

BELFAST CITY COUNCIL

SUMMONS TO ATTEND THE MONTHLY MEETING OF THE COUNCIL

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

Notice is hereby given that the monthly meeting of the City Council will be held in the Council Chamber, City Hall, Belfast on Monday, 3rd November, 2014 at 6.00 pm, for the transaction of the following business:

1. Reading of Scriptures
2. Chief Executive to submit Summons convening the Meeting
3. Apologies
4. To take as read and confirm the minutes of the Special Meeting of the Council of 25th September, 2014 (Pages 3 - 4)
5. To take as read and confirm the minutes of the Monthly Meeting of the Council of 1st October, 2014 (Pages 5 - 10)
6. To receive official announcements and memorials, if any.
7. Nominations to the Position of High Sheriff of Belfast for 2015
8. To receive and adopt the minutes of the proceedings of the Committees as follows:
 - a) Strategic Policy and Resources Committee of 17th October, 2014 (Pages 11 - 66)
 - b) Parks and Leisure Committee of 16th October, 2014 (Pages 67 - 112)
 - c) Development Committee of 21st October, 2014 (Pages 113 - 126)
 - d) Health and Environmental Services Committee of 8th October, 2014 (Pages 127 - 142)
 - e) Licensing Committee of 6th October, 2014 (Pages 143 - 158)
 - f) Licensing Committee of 22nd October, 2014 (Pages 159 - 180)
 - g) Town Planning Committee of 9th October, 2014 (Pages 181 - 186)

9. Notice of Motion

- a) Circuses involving Animals (Pages 187 - 188)

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

SUZANNE WYLIE

Chief Executive

Council

SPECIAL MEETING OF BELFAST CITY COUNCIL

Held in the City Hall on Thursday, 25th September, 2014
at the hour of 4.30 p.m., pursuant to Notice.

Members present: The Right Honourable the Lord Mayor
(Councillor Mallon) (Chairman);
the Deputy Lord Mayor (Councillor Hendron);
the High Sheriff (Alderman L. Patterson);
Aldermen M. Campbell, Kingston, R. Patterson,
Rodgers and Stoker;
Councillors Austin, M. E. Campbell, Clarke,
Convery, Corr, Cunningham, Curran, Garrett,
Hussey, Hutchinson, Jones, Kelly, Kennedy,
Kyle, Mac Giolla Mhín, McCabe, Newton,
Ó Donnghaile, Ó Muilleoir, Spence, Thompson
and Verner.

Apologies

Apologies were reported on behalf of Aldermen Ekin, Robinson and Webb and Councillors Beattie, Haire, Magee, McCarthy and McVeigh.

Visit of Mayor of Boston

In accordance with Notice on the Agenda, the Council met to mark the first visit to Belfast of Martin J. Walsh, Mayor of Boston, since the signing in May, 2014 of the Belfast-Boston Sister Cities Agreement.

The Lord Mayor welcomed Mayor Walsh to the meeting. She reminded the Council that Belfast had a longstanding relationship with the city of Boston through, for example, the Belfast-Boston Friends of Belfast initiative, and paid tribute to her predecessor, Councillor Ó Muilleoir, and Mayor Walsh for the significant role which they had played in establishing the Sister Cities Agreement. She pointed out that the Agreement provided an opportunity for the cities to develop linkages in areas such as economic development, trade and investment, culture, health sciences and education and that it was evidence of the success of the Council's International Relations Framework and its Investment Programme.

The Lord Mayor explained that the Council was looking forward to developing the structures required to support the Sister Cities Agreement, through the establishment in each city of a Belfast-Boston Board in order to promote the relationship and to develop an annual action plan of agreed activity. She pointed out that she would, on 21st and 22nd October, be attending the 5th EU-US eHealth Marketplace and Conference in Boston and that she was looking forward to meeting with companies from the health, finance and technology sectors who had invested in Belfast, on the basis of the skills, quality of life and competitive economic environment offered by the City.

**Special Meeting of Council,
Thursday, 25th September, 2014**

Mayor Walsh thanked the Lord Mayor for the opportunity to address the Council in his role as the Mayor of Boston and commended it on the significant work which it had undertaken in recent years to regenerate the City. He referred to the close links which existed already between the two cities and confirmed that, following discussions with Councillor Ó Muilleoir, during his term as Lord Mayor, he felt that it was only appropriate that the first Sister Cities Agreement to be signed by him since attaining Office should be with the city of Belfast. The Agreement, he pointed out, represented an ideal opportunity for the cities to build upon their relationship through mutual co-operation. He informed the Council that he would, over the course of his visit to Belfast, be meeting with businesses within, amongst others, the technology, science and IT sectors, which reflected the growing reputation of the City as a major economic and investment centre. He concluded by stating that he was looking forward to welcoming the Lord Mayor and other Elected Members to Boston for the forthcoming EU-US eHealth Marketplace and Conference.

Representatives of each of the Political Parties on the Council welcomed Mayor Walsh to Belfast and outlined areas which would benefit potentially as a result of the Belfast-Boston Sister Cities Agreement, including, culture and tourism, economic investment, education and community planning.

Lord Mayor
Chairman

Council

MONTHLY MEETING OF BELFAST CITY COUNCIL

Held in the City Hall on Wednesday, 1st October, 2014
at the hour of 6.00 o'clock p.m., pursuant to Notice.

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

Reading of Scriptures

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

Summons

The Chief Executive submitted the summons convening the meeting.

Apologies

Apologies were reported on behalf of Alderman Webb and Councillors Hanna, Keenan, Kelly, McNamee and Mullan.

Minutes

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

Resolved – That the minutes of the proceedings of the monthly meeting of the Council of 1st September be taken as read and signed as correct.

Dr. Ian Paisley

Alderman Stalford paid tribute to Dr. Ian Paisley, the former Leader of the Democratic Unionist Party, following his recent death and thanked the Lord Mayor and the Leaders of the Political Parties on the Council who had granted approval for a Book of Condolence to be opened within the City Hall.

**Meeting of Council,
Wednesday, 1st October, 2014**

Change of Membership on Committee

The Chief Executive reported that notification had been received from the Social Democratic and Labour Party advising that it wished Councillor McCarthy to replace Councillor Keenan on the Licensing Committee.

The Committee approved the aforementioned change.

Strategic Policy and Resources Committee

Moved by Councillor Reynolds,
Seconded by Councillor Attwood,

That the minutes of the proceedings of the Strategic Policy and Resources Committee of 19th September be approved and adopted.

Requests for Matters to be taken back to the Committee

Gasworks: Review of Service Charge

At the request of Councillor Hargey and with the permission of the Council, the Chairman (Councillor Reynolds) agreed that that portion of the minute under the heading "Gasworks: Review of Service Charge", relating to the provision of a shuttle bus service, be taken back to the Committee for further consideration.

Public Consultation on Zero Hours Contracts

At the request of Councillor McVeigh and Alderman Stoker and with the permission of the Council, the Chairman (Councillor Reynolds) agreed that that portion of the minute under the heading "Public Consultation on Zero Hours Contracts", relating to the responses to Questions 3 and 10 respectively, be taken back to the Committee for further consideration.

Adoption of Minutes

Subject to the foregoing omissions, the minutes of the proceedings of the Strategic Policy and Resources Committee of 19th September were approved and adopted.

Parks and Leisure Committee

Moved by Councillor McKee,
Seconded by Councillor Mac Giolla Mhín,

That the minutes of the proceedings of the Parks and Leisure Committee of 11th September be approved and adopted.

**Meeting of Council,
Wednesday, 1st October, 2014**

Summer Camps/Schools – OFMDFM Support

At the request of Councillor McCarthy and with the permission of the Council, the Chairman (Councillor McKee) agreed that a report on the evaluation of the Summer Camp scheme, which had been organised in July and August by the Parks and Leisure Department, be submitted to a future meeting of the Committee.

Request for Matter to be taken back to the Committee

Amateur Boxing Strategy (Start-up Club Funding)

At the request of Alderman Stoker and with the permission of the Council, the Chairman (Councillor McKee) agreed that the minute under the heading “Amateur Boxing Strategy (Start-up Club Funding)” be taken back to the Committee for further consideration.

Adoption of Minutes

Subject to the foregoing addition and omission, the minutes of the proceedings of the Parks and Leisure Committee of 11th September were approved and adopted.

Development Committee

Moved by Councillor Hargey,
Seconded by Councillor Ó Donnghaile,

That the minutes of the proceedings of the Development Committee of 2nd and 16th September be approved and adopted.

St. George’s Market

In considering the minutes of the meeting of 16th September, Councillor Spence drew the Council’s attention to the fact that the St. George’s Market had been voted the nation’s favourite Heritage Project in this year’s National Lottery Awards.

The Council extended its congratulations to those traders and Council officers who had been instrumental in attaining the award.

Adoption of Minutes

The minutes of the proceedings of the Development Committee of 2nd and 16th September were approved and adopted.

**Meeting of Council,
Wednesday, 1st October, 2014**

Health and Environmental Services Committee

Moved by Councillor Corr,
Seconded by Councillor McCarthy and

That the minutes of the proceedings of the Health and Environmental Services Committee of 3rd September be approved and adopted.

Amendment

Naming of Street – John Bell Crescent

Moved by Councillor Ó Muilleoir,
Seconded by Councillor Garrett,

That the decision under the heading “Naming of Street – John Bell Crescent” be rejected and accordingly the Council agrees to the naming of the street off Queen’s Road as ‘John Bell Crescent’.

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

Adoption of Minutes

The minutes of the proceedings of the Health and Environmental Services Committee of 3rd September were approved and adopted.

Resolution: Belfast City Council Traffic Regulation Order

Moved by Councillor Corr,
Seconded by Councillor McCarthy and

Resolved - That the Council agrees to pass a Resolution to make The Belfast City Council Traffic Regulation (North Belfast) Order (Northern Ireland) 2014, as set out on the summons and within the minutes of the Health and Environmental Services Committee of 3rd September, and to be effective from 1st October, 2014.

Licensing Committee

Moved by Alderman Ekin,
Seconded by Councillor Ó Donnghaile and

Resolved - That the minutes of the proceedings of the Licensing Committee of 17th September, omitting those matters in respect of which the Council had delegated its power to the Committee, be approved and adopted.

**Meeting of Council,
Wednesday, 1st October, 2014**

Town Planning Committee

Moved by Alderman M. Campbell,
Seconded by Alderman R. Patterson and

Resolved - That the minutes of the proceedings of the Town Planning Committee of 4th September, omitting those matters in respect of which the Council had delegated its powers to the Committee, be approved and adopted.

Notice of Motion

Carl Frampton

In accordance with Notice on the Agenda, Councillor Spence proposed:

“This Council congratulates the new IBF Super-Bantamweight Champion of the World, Carl Frampton, and recognises the contribution which he has made to the sport of boxing.”

The Motion was seconded by Councillor Convery.

After discussion, the Motion was put to the meeting and passed unanimously.

Lord Mayor
Chairman

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Strategic Policy and Resources Committee

Friday, 17th October, 2014

MEETING OF STRATEGIC POLICY AND RESOURCES COMMITTEE

Members present: Councillor Reynolds (Chairman);
Aldermen Brown, 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.

Strategic Policy and Resources Committee,
Friday, 17th October, 2014

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

**Strategic Policy and Resources Committee,
Friday, 17th October, 2014**

‘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:

Strategic Policy and Resources Committee,
Friday, 17th October, 2014

- 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.

Strategic Policy and Resources Committee,
Friday, 17th October, 2014

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.

**Strategic Policy and Resources Committee,
Friday, 17th October, 2014**

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:

**Strategic Policy and Resources Committee,
Friday, 17th October, 2014**

- **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

Strategic Policy and Resources Committee,
Friday, 17th October, 2014

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

**Strategic Policy and Resources Committee,
Friday, 17th October, 2014**

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.

**Strategic Policy and Resources Committee,
Friday, 17th October, 2014**

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:

Strategic Policy and Resources Committee,
Friday, 17th October, 2014

- 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

**Strategic Policy and Resources Committee,
Friday, 17th October, 2014**

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.

Strategic Policy and Resources Committee,
Friday, 17th October, 2014

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,

Strategic Policy and Resources Committee,
Friday, 17th October, 2014

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 Hollywood 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

**Strategic Policy and Resources Committee,
Friday, 17th October, 2014**

- 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	Stage 3 (Tier 1)	£1,550,000	£1,550,000

**Strategic Policy and Resources Committee,
Friday, 17th October, 2014**

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

Strategic Policy and Resources Committee,
Friday, 17th October, 2014

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**

**Strategic Policy and Resources Committee,
Friday, 17th October, 2014**

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.

MUGA PROGRAMME – PHASE 2			
Phase 2A – Refurbishments - £400,000			
	Location	Score	Comments and recommendations
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

**Strategic Policy and Resources Committee,
Friday, 17th October, 2014**

			being confirmed and if there is any change to this proposal Committee will be updated.
3.	<i>Olympia</i>	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.	<i>Moyard</i>	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 Roselawn 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.

Strategic Policy and Resources Committee,
Friday, 17th October, 2014

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.

Strategic Policy and Resources Committee,
Friday, 17th October, 2014

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.

Strategic Policy and Resources Committee,
Friday, 17th October, 2014

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

**Strategic Policy and Resources Committee,
Friday, 17th October, 2014**

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 –	The use of the City Hall and the provision of hospitality in the form of wine and soft drinks Approximate cost £500

**Strategic Policy and Resources Committee,
Friday, 17th October, 2014**

			Strong, Fair, Together'.	
British Society of Dental Hygiene and Therapy	Oral Health Conference and Exhibition 2016 18th November, 2016 Approximately 600 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
Halo Northern Ireland	Halo NI Presentation Evening 18th November, 2014 Approximately 80 attending	The use of the City Hall and the provision of hospitality in the form of a pre-dinner drinks reception	This event will provide the opportunity to bring together companies that are looking for potential investment with investors who are looking for opportunities to provide not only monetary assistance but also provide business acumen and contacts. This event would contribute to the Council's Key Themes of 'City leadership, strong, fair and together' and 'Better support for people and communities'.	The use of the City Hall and the provision of hospitality in the form of wine and soft drinks Approximate cost £500
Northern Ireland Children's Enterprise	"Journeys through Faith and Culture" Programme Awards Presentation 25th November, 2014 Approximately 60 attending	The use of the City Hall and the provision of hospitality in the form of tea, coffee and biscuits	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,	The use of the City Hall and the provision of hospitality in the form of tea, coffee and biscuits Approximate cost £150

**Strategic Policy and Resources Committee,
Friday, 17th October, 2014**

			fair and together' and 'Better support for people and communities' and in addition would contribute to the Council's thematic area of Children and Young People.	
Belfast Hospital School	<p>Night of Celebration for the pupils of Belfast Hospital School</p> <p>16th December, 2014</p> <p>Approximately 140 attending</p>	The use of the City Hall and the provision of hospitality in the form of tea, coffee and biscuits	<p>This event will 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>
National Deaf Children's Society	<p>Young Authors and Artists Prize Day 2015</p> <p>10th March, 2015</p> <p>Approximately 150 attending</p>	The use of the City Hall and the provision of hospitality in the form of tea/coffee and biscuits.	<p>This event seeks to 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</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>

**Strategic Policy and Resources Committee,
Friday, 17th October, 2014**

			area of Children and Young People.	
Girlguiding Belfast	County Awards Ceremony for young people and leaders 13th May, 2015 Approximately 250 attending	The use of the City Hall and the provision of hospitality in the form of tea/coffee and biscuits	<p>This event seeks to recognise the 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.</p> <p>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</p> <p>Approximate cost £625</p>
Polish Educational and Cultural Association	Polish Independence Day 16th November, 2014 Approximately 100 attending	The use of the City Hall and the provision of hospitality in the form of tea, coffee and biscuits	<p>This event will aim to 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.</p> <p>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</p> <p>Approximate cost of £250</p>

**Strategic Policy and Resources Committee,
Friday, 17th October, 2014**

			'Better support for people and communities'.	
Bryson Intercultural	Romanian National Day Celebration 30th November, 2014 Approximately 400 attending	The use of the City Hall and the provision of hospitality in the form of tea, coffee and biscuits	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'.	The use of the City Hall and the provision of hospitality in the form of tea, coffee and biscuits Approximate cost of £1,000
Market Place	Belfast Christmas Market 10th Anniversary Celebration Dinner 14th December, 2014 Approximately 100 attending	The use of the City Hall	This event seeks to celebrate 10 years of the market, working with local traders, new start up businesses and local charities.	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

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.

**Strategic Policy and Resources Committee,
Friday, 17th October, 2014**

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

**Strategic Policy and Resources Committee,
Friday, 17th October, 2014**

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:

**Strategic Policy and Resources Committee,
Friday, 17th October, 2014**

Appendix A

Schedule of tenders:

Goods & Services	Estimated Value per year	Period of Contract	Proposed Start	Anticipated advert date
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.

Strategic Policy and Resources Committee,
Friday, 17th October, 2014

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	Are there circumstances when it is justifiable to include an exclusivity clause in a zero hours contract? If so, please state what these are.
Answer 1	Belfast City Council is not aware of any circumstances in which exclusivity clauses would be justifiable.
Question 2	Do you think that exclusivity contracts should be banned from zero hours contracts? Please state your reasons.
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	Would banning zero hours contracts or exclusivity clauses create any negative impacts for SMEs?

**Strategic Policy and Resources Committee,
Friday, 17th October, 2014**

Answer 3	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.
Question 4	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?
Answer 4	We would support a restriction on exclusivity clauses to reduce the risk of potential misuse by employers.
Question 5	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?
Answer 5	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.
Question 6	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?
Answer 6	If exclusivity clauses are not banned, detailed guidance would be required.
Question 7	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.
Answer 7	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.
Question 8	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?

Strategic Policy and Resources Committee,
Friday, 17th October, 2014

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>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?</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>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?</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>Should a worker on zero hours contracts have the option to move to an annualised hours contract?</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>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.</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>

Strategic Policy and Resources Committee,
Friday, 17th October, 2014

<p>Question 13</p>	<p>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?</p>
<p>Answer 13</p>	<p>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.</p>
<p>Question 14</p>	<p>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?</p>
<p>Answer 14</p>	<p>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.</p>
<p>Question 15</p>	<p>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?</p>
<p>Answer 15</p>	<p>Yes, a code of practice providing clear explanations of how such contracts can be used fairly would be essential.</p>
<p>Question 16</p>	<p>Do you think there is more employers can do to inform individuals on zero hours contracts what their rights and terms are?</p>
<p>Answer 16</p>	<p>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.</p>

<p>Question 17</p>	<p>If you are an employer, do you use zero hours contracts in your business and if so, for what purpose?</p>

**Strategic Policy and Resources Committee,
Friday, 17th October, 2014**

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>
Question 18	<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>
Answer 18	<p>Have you offered a job on a zero hours contract basis that includes an exclusivity clause? If so, for what reason?</p>
Question 19	<p>No.</p>
Answer 19	<p>What is your policy when an individual declines hours of work you offer?</p>
Question 20	<p>If a 'casua/session!' 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.</p>
Answer 20	<p>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?</p>
Question 21	<p>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.</p>
Answer 21	<p>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?</p>
Question 22	<p>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.</p>
Answer 22	<p>Questions for Employees/Workers</p> <p><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></p>
Answer 22	<p><i>Not relevant.</i></p>

Strategic Policy and Resources Committee,
Friday, 17th October, 2014

Question 23	<i>If you are employed on a zero hours contract, do you have more than one employer or contract</i>
Answer 23	<i>Not relevant.</i>
Question 24	<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>
Answer 24	<i>Not relevant.</i>
Question 25	<i>Do you have a choice or say in how many hours or when you will work?</i>
Answer 25	<i>Not relevant.</i>
Question 26	<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>
Answer 26	<i>Not relevant.</i>
Question 27	<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>
Answer 27	<i>Not relevant.</i>
Question 28	<i>Would you wish to remain on a zero hours contract if a job with guaranteed hours was offered to you?</i>
Answer 28	<i>Not relevant.</i>

Additional Questions to Address the Issues

Question 29	<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>
Answer 29	<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>
Question 30	<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>

Strategic Policy and Resources Committee,
Friday, 17th October, 2014

Answer 30

Question 31

Do zero hours contracts or any of the options explored through this consultation create any negative equality impacts?

Answer 31

A formal equality impact assessment should be conducted to determine this.

Question 32

Do zero hours contracts create any difficulties for employees in accessing benefit entitlements?

Answer 32

There could be potential difficulties for workers accessing benefit entitlements.

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.

**Strategic Policy and Resources Committee,
Friday, 17th October, 2014**

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:

Strategic Policy and Resources Committee,
Friday, 17th October, 2014

“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.

Strategic Policy and Resources Committee,
Friday, 17th October, 2014

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.

Strategic Policy and Resources Committee,
Friday, 17th October, 2014

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

Strategic Policy and Resources Committee,
Friday, 17th October, 2014

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.

Strategic Policy and Resources Committee,
Friday, 17th October, 2014

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

Strategic Policy and Resources Committee,
Friday, 17th October, 2014

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

Strategic Policy and Resources Committee,
Friday, 17th October, 2014

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.

Strategic Policy and Resources Committee,
Friday, 17th October, 2014

- 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

Strategic Policy and Resources Committee,
Friday, 17th October, 2014

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 the 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

**Strategic Policy and Resources Committee,
Friday, 17th October, 2014**

*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,

**Strategic Policy and Resources Committee,
Friday, 17th October, 2014**

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: Buildings 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 breaces 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.**

Strategic Policy and Resources Committee,
Friday, 17th October, 2014

- 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).

Strategic Policy and Resources Committee,
Friday, 17th October, 2014

- 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).

**Strategic Policy and Resources Committee,
Friday, 17th October, 2014**

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

Parks and Leisure Committee

Thursday, 16th October, 2014

MEETING OF PARKS AND LEISURE COMMITTEE

Members present: Councillor McKee (Chairman);
The Deputy Lord Mayor (Councillor Hendron);
Aldermen Robinson and Rodgers;
Councillors Attwood, Beattie, Convery,
Corr, Cunningham, Haire, Kyle,
Mac Giolla Mhín, McNamee, Mullan,
Ó Donnghaile and Verner.

Also attended: Councillor Craig
(Belfast District Council - Shadow).

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

Apologies

Apologies for inability to attend were reported on behalf of Councillors Hanna, Hussey, McCabe and Thompson.

Minutes

The minutes of the meeting of 11th 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 the omission of the minute under the heading "Amateur Boxing Strategy - Start-up Club Funding" which, at the request of Alderman Stoker and with the permission of the Council, had been referred back to the Committee for further consideration.

Declarations of Interest

No declarations of interest were reported.

Amateur Boxing Strategy - Start-up Club Funding

In the absence of Alderman Stoker, the Committee agreed to defer consideration of this item to its meeting in December.

Parks and Leisure Committee,
Thursday, 16th October, 2014

City of Belfast Crematorium

The Director provided an update for the Committee on an article which had been published in a local newspaper and which had referred to cremation procedures at the City of Belfast Crematorium.

The Committee noted the Director's comments in respect of the matter.

Falls Park Pitch Development

The Committee considered the undernoted report:

“1. Relevant Background Information

The Committee is reminded that at its meeting on 12th June 2014 it received a copy of a report regarding proposed construction of a 3rd generation artificial turf pitch at Falls Park as part of the implementation of the Pitches Strategy which was adopted in March 2012. The report highlighted the concerns of some residents regarding the implications of the new facility. To help address those concerns it was suggested that an engagement exercise be undertaken with residents to identify the issues and agree ways in which these might be mitigated. The Committee Minute stated that:

After discussion, during which the Committee expressed concern regarding the cost of hiring external consultants to undertake a consultation exercise on behalf of the Council, it was agreed that an invitation be extended to representatives of the residents' group to attend the August monthly meeting in order to outline their concerns in respect of the proposed development, after which the Committee would give consideration to the best manner in which to undertake future consultation.

The Committee decision was amended at Council on 1 July 2014 to provide that an enhanced engagement process be undertaken between the Council and local residents in advance of the Committee in August.

The residents were unfortunately unable to attend the August meeting and asked that a deputation be received at the September meeting. The Committee subsequently received a deputation at its September meeting.

At its meeting in September the Committee was advised of plans to hold a public meeting on 23rd September. This meeting has taken place and was attended by around 120

Parks and Leisure Committee,
Thursday, 16th October, 2014

people made up of residents and park users, including those involved with sporting clubs.

Those who were opposed to the development broadly confirmed the points made by the 'Love Falls Park' group who presented to Parks and Leisure Committee in September 2014.

The views expressed by those in support of the development emphasised the need in the area. Some general park users welcomed the extension to the opening hours and the safer environment provided by floodlighting and increased activity in the park.

Since the public meeting in September the Love Falls Park group has conducted a survey of park users and has written to the Chair of Parks and Leisure requesting a further meeting with Committee. Information from the survey has been made available to committee members.

A significant number of letters of support of the development from clubs and individuals has also been received emphasising the need for the facility in the area. Copies of letters of support have been provided to committee members.

Summation of the meeting and key issues

In essence the debate can be summed up as follows:

- There is opposition to the proposal to install a 3G pitch and its associated structures in Falls Park; the objections relate primarily to lack of consultation and the irreversible impact that the construction of the pitch and its associated fencing and floodlighting would have on the park and on the views of the Belfast Hills;
- There is support for the proposal on the basis that there is inadequate accessible playing field provision and facilities for young people in West Belfast and a consequent need for the facility;
- There are those who support the proposal but who have concerns around management of the facility post completion;

There appear to be three main options:

1. Reaffirm the original decision to install a 3G artificial turf pitch and associated structures as agreed in Falls Park to meet the need identified within the Pitches Strategy;

Parks and Leisure Committee,
Thursday, 16th October, 2014

2. Reverse the decision and do not proceed with the construction of the pitch and re-invest in another site, identified within the pitches strategy;
3. Agree to a comprehensive consultation exercise across the whole of West Belfast.

2. Key Issues

In considering its position in respect of the above options, the committee may wish to reflect upon the following points:

Need for the facility

The pitches strategy has established a need for additional pitches across the city; in particular it identified a need for pitches to accommodate Gaelic Games. Whilst the pitches strategy was developed in part on the basis of a baseline survey from 2008, a recent review of this, whilst not yet complete, indicates that the situation has not improved.

The assessment has been challenged by those opposed to the proposal in terms of:

- a) The existence of alternative provision;
- b) The under utilisation of existing provision.

The baseline survey incorporates Council and other provision. The survey concludes that even when total provision is assessed there remains a short fall. In addition, the short fall excludes provision for training and casual use; it also assumes that all provision is accessible, which is not always the case.

The challenge has been made that usage is only 20-25% and therefore there is adequate spare capacity. However, this level of use must be viewed within the context of the opening times which are from 6:30 am through to 10 pm and peak and off peak usage.

The need for further consultation

It has been suggested that consultation and engagement has been inadequate and that further consultation is required across the whole of West Belfast.

This level of consultation would not be sustainable by the Council on a project basis. Views have been sought and have resulted in amendments to the original proposal. Through the consultation that has taken place we have established a range

Parks and Leisure Committee,
Thursday, 16th October, 2014

of views on the proposal. In addition, the proposal remains the subject of a planning application, which is also subject to consultation, through which many of the issues have also been raised and will be considered in line with Planning Policy. It is difficult to see how further consultation would add further to the views already voiced. It is a matter for the Council to make a decision based on the information.

The impact on the park

There is little doubt that Falls Park stands out in an area which is densely populated and which has limited access to open space. Falls Park is intended to meet the needs of a range of people.

Members will be aware that a large section of the Park is devoted to playing field provision. It currently has 2 soccer pitches, 2 Gaelic Pitches and a small pitch used for training. In order to minimise the impact on the Park the proposal is to replace one of the natural turf Gaelic pitches with an artificial surface. It is proposed to surround the pitch with a 2.4m fence; floodlighting and ball stop nets. Planning approval has not yet been granted.

We believe that the proposal will have a minimal impact on the park and that it will still cater for the needs of a diverse user population.

Following a deferral by the Town Planning Committee in May 2014 and a meeting with residents, Planning service has requested further information on the proposed floodlighting scheme. The survey has now been completed and has been submitted to the Planning service for consideration.

Members are asked to note that any substantive change to the proposal at this time may result in the need for a new planning application and could result in a delay of up to 6 months. A change in location would essentially require the process to be recommenced with a delay of up to 18 months.

Management issues

Operationally the installation of the artificial pitch will increase use of the facility and will extend the opening hours of the park. Details around this will require further discussion with the operational managers.

During discussions with residents who are opposed, a number of concerns were raised. Some pointed to the increased noise

Parks and Leisure Committee,
Thursday, 16th October, 2014

and lighting likely to result from the facility in the evening time. Floodlighting will be directed in such a way as to minimise impact on adjacent properties. Also a landscape plan to enhance tree cover can be prepared and implemented to further reduce the impact of the lighting and the noise. At this stage it is proposed that the facility will close at 10 pm.

However, the main issue of concern was that of on street parking. This is already an issue for local residents and there is concern that the intensification of use resulting from the artificial pitch will increase the problem.

Additional car parking will be provided as part of the Whiterock HUB project thus encouraging those with cars to access through Whiterock Close. However, it is evident that some users of the park whether those involved with using the playing pitches or indeed those who use the park for other passive recreation such as walking or jogging will still park in adjacent streets. It is proposed that this issue be addressed through a meeting with the Department for the Environment, the Council and residents from the adjacent streets the aim of which would be to establish options and then agree a set of measures to help mitigate this impact.

3. Resource Implications

Financial Implications

There are no financial implications at this time.

Resource Implications

There are no additional human resource implications at this time.

4. Equality Implications

There are no equality implications

5. Recommendations

The Committee is asked to consider the request from the Love Falls Park group to meet with Committee.

The Committee is asked to consider the options set out in the report and to reaffirm its original decision to construct a 3rd generation artificial turf pitch with associated fencing, floodlighting and changing pavilion, subject to statutory approvals and to direct officers to engage with residents to

**Parks and Leisure Committee,
Thursday, 16th October, 2014**

address concerns around management of the facility post completion.”

The Assistant Director outlined the principal aspects of the report and referred to the substantial number of letters which had been received by the Department, both in favour of, and opposed to, the development of the facility. Copies of the aforementioned letters were tabled for the Committee's information. In addition, she outlined the findings of a survey which had been undertaken by the objectors, that is, '#lovefallspark', copies of which had been tabled for information and which had been circulated to Members earlier that week. It was noted that a further request had been received from the objectors to address the Committee in respect of the findings of that survey.

During discussion, a number of Members pointed out that, whilst acknowledging the concerns of the objectors, the establishment of the 3G pitch within the park would provide tangible and wider community benefits. The Members indicated that the facility would enhance the amenity of the park and would act as a deterrent to vandalism since it would create a sense of civic ownership of the park. In addition, the point was made that sufficient consultation had been undertaken already by the Council and it was essential that the matter be resolved without delay.

Moved by Councillor Attwood,
Seconded by Councillor Mullan,

That the Committee agrees to delay proceeding with the development of the pitch at the Falls Park, for a further period of one month, to enable an additional public information session, which would be facilitated by the Council, to be undertaken with local residents.

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

Accordingly, the Committee agreed to the following course of action:

- to note the contents of the survey as submitted by the objectors;
- not to accede to the request from the objectors to present the findings of their survey at a future meeting of the Committee;
- to endorse its decision to develop a 3G pitch within the Falls Park and to proceed forthwith with the project, subject to the granting of planning approval; and
- to facilitate a further public information session at which the wider benefits of the development would be emphasised to the local community.

**Parks and Leisure Committee,
Thursday, 16th October, 2014**

Support for Sport Development Grants

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

The Committee noted a schedule of Support for Sport development grants, a copy of which was published on the Council's website, which had been approved by the Director in accordance with the authority delegated to him by the Committee.

Parks Events Small Grants Scheme

The Committee was reminded that approval had previously been granted to transfer the responsibility for the Parks Events Small Grants Scheme to the Central Grants Unit, with the Director being granted delegated authority to approve applications for funding. It was reported that, out of the 20 applications which had been received for support within the current tranche, 13 had met with the criteria and the Committee noted the schedule of grants which had been authorised by the Director under that scheme, a copy of which was published on the Council's website.

Active Communities – Correspondence from Sport NI

The Committee considered the undernoted report:

“1. Relevant Background Information

- 1.1 Active Communities (AC) is a Sport Northern Ireland (SNI) programme, delivered from April 2010 to March 2015, through 11 council groups/ consortia including BCC.**
- 1.2 In July 2014, SNI wrote to the Chief Executive asking BCC to make a formal response by the end of August, regarding our position on their proposal to seek a 30% financial contribution from Councils to AC programme costs from April 2015.**
- 1.3 Parks and Leisure Committee in August 2014 agreed the response to Sport NI's consultation and for officers to develop an affordable and value for money delivery model.**
- 1.4 Subsequently, Sport NI has written to the Chief Executive on 6 October 2014 advising that they were prepared to continue with an Active Communities investment from April 2015 for 12months.**

Their contribution will no longer provide support for management costs, which have been 10% of overall costs. They have asked that Council signals its intention to proceed on this basis no later than 07 November.

Parks and Leisure Committee,
Thursday, 16th October, 2014

2. Key Issues

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

From the period April 2010-March 2014, Sport NI has invested over £1.6m in the AC programme for Belfast. The Council annually contributes up to a maximum of £50,000. This is currently managed in one of 3 ways:

- Sub-contract to Belfast Community Sports Development Network;**
- Sub-contract to Disability Sport NI; and**
- Directly employing coaches through Leisure Services (participation).**

Quantifiable benefits include the delivery of 40,419 sessions, 44,500 coaching hours, involving 67,286 participants with 587,148 participations realised.

- 2.2 There are a number of options to be considered when reviewing the delivery of the AC programme going forward in the context of the Sport NI request including:**

Option 1: Do nothing and close the AC programme without 100% SNI funding;

Option 2: Continue 'as is' with Council providing 10% management costs to current delivery partners - £75,104 based on current Sport NI allowance;

Option 3: Continue 'as is' with no or reduced contribution for management costs to delivery partners, based on affordability within existing revenue budgets;

Option 4: BCC to co-ordinate in-house the management of the AC programme in partnership with sports governing bodies and community sports organisations which wish to directly employ the coaches, with no contribution to management costs.

As Sport NI have now agreed their position and clarified their offer of support, a full analysis of the risks and benefits of each option will now be undertaken and brought to Committee for its future consideration.

- 2.3 Issues to note in response to SNI offer of support**

Parks and Leisure Committee,
Thursday, 16th October, 2014

Sport NI is seeking the Council's commitment to deliver the programme with funding for salaries, travel, training and equipment, as they consider options for the refresh of the programme. In a proposed response to SNI, there are a number of key issues to note:

- The programme is very positive and the Council supports its continuation;
- This is a timely opportunity to integrate and align the positive outputs and outcomes of the AC programme into the emerging community plan;
- Any contribution will be a growth area for the P&L budget and it is difficult to determine affordability at this stage in the estimates process. Currently, no allowance has been made for such a contribution.

2.5 It is proposed that the Council responds to Sports NI positively i.e. discounting option 1, indicating its intention to continue the programme in 2015-16.

However, further work is required to examine budgets with partners to determine which of options 2-4 the Council will be able to implement.

2.6 Officers will continue to work with Sports NI and determine a value for money option for consideration by Committee in due course. This will draw on the conclusions of the value for money and compliance report completed by Cavanagh/Kelly Chartered Accountants in July 2013, considered by the Parks and Leisure Committee in October 2013.

2.7 An affordable and value for money delivery model in light of the SNI offer of funding will be presented to Committee for its consideration in December.

3. Resource Implications

Financial: Option 2 has additional costs of £75,104 for management of the programme which is not allowed for in existing estimates.

Human Resources: Option 4 will involve the direct recruitment of up to 26 coaching staff on fixed term contracts

Asset and Other Implications: None

**Parks and Leisure Committee,
Thursday, 16th October, 2014**

4. Equality Implications

There are no equality and good relations implications at this stage. Screening of any emerging proposal will be undertaken in the future.

5. Recommendations

Committee is asked to agree:

- That council advises Sport NI of its intention to continue the Active Communities programme on the terms of their offer**
- That officers undertake work to determine an affordable and value for money delivery model in light of the SNI offer of funding.”**

A number of Members indicated that it had been their experience that the community benefits which had been delivered through the Programme had not been spread equally across all parts of the City. It was suggested that the Council might re-examine its longer-term involvement in the Programme with a view to considering administering the scheme on an in-house basis.

The Committee adopted the recommendations.

Partner Agreements Delivery Framework 2014/2015

The Committee considered the undernoted report:

“1. Relevant Background Information

The Committee is reminded that at its meeting in August 2014 it received a report regarding proposals for a partner agreements framework for grass pitches. At that meeting the committee agreed to defer the report and requested party briefings.

2 Key Issues

As requested Party Briefings took place during September 2014 and Members welcomed the opportunity to discuss the proposals. They also made a number of comments on the draft proposals and these and how they will be addressed are outlined in the table below:

**Parks and Leisure Committee,
Thursday, 16th October, 2014**

Comment from Party briefings	How this will be addressed
Officers should continue to engage with existing FMA holders.	Engagement with current FMA holders has already taken place and officers will ensure that this continues throughout the process.
Future consultation will be extended to groups from incoming LGR areas and include a member's workshop.	The consultation process will include opportunities for groups from incoming LGR areas to respond. Information workshops will also be made available to all potential applicants to the new grant aid partner agreements programme, including those from incoming LGR areas.
Applicant support with sports development plans to be attached to the roll out of any new grant aid programme.	All applicants will be provided with appropriate levels of support with sports development plans attached to future programming. Details of how and when to access this support will be widely communicated. It is likely that this will be facilitated through a series of workshops across the city.
Future scoring criteria should be extended to include participation by groups from areas of socio-economic disadvantage.	The proposed assessment criteria and weighing allocates 60% to participation and social value as follows: <ul style="list-style-type: none"> · Participation type – 25% · Participation – increased in usage – 15% · Demonstrate social value – 20%
Adequate notice to be given to existing FMA holders and sufficient time to be given to consultation on the new process.	Prior engagement meetings have already taken place with existing FMA holders and any future consultation will include them. The proposed timeframe for consultation accommodates league bookings for the 2014/15 playing season and a range of consultation opportunities and information workshops will be made available to all interested parties including current FMA holders.
It was requested that a report on demand/usage of council pitches as a means to factor in capacity for community based usage be brought to Committee.	A report which includes a review of the baseline study of demand for council pitches will be presented to this Committee in December 2014.

Members are reminded that a report will be brought to Committee in December 2014 outlining the proposed grass pitches that will be included in any future expression of interest for discussion and agreement by Members.

They are also reminded that the Committee decision to defer the report in August 2014 has resulted in an amended timeline

Parks and Leisure Committee,
Thursday, 16th October, 2014

and that the consultation process on the new partner agreements framework, subject to Member approval, will now commence in November 2014. If Members agree that the next steps in the consultation process commence a final report outlining the consultation findings and seeking final agreement on the new partner agreements framework, will be brought back to Committee in January 2015.

3 Resource Implications

Financial

Resources required for independent facilitation of the consultation already included in revenue budgets. Existing FMA payments will be re-distributed in the form of grant aid for active sports development plans. The total figure available is being finalised.

Human Resources

Ongoing officer time from a range of officers across the department will be dedicated to implementation and ongoing management in the medium to long term.

Asset and Other Implications

The draft policy and new partner agreements will impact on the future management of assets. Legal services will continue to provide advice on this for Committee's consideration.

4 Equality and Good Relations Considerations

The policy will be screened in line with the Council's existing equality screening process.

5 Recommendations

The Committee is asked to:

- Note the report and the comments from party briefings; and
- Approve the next steps in relation to the consultation on the partner agreements policy and process as set out in the Committee report (August 2014)."

The Committee adopted the recommendations.

Parks and Leisure Committee,
Thursday, 16th October, 2014

Antisocial Behaviour Programme - Update Report

(Mr. P. Murray, Antisocial Behaviour Programme Coordinator attended in connection with this item)

The Committee considered the undernoted report:

“1. Relevant Background Information

The purpose of this report is to:

- Provide an overview of antisocial behaviour (ASB) incidents across parks and leisure facilities and electoral areas; and
- Update committee on the activities, interventions and future developments of the ASB programme.

Members are reminded that the objectives of the ASB programme are to:

- enhance the environment around Parks and Leisure facilities;
- develop education initiatives involving creative or supportive interventions to model acceptable behaviour around Parks and Leisure facilities;
- define enforcement as a deterrent against infraction of bye-laws or legislation; and
- develop sustainable interagency and inter-departmental networks and leading a partnership approach to reducing antisocial behaviour.

2. Key Issues

Trends in the available ASB incident data

The ASB Coordinator prioritises action and expenditure by collating evidence gathered through ASB incident reports.

The comparative data outlined in Table 1 below, shows a decrease in the total number of ASB incident reports in parks between May and August 2014 in comparison to May to Aug 2013. This is especially significant within parks in the five electoral areas of Balmoral, Castle, Laganbank, Oldpark and Victoria.

**Parks and Leisure Committee,
Thursday, 16th October, 2014**

Table 1: Comparison of the number of ASB incidents in Parks and Leisure Facilities across electoral areas between May to August 2013 and May to August 2014			
May to August 2013		May to August 2014	
Electoral Area	Total ASB	Electoral Area	Total ASB
Balmoral	111	Balmoral	17
Castle	108	Castle	34
Court	77	Court	95
Laganbank	959	Laganbank	276
Lower Falls	21	Lower Falls	29
Oldpark	290	Oldpark	93
Pottinger	151	Pottinger	195
Upper Falls	172	Upper Falls	262
Victoria	32	Victoria	21
Total	1921	Total	1022

The data identified a decrease in reports of:

- Litter
- Animal problems
- Street Drinking
- Criminal Damage, fire starting
- Rowdy and Nuisance behaviour, gangs gathering
- Soccer teams using pitches without booking or paying
- Off road motorcycling

This trend can be attributed to development of site specific displacement and diversionary activities; high visibility enforcement operations across the City; Park Wardens issuing fixed penalty notices for litter and dog fouling and working in partnership with PSNI to tackle street drinking. The programming of enforcement operations is planned in relation to evidence gathered from ASB incident reports.

The evidence available highlights a slight upward trend in the number of reports of ASB in parks within Court, Lower Falls, and more significantly within Pottinger and Upper Falls electoral areas.

The data identified an increase in reports of:

- Rowdy and nuisance behaviour: drunken behaviour, youths causing annoyance.
- Criminal and Environmental damage: throwing missiles, broken glass.
- Street Drinking.

Parks and Leisure Committee,
Thursday, 16th October, 2014

The majority of incidents can be attributed to youths being attracted to contractors sites and causing damage during the development of the Connswater Community Greenway. The Greenway is comprised of a number of individual parks which may not merit an intensive response, however, resources will be allocated consistently throughout the Greenway to minimise the emergence of ASB.

An increase in incidents at the City Cemetery can be attributed to drinkers, burning fires, causing damage and breaking glass bottles.

ASB in park and leisure facilities

The data details the three parks with the most incidents of ASB in each electoral area, the hotspot categories of ASB and where there were more than 20 incidents (these locations appear in bold type).

Intensive Interventions

Planned intensive interventions are designed and introduced for parks that have more than 20 ASB incidents (see Table 2). The planned interventions span across all 4 objectives of the ASB programme: education, environment, enforcement and partnership. Interventions will resource events to stimulate community ownership and appropriate use (education) or involve the environmental and physical development of a site or schedule enforcement operations in partnership with existing council services and PSNI.

Table 2 outlines the parks that have had more than 20 incidents during May and August 2014 and the specific intensive interventions planned for the coming months.

Table 2: Specific interventions planned to tackle ASB in Parks with more than 20 ASB incidents	
Court	
Woodvale	The majority of ASB incident reports indicate Criminal damage and Vehicle nuisance. The Park manager will ensure damage is repaired and Park Wardens will work with Community Safety officers and PSNI to tackle inappropriate vehicle use.

**Parks and Leisure Committee,
Thursday, 16th October, 2014**

Laganbank	
Botanic	ASB incident reports indicate significant Rowdy/Nuisance behaviour, Street drinking and substance misuse. Using data from ASB reports a series of successful family fun days were programmed to displace ongoing ASB. This will continue using appropriate seasonal activities. Park Wardens will intervene to address rowdy behaviour and work with Community Safety officers and PSNI to tackle drinking and substance misuse
Oldpark	
Alexandra	ASB incident reports indicate issues of Rowdy/Nuisance behaviour such as fighting and throwing missiles. Following a range of successful events and interventions during the summer; the Outreach Manager and Park Manager will continue to engage with community groups to identify diversionary activities for young people. Park Wardens will report all incidents of rowdy behaviour to the PSNI.
Waterworks	ASB incident reports indicate issues of Rowdy/Nuisance behaviour such as drunken behaviour. Park Wardens will report all incidents of drunken behaviour to the PSNI and will work in partnership with Community safety resources to tackle public drinking.
Pottinger	
Ormeau	ASB incident reports indicate issues of Rowdy/Nuisance behaviour such as Fighting and drinking. Park Wardens will report all incidents of Rowdy behaviour to the PSNI and will work in partnership with Community safety resources to tackle public drinking.
Clara Street	ASB incident reports indicate issues of Rowdy/Nuisance behaviour such as verbal abuse and youths causing annoyance. Park Wardens will report all incidents of Rowdy behaviour to the PSNI. The Outreach Manager and Park Manager will continue to engage with community groups to identify appropriate diversionary activities for young people.
Orangefield	ASB incident reports indicate issues of Rowdy/Nuisance behaviour such as throwing missiles; Criminal Damage such as breaking fences and breaking locks. Park Wardens will report all incidents of Rowdy and criminal behaviour to the PSNI. The Outreach Manager and Park Manager will continue to engage with community groups to identify appropriate diversionary activities for young people.

**Parks and Leisure Committee,
Thursday, 16th October, 2014**

Upper Falls	
Falls Park	ASB incident reports indicate issues of Rowdy/Nuisance behaviour such as groups and gangs gathering, youths causing annoyance and drunken behaviour. Park Wardens will report all incidents of Rowdy behaviour to the PSNI. The Outreach Manager and Park Manager will continue to engage with community groups to identify appropriate diversionary activities for young people.
City Cemetery	ASB incident reports indicate issues of Rowdy/Nuisance behaviour such as groups and gangs gathering, youths causing annoyance, throwing missiles and drunken behaviour; Criminal damage such as setting fires; Littering such as broken glass. Park Wardens will report all incidents of Rowdy and criminal behaviour to the PSNI. The Outreach Manager and Park Manager will continue to engage with community groups to identify appropriate diversionary activities for young people. A decorative arts project has been initiated which will challenge ASB in the cemetery. Park Wardens will work with Community Safety officers and PSNI to tackle drinking.

Citywide ASB programme development

Alongside the intensive interventions planned to tackle reported incidents of ASB, a number of citywide ASB programme developments will be implemented during the coming months:

- **Ongoing development of family friendly activity programmes. These programmes are designed to draw in legitimate park users and displace rowdy groups.**
- **Ongoing site specific displacement, diversionary and engagement activities such as midnight soccer and sports coaching will be programmed in a variety of Parks, 3G facilities and in Avoniel LC.**
- **Park Wardens will issue fixed penalties in relation to litter and dog fouling offences in parks as part of an ongoing enforcement programme.**
- **Park Wardens will also work in close partnership with PSNI and Community safety officers during planned operations to tackle alcohol consumption and substance misuse in parks.**
- **Park Warden operations planning will support the ongoing Community safety joint operations with PSNI. It is intended that the opportunities for joint working in Park areas will also be shared with the DPCSP.**

**Parks and Leisure Committee,
Thursday, 16th October, 2014**

3. Resource Implications

It is proposed that additional temporary resource is deployed for a period of up to 6 months to address issues in the Pottinger and Upper Falls areas and to provide local support for specific sites such as Woodvale and Dunville. The cost of the additional support using a combination of Attendants / Wardens would be in the region of £30,000.

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

4. Equality Implications

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

5. Recommendations

The Committee is asked to note the contents of this update report."

The Director outlined the principal aspects of the report and answered a number of Members' questions in respect of the information which had been presented. He advised the Committee that the overall trend for antisocial activity within departmental properties remained downward. He added that the Department proposed, for a six-month period, to allocate additional resources to address an increase in antisocial behaviour within the Pottinger and Upper Falls areas.

Members paid tribute to Council staff who had been involved in initiatives designed to address antisocial behaviour. The Director stressed that the statistics, as presented, referred to incidents which had occurred within the period from May till August, and that recent occurrences referred to by Members, particularly those within the Cavehill Country Park, the Ormeau Park and the Orangefield Park, would be reflected within the next report. However, he indicated that officers would, in the mean time, investigate the incidents which had been referred to.

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

Update on City Cemetery Decorative Arts Project

The Committee was reminded that, at its meeting on 11th April, 2013, it had agreed to contribute a sum of £15,000 to enable the provision of decorative artwork within the City Cemetery. That decision had been taken on the understanding that the

**Parks and Leisure Committee,
Thursday, 16th October, 2014**

groups which had proposed to undertake the work would seek to secure additional funding from other bodies and agencies and, should there remain a shortfall in the finance secured from other sources, the Committee would be requested to reconsider the matter. Accordingly, the Committee considered the following update in respect of the project:

“2 Key Issues

In November 2013 the Council submitted a Stage 1 application to the Arts Council of Northern Ireland’s Re-Imaging Communities fund (ACNI). The application was successful and ACNI agreed to contribute £3,400 to overall project costs of £4,170. Stage 1 of the process was to commission an artist facilitator to carry out community consultation around the siting of a decorative arts piece in the City Cemetery. The findings of the consultation will be used to inform an ACNI Stage 2 application for up to £50,000 to install community agreed art piece(s) in Belfast City Cemetery.

To oversee the process, a steering group was established and its members include: Aidan Crean, Cairde Páirc na Bhfál, Bobby Foster, Spectrum Centre, Tom Hartley, noted local historian and former Councillor and Billy Drummond, Greater Shankill Alternatives. Two officers from ACNI also sit on the steering group and officers from the Parks and Leisure Department act as secretariat.

The Steering Group commissioned an artist facilitator to undertake initial consultation around the proposed siting of public artwork within the City Cemetery. The consultation took place between May and September with a wide range of individuals and organisations including the relatives of those buried in the cemetery, staff, visitors, local schools, youth groups, history groups, community, political and religious organisations and arts and cultural organisations.

The consultation included the facilitator conducting interviews, leading group discussions, hold and attending events and through the use of comment cards available in the Cemetery.

On the whole, attitudes were positive and the majority of participants who raised questions about the siting of artwork within a cemetery, had specific types of artwork in mind, that they saw as not being fitting, or respectful. The concerns around artwork that would not be in keeping with the cemetery, were mainly focused on the following:

Parks and Leisure Committee,
Thursday, 16th October, 2014

- Bright, garish colours, or colour/design that is out of keeping with site
- Murals, painted walls
- Artwork that isn't recognisable or identifiable
- Anything that can be damaged easily
- Big, shiny, cold steel structures
- Artwork that is not inclusive of the range of people represented within cemetery
- Overtly religious or political, excluding of some sections of the community
- Anything that can be climbed on, or encourage young people to sit around, or climb
- The Stage 1 consultation report has been finalised by the facilitator and presented to the Steering Group and the Arts Council. Based on the findings of consultation the Steering Group has agreed a theme of Life & Time for the artist's brief. This theme extends a welcome to all the people of Belfast and the world, of all faiths and none, to reflect on what has passed and celebrate what is to come.

Location

Whilst the focus of this project to date has been the wall within the City Cemetery the public consultation has found that 'murals, painted walls' is not what is considered appropriate for the Cemetery.

The Arts Council has also raised concerns that the potential budget available (approx £64k) for this project is not sufficient to undertake a decorative arts project on the wall and that there will be ongoing maintenance issues.

Based on the feedback received through the consultation process the Steering Group are of the view that whilst dealing with the anti-social behaviour occurring at the wall remains a priority the Arts Council funding should be used to locate a decorative arts piece at a suitable location within the City Cemetery as it will add to the overall development of the site.

It is acknowledged that there are constraints on where a decorative arts piece can be located within the Cemetery and it is proposed that relevant officers consider the restrictions and select the most appropriate location.

Whilst there is not a requirement for the Council to provide match funding the Arts Council has indicated that our application for Stage 2 funding is looked on more favourable if we do so. A budget of £15,000 has been committed to this

**Parks and Leisure Committee,
Thursday, 16th October, 2014**

project and approximately £1,000 has been spent to date. It is proposed therefore that the remaining £14,000 be allocated to the decorative arts piece giving a total budget of up to £64,000.

It is proposed that alternate solutions are examined for dealing with the anti-social behaviour issues at the wall such as a planting scheme. It has been proposed the Steering Group that they work with the Council to identify possible funding sources to undertake this work.

Next steps and timescales

The next stage of the process is to move to Stage 2 and the potential granting of up to £50,000 to install community agreed art piece(s) in the City Cemetery. There is a very tight timescale around the process and the deadline for expenditure is 30 June 2015. The indicative timescale is:

Event	Day & Date
Advert for expression of interest	1. Tuesday 14th October 2014
Deadline for receipt of Expression of interest	2. Tuesday 11th November 2014
Shortlisting of artists based on expressions of interest	3. W/C 10th November 2014
Invitation letters to shortlisted artists to move to Stage 2 (and letters to unsuccessful artists)	4. Monday 17th November 2014
Deadline for detailed design phase of short listed artists	5. Friday 12th December 2014
Presentation of detailed design proposals e.g. maquettes to selection panel & artist interviews	6. W/C 15th December 2014
Anticipated delivery of project (normally 6 months)	7. By Monday 24th May 2015

Given the tight timeline it has been necessary to commence the process, although at this point no decisions have been made or commitments given. It is proposed that the Committee authorise the Director under delegated authority in consultation with the Chair and Deputy Chair of the Committee

Parks and Leisure Committee,
Thursday, 16th October, 2014

to, based on the recommendation of steering group, appoint the artist. If Members are inclined to do this, it is proposed that an update report will be brought to Committee early in 2015.

3 Resource Implications

Financial

£15,000 has been allocated to this project and approximately £1,000 has been spent to date. The remaining budget will be spent in Stage 2 and up to £50,000 will be awarded by ACNI for this stage.

Human Resources

There are no human resource implications at this stage.

Asset and Other Implications

This project will result in a piece of public art being located within one of our sites.

4 Equality and Good Relations Implications

The project has been equality proofed and we will ensure that potential artists are aware of the equality and good relations implications that they need to consider.

5 Recommendations

Members are asked to:

- (i) Note the update provided on the project;
- (ii) Agree that the scope of this project be amended so that the focus is not solely the wall and that the art piece be situated at a suitable location within the City Cemetery and the budget previously allocated for the wall be used for this art piece.
- (iii) Authorise the Director under delegated authority in consultation with the Chair and Deputy Chair of the Committee to, based on the recommendation of steering group, appoint the artist; and
- (iv) Agree that officers continue to explore other sources of funding in relation to potential solutions for the anti social behaviour associated with the wall.”

The Committee adopted the recommendations.

Parks and Leisure Committee,
Thursday, 16th October, 2014

Probation Board for NI - Community Service Projects in Parks

The Assistant Director submitted for the Committee's consideration the undernoted report:

"1. Relevant Background Information

Members will recall the SP&R Committee report on 'Work Experience for Ex-Offenders' 22 August 2008, seeking approval to widen the scope of the council's work experience scheme, to include the provision of unpaid work experience placements for ex-offenders serving out community service orders which range from 40 to 240 hours.

Through the North Belfast DPCSP, the Parks and Leisure Departments ASB Coordinator has been asked by the Probation Board for NI (PBNI) to support the rehabilitation and re-integration of offenders by offering suitable unpaid Community Service (CS) work experience placements for ex-offenders within parks in North Belfast.

PBNI wish to use North Belfast parks on a pilot basis, for supervised CS projects. This pilot is part of a wider programme to tackle anti social behaviour in parks.

2. Key Issues

The role of the PBNI is to reduce crime and the harm it does by working with the courts, other agencies and partners to reduce re-offending and assist in integrating offenders successfully back into the community.

During the development of this pilot, PBNI have confirmed that:

1. PBNI officers will supervise and escort CS workers to and from the placement (under normal circumstances). Attendance on a CS project will likely involve working for one day per week between the hours of 10am to 4pm to carry out a defined programme of work.
2. PBNI will be solely responsible for managing the CS workers while on the park placement. They are contracted as part of their Court order to behave in a reasonable fashion and any breaches result in sanctions, including removal from placement, formal warnings, and in some circumstances a return to Court.
3. In addition to the Public Liability cover which the Council have in place, PBNI will be responsible for dealing with any claim from a CS worker resulting from

an accident directly attributable to carrying out CS tasks. CS workers are provided with Personal Protection Equipment (PPE) and clear instructions on how to carry out tasks from trained PBNI Officers.

4. Appropriate and low risk tasks such as litter picking, painting, planting and any other environmental work can be carried out by CS teams. These tasks will be agreed prior to the start of the work programme with BCC Park Mangers and the ASB Coordinator.
5. PBNI clients will be under PBNI supervision at all times while working in the park. The PBNI supervisor will ensure that CS workers do not enter any previously agreed areas.
6. PBNI will undertake all risk assessment in relation to CS workers assigned to a park project including all activities undertaken while on park placement.
7. PBNI will ensure that all CS workers on park placements are not considered to present a significant risk of harm to others. Where an offender with a past history of violence is being considered for a placement, a discussion will take place with the ASB Coordinator to establish if their participation is appropriate.
8. Offenders convicted of any sexual offence will not be considered for park placements.

3. Resource Implications

Financial

As CS placements are unpaid there is no direct financial implication although there is a potential financial risk from any accident occurring in parks during the CS pilot. This risk will be managed through the development of a legal agreement between BCC and PBNI and through stringent risk assessments being carried out by PBNI.

Human Resource

There are no human resource implications as the CS projects are supervised by PBNI officers.

Asset and Other Implications

There are no assets and/or other implications contained within this report.

4. Equality Implications

There are no adverse equality or good relations aspects to this report. A focus on providing placement opportunities may assist in re-integrating offenders successfully back into the community and potentially reduce the risk of reoffending.

**Parks and Leisure Committee,
Thursday, 16th October, 2014**

5. Recommendations

Members are asked to note the request from PBNI and the proposed use of North Belfast parks for Community Service projects on a pilot basis.”

The Committee adopted the recommendation.

Tendering Exercise

The Director sought and was granted approval to initiate a procurement exercise for the provision of a catering service at the Belfast Castle, the Malone House and the Stables Restaurant. The anticipated duration of that contract, it was noted, would be for one year, with an option to extend that arrangement for an additional year.

It was noted that the tenders would be evaluated on both a cost and quality basis and awarded by the Director, under the Scheme of Delegation, to the most economically advantageous tenders which had been submitted.

Belfast Zoo – Funding Model

Arising from discussion, a Member suggested that the Council might wish to re-examine its future funding models to ensure that further savings could be identified and achieved. He referred particularly to the Belfast Zoo and pointed out that it was a unique facility which was used by people from across Northern Ireland. As such, a case might be made to central government that the facility, given its regional importance, might be entitled to direct government funding.

Noted.

Pitch Refurbishment Programme

The Committee considered the undernoted report:

“1.0 Relevant Background Information

The purpose of this report is to let members know about the successful achievement of the Pitch Refurbishment Programme and the proposed work to be carried out 2014/15.

We have 125 grass sports pitches in the department. During periods of wet weather the quality of the surface of these grass pitches deteriorates leading to pitches being cancelled when the drainage can no longer remove the water from the surface fast enough.

The purpose of the Pitch Refurbishment Programme was to improve the quality of drainage of our grass pitches and as a result their quality of play. It was also intended to undertake

Parks and Leisure Committee,
Thursday, 16th October, 2014

the works in planned and structured manner to avoid the need to close pitches; to maintain quality and to make the most efficient and effective use of resources.

A survey of all our grass sports areas including Football, Gaelic, Cricket, Rugby, and Golf was carried out. From this survey a prioritised improvement programme was produced and drainage work was carried in order within each year's available budget.

2.0 Key Issues

The Committee is asked to note:

1. Works which have been completed in 2013/14
2. A list of works to be undertaken in 2014/15

It is intended that annual surveys will be conducted to establish the condition and to inform the programme in future years;

In addition, it is intended to extend the condition survey to include existing artificial turf surfaces with a view to future replacement and ensuring that adequate resources are put in place. 2013 saw the first year of the programme with the following drainage works being carried out:

- City of Belfast Playing Fields No 2 Cricket area, outfield drained.
- Clarendon Playing Fields pitch No 1 drained.
- Grove Playing Fields pitch No 8 and area to the back of pitches 1 and 2 drained.
- Blanchflower Playing Fields Stadium pitch and pitch number 2 drained.

This year's programme has started and the following sites will have drainage improved:

- Clarendon Playing Fields pitch No 2 drained.
- Blanchflower Playing Fields the top level is being drained and a new synthetic cricket wicket has been installed on the lower level between Pitches 2 and 3.
- Alderman Tommy Patton Playing Fields Pitch No 4 is being drained.
- Orangefield Playing Fields the top half of the playing area is being drained.
- Victoria Park the area between 6 and 7 Pitch is being drained.
- Wedderburn Park pitches 3 and 4 are being drained.

Parks and Leisure Committee,
Thursday, 16th October, 2014

- Suffolk Playing Fields the training area next to the changing rooms is being drained.
- City of Belfast Playing Fields pitches 1 and 2 in the cricket outfield of the No 1 table are being drained.
- Lenadoon pitch to be drained.

Members are asked to note that the work on specific sites will normally be phased to enable some matches to continue to be played.

This drainage work will improve the quality of the pitches, make them more resilient to wear, and will reduce the number of times they will have to be called off due to wet weather conditions and increase the revenue from the pitches.

The new synthetic cricket wicket replaces the cricket table at Blanchflower that was no longer fit for purpose. This will allow summer football and cricket to be played on the site at the same time increasing the utilisation of the site and the service provided to the public.

Members will be aware that the Council has agreed a Pitches Strategy which will see the delivery of 5 new artificial turf pitches and 5 replacement changing pavilions at a number of sites across the city. The combined efforts of the pitch development plus the drainage programme will result in a much improved service to those who wish to take part in pitch based sporting activities.

Discussions are held with the Project Team implementing the pitches strategy to minimise disruption to facilities owing to works.

Discussions are also held with the Project Team implementing the Multi User Games Area (MUGA) Programme to ensure that projects are aligned, such as Playing Fields at Clarendon.

3.0 Resource Implications

Financial

A budget of £125,000 has been allocated from the non recurring capital fund to carry this work out per annum for a 5 year programme.

Human Resources

There will be no additional human resources required.

Asset and Other Implications

None at this stage

4.0 Equality Implications

There are no implications at this stage.

5.0 Recommendations

Committee is asked to note the works carried out to date and the proposed priorities for 2014/2015.”

In response to a Member’s question, the Director confirmed that a second baseline survey had been undertaken and that, together with its implications for future phases of the Pitches Strategy, would be presented to the Committee in due course.

In response to further Members’ questions in respect of drainage problems which had been reported at pitches within the Ballysillan Playing Fields and the Northlink Playing Fields, the Director indicated that he would update the individual Members in respect of the plans to address the issues raised at those sites.

The Committee noted the information which had been provided.

Multi User Games Areas

The Committee considered the undernoted report:

“1. Relevant Background Information

The Committee is reminded that at its meeting on 13 February 2014 it received an information report regarding the Multi User Games Area (MUGA) Programme. This programme had previously been agreed through Strategic Policy & Resources (SP&R) at its meeting in January 2014.

The report highlighted that a MUGA is suitable for a variety of informal sports and that due to their nature the majority are accessible and free to use.

The report outlined that a number of refurbishments had been completed under Phase 1A of the programme; and outlined proposals for Phase 1B; these included Springfield Avenue (New Build); Annadale (New Build); and Clarendon Playing Fields (New Build). Members are asked to note that Navarra Place, located off the Whitewell Road was subsequently added to the list as a potential new build.

Parks and Leisure Committee,
Thursday, 16th October, 2014

The report referred to the development of a refurbishment programme comparable to the Playground Improvement Programme; it also referred to the need to develop a policy framework which would form a basis for decision making regarding new build proposals.

The purpose of this report is to update the Committee in respect of:

1. Phase 1B;
2. The refurbishment programme; and
3. The development of a policy framework

2. Key Issues

Update on Phase 1B

Development work on Phase 1B is continuing. The current position in respect of each is as follows:

Annadale: A planning application has been lodged and work is continuing to regularise the land ownership. The land ownership matter will need to be resolved prior to work commencing.

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;

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. This plan will inform the development of the project.

Springfield Avenue: Following representations from community representatives a meeting will be scheduled to discuss the nature of the facility required at this location. Members are asked to note that there is planning approval in place although there is a restrictive condition in place and further consultation with residents will need to take place regarding this.

MUGA Refurbishment Programme

A condition survey of existing MUGAs has been completed and a preliminary list of projects has been presented to the Oversight Board for consideration. A report will be submitted

Parks and Leisure Committee,
Thursday, 16th October, 2014

to SP&R for approval and an information report will be brought to the Parks and Leisure Committee to outline the Programme.

Policy Framework

This is work in progress in terms of the technical elements around provision and construction. However at this early stage it is felt that Members should be given an opportunity to direct this work. At this stage the Committee is asked to consider its views on the following high level parameters of a MUGA:

1. A MUGA is a hard-surfaced space set out for ball games such as football, basketball, tennis etc. The facility is accessible without booking and free to use.
2. It is intended primarily for informal use as kick-about areas or for other informal recreation, (with the opportunity for some programmed activities) and are not primarily developed for training purposes for local football teams.
3. It is acknowledged that a MUGA may not meet the needs of the local community in so far as there may be demonstrable demand for 3G surfaces to facilitate match play or training. It was proposed that where such a case is made consideration for investment should be in line with the Pitches Strategy and the accompanying baseline profile. It was proposed that these requests be subject to Capital Programme process.
4. MUGAs are typically managed by Council staff and opened, closed and inspected in a way comparable to playgrounds.
5. In order to ensure wide community use it is proposed that in future proposals for new builds that the business case should include a programme of activity which would:
 - Promote its use to meet a range of health and well being indicators and encourage use by a wider demographic profile than anecdotally may be the case; and
 - Encourage greater community ownership of and involvement with the investment.

Parks and Leisure Committee,
Thursday, 16th October, 2014

6. Consideration is given to establishing a minimum standard for a MUGA in terms of size, surface, fencing and lighting.

7. Consideration is given to establishing a catchment / hinterland area to help establish potential gaps in provision and inform investment decisions.

3. **Resource Implications**

Financial Implications

This report is for noting and has no financial implications.

Resource Implications

There are no additional human resource implications at this time.

4. **Equality Implications**

There are no equality implications

5. **Recommendations**

The Committee is asked:

1. To note the update in relation to Phase 1B;
2. To note the current position regarding a draft refurbishment programme; and
3. Comment on the high level parameters sets out above;
4. Agree that Officers continue to work towards the development of a policy framework to inform future MUGA development.”

The Committee adopted the recommendations.

Draft Allotment Policy

(Miss. C. Wilson, Neighbourhood and Development Manager, attended in connection with this item.)

The Committee considered the following report and associated appendix:

“1 **Relevant Background Information**

Belfast City Council has a long history of designing, delivering, managing and facilitating allotment provision and currently provides 290 plots across seven sites in Belfast: Annadale, Ballysillan, Belmont, Blythefield, Musgrave, Whiterock and Woodvale allotments. However, demand for allotments in Belfast council areas outweighs supply with 373

Parks and Leisure Committee,
Thursday, 16th October, 2014

people currently on site waiting lists and evidence from Local Government Reform (LGR) boundary extension indicates that this is likely to increase.

The purpose of this report is to:

- Update members on improvements to the internal co-ordination, management and administration of allotments
- Present updated draft policy, process and procedure for:
 - allotment allocation;
 - reviewing and streamlining current allotment waiting list; and
 - the guidelines and requirements for use of allotments in Council property - code of conduct.

The draft policy, process and procedure have been developed in consultation with key officers from within the Parks and Leisure department and advice and assistance has been sought from other key sections across the council, including Health & Safety Unit and Legal services.

2 Key Issues

An operational management working group was set up to review, recommend and implement improvements to the internal co-ordination, management and administration of current allotment processes, policies and procedures used. These will be subject to review and evaluation over time and as relevant criteria arise on a case by case basis.

Allotment allocation process

An effective and efficient process map has been developed that is focused on customer requirements and delivered via a single point of contact i.e. the Open Spaces and Active Living (OSAL) Unit, who will be responsible for the co-ordination and administration of this process, which was agreed by the Parks and Leisure Committee on the 13 September 2012.

The allotment allocation process has been broken down into three distinct processes: allotment request; recurring payments and review and inspection.

Operational on-site responsibility for allotments will still reside with the Community Parks Managers, including regular site inspection schedules. Initial and recurring payment for allotments will remain with business support. The allotment

**Parks and Leisure Committee,
Thursday, 16th October, 2014**

allocation process will rely on close liaison and communication between OSAL, Community Parks Managers and business support staff.

As part of the allotment allocation process map new criteria for accepting applications for allotment plots has been introduced with applications accepted from Belfast residents only.

A standard application form has been developed with on-line capabilities.

Allotment waiting list procedure

In light of long waiting lists for allotments, with minimal turnover and the likely increase in demand for allotments from residents of incoming areas as part of Local Government Reform (LGR), to best meet the needs of the council an updated streamlined draft allotment waiting list procedure has been developed.

Current allotment waiting lists have been reviewed and cleansed. Initial results reveal that as part of stage 1 of the allotment waiting list procedure, the council is proposing to write out to potentially 35 people to inform them that they have been removed from our waiting list due to limited availability and increased demand.

Table 1: Allotment waiting lists

Site	Belfast	*LGR	Outside New Belfast	Total
<i>Annadale</i>	164	10	21	195
<i>Ballysillan</i>	9	0	1	10
<i>Belmont</i>	120	2	11	133
<i>Blythfield</i>	3	0	0	3
<i>Musgrave</i>	29	1	2	32
Total	325	13	35	373

**LGR extended boundary residents will be included in the final Belfast list.*

Guidelines and requirements for use of allotments – code of conduct

The council has no statutory duty to provide allotments. However, the Allotments Act (NI) 1932 does enable councils to provide, at its discretion, allotments for use by residents in their areas. Where the council does provide allotments it is

Parks and Leisure Committee,
Thursday, 16th October, 2014

required, under the legislation, to make regulations regarding their management and control.

The current guidelines and requirements for use governing the operational management and control of allotments have been updated based on good practice research, legal and health & safety advice (see updated regulations in Appendix 3). Clause 3.7.1 and 3.7.2 of the new guidelines and requirements for use state that:

- Pets (except for Guide Dogs) and livestock (Livestock refers to any breed or population of animal kept by humans for a useful, commercial purpose for example cattle, pigs, horse, poultry etc.) must not be brought/ kept on site; and
- Beehives are not permitted on site.

This is something that will be reflected in the Clean Neighbourhoods and Environment Act 2011 in respect of dog control issues for the council. All current and new allotment plottolders will be asked to sign, date and return the guidelines and requirements for use of allotments and returns kept on file.

3 Resource Implications

Financial

No financial implications have been identified.

Human Resources

Delivery of the improvement activities associated with allotments will require dedicated officer time which will be reflected within annual service plans, area plans and separate unit level plans.

Asset and Other Implications

None.

4 Equality and Good Relations Considerations

The updated process, policies and procedure will be subject to the council's equality screening process.

5 Recommendations

Members are asked to:

- Note improvements to the internal co-ordination, management and administration of allotments;
- Agree the updated draft process and procedure for:
 - allotment allocation;

Parks and Leisure Committee,
Thursday, 16th October, 2014

- reviewing and streamlining current allotment waiting list; and
- Review and agree policy guidelines and requirements for allotment use.

Appendix

Allotment waiting list allocation procedure

1. All non-Belfast residents on existing allotment waiting lists will be contacted in writing by the department to advise that the council cannot consider applications for allotments from non-Belfast residents and therefore they are being removed from the waiting list.
2. All remaining Belfast residents^[i] on the waiting lists will be contacted in writing asking them to confirm either, that:
 - a. they wish to remain only on the waiting list for a plot at their preferred site;
 - b. they are willing to prioritise from 1 - most preferred to 3 - least preferred site location from those sites that are currently in existence;
 - c. they are no longer interested in a plot; or
 - d. the named applicant no longer resides at the address.
3. Following receipt of replies by the date specified (6 weeks) all responses are amalgamated and a single prioritised master allotment waiting list is compiled and managed centrally within the Open Space and Active Living (OSAL) Unit of the Parks and Leisure Department. If a response isn't received within the specified time the resident will be automatically removed from the waiting list.
4. Those residents who have been on waiting lists for a preferred site will retain their position for that site until a plot becomes available. If they are offered and accept a plot at their alternate preferred site location they will automatically lose their position at their preferred site location.
5. Allotment sites that have received external funding^[ii] and are subject to meeting specific funding criterion, will be excluded from the prioritised list of allotments outlined in number 2 above.
6. No new applications will be accepted from the date of committee approval until after the closing date for receipt of replies from those currently on the waiting list.

**Parks and Leisure Committee,
Thursday, 16th October, 2014**

7. **If the council develops a new allotment site, which is not confined to meeting external funding criterion, in the first instance those people on the waiting list the longest will be contacted to ascertain their interest in taking a plot at this site before new names are added to the master list for this site. If they accept a plot at the new site, they will automatically lose their position at their preferred site location.”**

- ☐ Belfast residents include LGR extended boundary residents currently on the waiting list**
- ☐ Whiterock and Woodvale externally funded allotments**

In response to a number of Members' questions, the Neighbourhood and Development Manager provided clarification on a range of issues. In addition, she undertook to re-examine the Council's eligibility process which enabled individuals to be placed on the waiting list and indicated that she would consider the Council's Pricing Policy insofar as it related to allotments.

The Committee adopted the recommendations.

Comber Greenway Proposed Bridge

The Committee considered the under noted report

“1. Relevant Background Information

The Committee is asked to note that Council Officers have been made aware of a proposal by Castlereagh Borough Council to construct a bridge which will connect Dundonald Leisure Park and the Greenway. This is part of a larger development planned for the Leisure Park. There have been discussions with Council Officers from Castlereagh and these are continuing.

Castlereagh has managed to secure funding for this project however it is time bound and the work must be at least underway by the end of March 2015 in order to secure the funding. A Planning application has been lodged and a procurement exercise has been undertaken.

The project remains at risk owing to the time constraints and the outstanding planning consent. However, the project does impinge on an element of land owned by Belfast City Council. Essentially the proposed bridge will be suspended above the Council's land and will require foundations to be installed on Council land.

As previously noted discussions are ongoing and the detail needs to be clarified. However, the implications for the Council are as follows:

Parks and Leisure Committee,
Thursday, 16th October, 2014

- Council consent is required to carry out ground survey;
- The area is mostly made up of trees and thick hedging, it is possible that some of this will need to be removed to facilitate ground surveys and subsequent construction (Council officers are working with Castlereagh Council to minimise the impact
- The area below the bridge will need to be maintained post construction to ensure that it does not interfere with the bridge structure or bridge users and to remove any litter which may be dumped from the bridge;

Clarification and agreement with Castlereagh has yet to be achieved on a number of issues around the terms of proposed legal agreements associated with the works, future use of the land and the creation of rights over the land.

Normally it would be premature to bring this report to Members, however, given the time restrictions it is considered prudent and appropriate to inform members of the proposal and to seek their agreement in principle to work with Castlereagh Borough Council, subject to detailed arrangements to be agreed and approval through Strategic Policy and Resources Committee.

2. Resource Implications

Financial Implications

This report is for noting and has no financial implications at this stage.

Resource Implications

There are no additional human resource implications at this time.

4. Equality Implications

There are no equality implications

5. Recommendations

The Committee is asked to:

1. note the report;
2. agree in principle to authorise officers to enter into further detailed discussions with a view to agreeing terms which would minimise the impact on Belfast City Council land and budgets while allowing Castlereagh's project to proceed subject to:

**Parks and Leisure Committee,
Thursday, 16th October, 2014**

- Approval by SP&R of the agreed terms .
- The necessary legal agreements being prepared by the Town Solicitor ; and
- The necessary statutory approvals being in place in relation to the bridge installation and associated works.”

The Committee adopted the recommendations.

Connswater Community Greenway

The Committee considered the undernoted Code of Conduct for the Greenway:

“Connswater Greenway - Code of Conduct

Cyclists

Cyclists should keep left and pass right at a safe distance and slowly enough that pedestrians can be avoided if they suddenly change direction.

Cyclists must give way to pedestrians at all times. Always cycle with respect for other users and acknowledge those who give way to you.

Cyclists must have a bell to warn others of their approach. Two polite tings are recommended.

Cyclists should not ride at speed and should ride in a manner that is appropriate to the conditions of the path, taking care to slow down near blind spots, corners etc.

Be seen – it is recommended that cyclists wear high visibility clothing which will assist with making their presence known to users with visual and hearing impairments. It is also recommended that British Standard approved lights are used in low visibility conditions.

Off track cycling is not permitted unless on a specific designated cycle track.

Cycle events - are not permitted unless prior approval has been agreed and granted.

Pedestrians

Walkers should keep to the left and allow others to pass easily on the right.

Parks and Leisure Committee,
Thursday, 16th October, 2014

Walking and running groups should be aware of the shared space and should not obstruct other users.

Dog Owners

Dogs must be kept under control at all times.

Extended leads should not be allowed to impede other users.

Dog walkers must remove dog excrement and dispose of the waste appropriately i.e. take home or deposit in the nearest litter bin. Failure to do so may result in an £80 fixed penalty notice being issued. Do not throw bags anywhere along the walkway

Dogs should not be allowed to enter any waterways

All Users

Please be polite and considerate to other users. Thank other users who allow you to pass or overtake. Give way to others and allow them to pass safely.

Pedestrians should be given priority on the walkway.

All users should keep to the left and allow others to pass on the right.

All users should be mindful of ease of access for disabled users and avoid blocking the walkway when stopping. Consideration for elderly and disabled users should be shown at all times.

Children must be supervised and kept safe at all times.

Please dispose of litter appropriately i.e. deposited in the nearest litter bin or take it home with you.

Help protect wildlife. Do not leave debris anywhere on the walkway or disturb nesting sites. Do not disturb, damage or interfere with trees, flora and fauna.

All users should adhere to any signage or walkway markings.

Consumption of alcohol is not permitted.

Limitations of use

Motor vehicles/motor cycles are not permitted on the walkway with the exception of mobility scooters for the use of disabled or elderly people and essential maintenance vehicles.

**Parks and Leisure Committee,
Thursday, 16th October, 2014**

Swimming and entering of waterways is not permitted.

Horse riding is not permitted on the walkway.

Shooting is not permitted.”

The Committee agreed, subject to further consultation with the local community:

- to endorse the introduction of the Code of Conduct in support of the existing byelaws; and
- to authorise the development of future byelaws to oversee Phase 2 of the construction of the Greenway which would be applicable also to any future development at the site.

‘Projectsfb’ Food and Drinks Festival

The Committee was informed that a request had been received from Project Street Food Belfast for the use of the Cathedral Gardens for a three-day and two-night food and drinks festival, which was scheduled to take place from Friday 31st October till Sunday 2nd November, 2014. ‘Projectsfb’ would be seeking the free use of the Gardens from 12:00 noon till 1.00 a.m. on both Friday and Saturday, with the event running from 12 noon to 6 p.m. on Sunday. It was reported that the preparation and dismantling operation for the event would be carried out between 27th October and 3rd November.

The Committee acceded to the request for the free use of the Gardens, on the conditions that:

- the event organiser resolves all operational issues to the Council’s satisfaction;
- that all health and safety requirements are met, including the submission of an event management plan, risk assessments and the obtaining of sufficient public liability insurance; and
- the event organiser meeting with all statutory requirements including entertainment licensing.

The Committee agreed further that specified parts of the Gardens would be closed to the public to enable construction and dismantling work to be undertaken.

‘Row on Row’ Remembrance Events

The Director reported that the Department had received requests from the Dr. Pitt Park Centenary Committee and the Royal British Legion to hold memorial events in the Pitt Memorial Park and the Shankill Memorial Garden respectively. Both events would commemorate the 100th anniversary of the commencement of World War One and would take place from 1st November until the anniversary of Armistice Day on 11th November. The community-based ceremonies would seek to remember the various battles of the War and those individuals who had died during that period.

**Parks and Leisure Committee,
Thursday, 16th October, 2014**

Resolved – that the Dr. Pitt Park Centenary Committee and the Royal British Legion be granted permission to hold the events as outlined, subject to both organisations adhering to all health and safety requirements, to the submission to the Council of an event management plan and risk assessment and to the securing by the organisers of adequate public liability insurance.

Active Belfast – Provision of Cycle Education

The Committee considered the undernoted report:

“1. Relevant Background Information

Members will be aware that the Council has been leading on the development and implementation of the Active Belfast approach, as part of the Belfast Strategic Partnerships work to address inequalities within the city.

The Active Belfast approach is also a key strand of the Council’s Leisure Transformation Programme, providing significant opportunities to work collaboratively with a range of partners, with the outcome of improving the health and wellbeing of people in Belfast.

A key area of work within the Active Belfast approach has been to support the development of ‘every day activities’, which encourage increased levels of physical activity, while being simple to incorporate into daily routines, activities such as walking and cycling.

The introduction of the Belfast Public Bike Share scheme represents an opportunity to build on this work, by addressing some of the practical barriers to cycling within the city, including bike ownership and knowledge of bike maintenance.

However, to unlock the full potential of the Belfast Public Bike Share scheme, and to reach individuals who currently cycle infrequently or consider cycling but do not, action is required on other key barriers, such as cycling skills, confidence and route knowledge.

2. Key Issues

- **The main barrier preventing people from cycling is the ‘subjective safety’ problem; the perception that our roads are too dangerous, largely due to the volume and speed of motor traffic. This view is significantly higher with females, who currently only make up 1 in every 6 cyclists on the road.**

**Parks and Leisure Committee,
Thursday, 16th October, 2014**

- For any enhancement of the cycling infrastructure to be successful, it has to be accompanied by training, information and education programmes. The provision of adequate cycle training is vital to encourage greater uptake of cycling. Training helps to develop cycling skills and confidence, but also supports the development of responsible on-road cycling.
- The Department for Regional Development have agreed to meet the full amount of the capital costs for the Belfast Public Bike Share scheme, £1,140,000. There is no provision for revenue costs including the cost of cycle training.
- Stakeholder consultation on the Belfast Public Bike Share scheme has highlighted cycle training as essential in supporting individuals who lack of the confidence or skills to cycle on the streets of Belfast, to sign up to the scheme.
- Active Belfast is currently supporting the Public Health Agency in the development and implementation of an Active Travel (walking and cycling) Workplaces programme, focusing on a small number of large city centre workplaces. There is scope to extend the cycling element of this work to other employers within the area covered by the Belfast Public Bike Share scheme.
- Through the 'Support for Sport' scheme, Council provide funding towards training and education programmes around the areas of sport and physical activity. The aim of this work is to enable more people to become active. Currently, there is an under allocation within this scheme, following two separate calls for applications.
- It is proposed that the Committee agree to the re-allocation of £20,000 from within the current Support for Sport revenue budget, to the Active Belfast Partnership, to provide cycle training and education programmes, which will support the implementation of the Belfast Public Bike Share scheme.

**Parks and Leisure Committee,
Thursday, 16th October, 2014**

3. Resource Implications

Financial

The provision of £20,000 from the Support for Sport scheme to the Active Belfast Partnership, to support the Belfast Public Bike Share scheme. This represents a re-allocation of provision within existing revenue budgets.

Human Resources

There are no human resources implications.

Asset and Other Implications

None.

4. Equality Implications

None

5. Recommendation

It is recommended that Committee note the content of the report and agree to the provision of funding to the work of the Active Belfast Partnership, as outlined in the report.”

The Committee adopted the recommendation.

Land Adjacent to Finlay Park

The Committee was reminded that the Council had undertaken significant refurbishment work at the Finlay Park, which was situated off the Whitewell Road. The Director reported that, subject to funding, it was anticipated that further improvement work would be carried out at the entrance to the park. However, to enable that work to take place, he reported that the Department would be seeking to acquire a small plot of land at 93 Whitewell Road and to resolve an encroachment matter onto Council land by the resident of 95 Whitewell Road.

The Director reported that the encroachment issue related to the use, for storage purposes, of approximately 28 square metres by the owner of a shop at 95 Whitewell Road. He pointed out that, since that encroachment had been ongoing for a number of years, the occupier could possibly stake a claim for possession of all or part of the land. Accordingly, the Committee was advised that it was being proposed that the occupier of 95 Whitewell Road would be compensated, for storage purposes, with a small portion of Council-owned land to the rear of his property, adjacent to Finlay Park. Such a measure would enable the Council to repossess the land adjacent to 95 Whitewell Road.

The Committee agreed to recommend to the Strategic Policy and Resources Committee that, in accordance with Standing Order 60, it would agree to endorse the following course of action:

**Parks and Leisure Committee,
Thursday, 16th October, 2014**

- to acquire the land adjoining 93 Whitewell Road for a consideration fee of £500, together with meeting all reasonable costs, subject to legal agreement; and
- to transfer, for storage purposes, a small portion of Council-owned land adjacent to Finlay Park into the ownership of the occupier of 95 Whitewell Road. It was agreed also that the Council would provide a fence at the transferred land and pay all reasonable legal costs.

Tree Planting Ceremony at the Mary Peters Track

The Committee acceded to a request from the Woodland Trust to plant a number of trees at the Mary Peters Track to commemorate Dame Mary Peters tenure as Lord Lieutenant of Belfast, subject to the contractor providing sufficient public liability insurance.

Centenary Fields Programme

The Director reminded the Committee that, at its meeting on 12th June, it had agreed to participate in the Centenary Fields Programme. That programme, which was overseen jointly by the Royal British Legion and the Fields in Trust organisation, sought to create a living legacy to commemorate the sacrifice of those who gave their lives during World War One. It was reported that, after consultation with the political parties on the Council, both the Belmont Park and the Strangford Avenue Playing Fields had been nominated for consideration. However, the Committee was advised that a restrictive covenant precluded the use of the playing fields for any other purpose and, therefore, the facility would not be eligible for consideration.

Resolved – that the Belmont Park be dedicated as a Centenary Field as part of the Centenary Fields Programme.

Deed of Dedication - Orangefield Playing Fields

The Committee was reminded that, at its meeting on 12th January, 2012, it had agreed to formulate a Deed of Dedication for approximately 35 acres of land within the Orangefield Playing Fields. That land would be redesignated as part of the Queen Elizabeth II Fields Challenge, which was administered by the National Playing Fields Association. The minute of that meeting had noted that a further report would be submitted in due course which would clarify a range of outstanding legal issues.

Accordingly, the Committee considered a report which outlined the Council's legal position in respect of the proposed redesignation of the land and recommended that the Deed of Dedication with the National Playing Fields Association be submitted to the Strategic Policy and Resources Committee for its approval and thereafter to the Department of the Environment.

**Parks and Leisure Committee,
Thursday, 16th October, 2014**

Private Patrick Carlin – Victoria Cross Recipient

The Director reported that a request had been received from the Ulster Historical Society seeking permission to place a marker in the Friar's Bush Cemetery on the site of the burial of Patrick Carlin. The Committee was informed that Patrick Carlin, who was interred within an unmarked grave at the Cemetery, had been awarded the Victoria Cross for bravery during the Indian Mutiny of 1858.

Resolved - that permission be granted to the Ulster Historical Society to place a marker at the grave of Private Patrick Carlin, subject to that organisation satisfying all legal, health and safety and public liability requirements.

Cancellation of Committee in November

The Committee was reminded that the Shadow Strategic and Resources Committee had, at its meeting on 26th September, agreed that it would be necessary for two party briefings to be provided during November for each political party. Those briefings would enable the parties to consider in detail the future governance arrangements for the Council and the rate-setting process for 2015/2016. Accordingly, in order to free-up Members' time, it had been proposed that meetings of the Principal Committees of the City Council be cancelled in November.

The Members were informed that Chief Officers had been requested to defer until December any business which would have been submitted to Committees in November. Should any urgent decisions be required during November, the Chief Executive would be requested to exercise her delegated authority. However, such decisions would be taken only after consultation with the Party Leaders, in conjunction with the relevant Committee Chairman. Alternatively, should it be deemed appropriate, the matter would be referred to the appropriate Committee in December, or, if necessary, to the Strategic Policy and Resources Committee in November.

The Committee noted the information which had been provided and agreed to cancel its scheduled meeting in November.

Chairman

Development Committee

Tuesday, 21st October, 2014

MEETING OF DEVELOPMENT COMMITTEE

Members present: Councillor Hargey (Chairman);
Aldermen M. Campbell,
Kingston, Stalford and Webb;
Councillors Convery, Kelly,
Kyle, Magee, Mac Giolla Mhúin,
Ó Donnghaile, Ó Muilleoir,
Reynolds, Spence and Verner.

In attendance: Mr. J. McGrillen, Director of Development;
Mrs. L. Toland, Head of Economic
Initiatives and International Development;
Ms. C. Taggart, Community Services Manager;
Mr. B. Flynn, Democratic Services Officer; and
Miss. L. Francey, Democratic Services Officer.

Apologies

Apologies were reported on behalf of Councillors Beattie, Keenan and Kennedy.

Minutes

The minutes of the meeting of 16th 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.

Declarations of Interest

Regarding the agenda item 'The Tall Ships Races 2015 - Update' it was noted that both the Chairman and the Deputy Chairman were members of the Tall Ships Board.

The Rank Organisation – Request for Deputation

Further to the presentation by the Rank Organisation at the meeting on 16th September, the Committee was advised that a further request to address the Members had been received. It was reported that the purpose of that request would be to clarify a number of issues which had been raised at the original meeting.

Moved by Alderman Kingston,
Seconded by Councillor Spence,

Given that the responsibility for the granting of licences for casinos does not lie within the remit of the Committee, it is agreed not to accede to the request to receive a further deputation from the Rank Organisation.

**Development Committee,
Tuesday, 21st October, 2014**

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

Accordingly, the Committee agreed to receive the deputation from the Rank Organisation at its meeting in December and agreed further to invite the Members of the Licensing Committee.

Departmental Plan – Update

The Committee considered a report which outlined the progress which had been achieved in respect of the Departmental Plan during the first six months of 2014/2015.

After discussion, during which the Director undertook to update a Member in respect of the Council's future 'powers of well-being' in respect of Local Government Reform and to examine the feasibility of strengthening the City's links with Nashville as part of the International Relations Framework, the Committee noted the information which had been provided.

Council Support for Employability – European Social Fund

The Committee considered the undernoted report:

“1 Relevant Background Information

- 1.1 Members will be aware that the overall strategic aim of the European Social Fund (ESF) is to help reduce economic inactivity and increase workforce skills by promoting access to employment, social inclusion and skills for growth.**
- 1.2 In Northern Ireland, the programme is administered by the Department for Employment and Learning (DEL). Funding is allocated by means of an open call for projects. Successful projects attract funding of up to 65% of the total project cost and project promoters are expected to find the remaining 35% funding from other sources. Currently, Belfast City Council provides match funding for five projects and supports its own programme (HARTE) – which is delivered by a partnership of local training providers.**
- 1.3 At the September Committee meeting, members were advised of the upcoming call for projects and noted that there was a potential that the council would be significantly over-subscribed for match-funding requests. The committee agreed to ten guiding principles proposed to steer future council decisions concerning support for employability and skills development activities. These were:**

Development Committee,
Tuesday, 21st October, 2014

1. Need for a citywide approach
 2. Need to consider targeted interventions and differentiated approaches
 3. Partnership between Belfast City Council, DEL and others
 4. Support is needed for older males, lone parents, persons with disabilities and minority ethnic communities
 5. The role of the private sector is critical
 6. Need to avoid duplication/local competition
 7. Need to improve data sources and information sharing
 8. Need to focus on outcomes and tracking progress
 9. Employability and skills cannot be considered as stand-alone interventions
 10. Need for transparency in decision-making around funding.
- 1.4 It was resolved by members that a report would be tabled to October Committee to help agree priority areas for council intervention in advance of ESF opening for applications in November 2014. It was also noted that there was an opportunity for the council to make its own submission for funding and, if successful in drawing down resources, we would then commission service delivery to address the key challenges highlighted in the research report presented to members at the September committee meeting.
- 1.5 Members acknowledged that, to date, the council has had limited resources to support employability initiatives. However successive reports have shown that economic inactivity is one of the most significant challenges for the city. As a result it is critical that the council gives consideration to how it can make a difference in this field.
- 1.6 The previous report suggested that the council resources could be substantially enhanced by accessing funding available as part of the transfer to council of responsibility for community development and regeneration powers from the Department of Social Development (DSD). At present, DSD provides match funding of around £700,000 to ESF projects in Belfast. At the August Transition Committee it was resolved that the council would agree in principle to retain this budget for employability and skills activity pending a further paper outlining the specifics of any aligned programme.
- 1.7 While there remains some uncertainty around budget transfer in advance of April 2015, and although there is a chance that the transferring budget will be reduced in line with overall

Development Committee,
Tuesday, 21st October, 2014

departmental budget cuts, there could still be in the range of £600,000 available through transferring budgets to allocate towards employability initiatives. This would be in addition to a smaller budget allocation available within the Economic Development Unit budget (subject to approval of current estimates).

2 Key Issues

- 2.1** Members are reminded that previous presentations to the committee have noted that there are currently 44 ESF projects in the Belfast City Council area, with a further 18 projects based in Belfast but serving areas beyond the council boundary. This represents a cumulative financial allocation of almost £60million.
- 2.2** While many of the projects are very successful in their own right, it is extremely difficult to measure the overall impact of the intervention and there is a significant risk of duplication of effort while opportunities for collaboration and economies of scale are not necessarily explored. However there is a balance to be struck as many of these projects are looking at localised challenges and trying to develop sustainable solutions to those. Given the nature and scale of the challenge in many of those communities, it is clear that there is a need for some local flexibility.
- 2.3** The ten principles previously agreed by the Committee represent an opportunity to ensure that the council's intervention is measurable, targeted and aligned to other interventions that both the council and other partners will be undertaking. While the need for a city-wide approach is critical, the council recognises that this does not mean a generic approach across the city. It requires a degree of local flexibility within an overall support programme that has some visibility and consistency of approach, regardless of where the provision is based.
- 2.4** DEL is currently working on its call for projects which will be launch in mid-November 2014. In preparation for the calls, the department has organised a series of road shows in October and November to provide potential applicants with information on the ESF programme and its priority areas, along with details of their application process. Projects will be assessed by a range of selection panels and it is expected that approvals will be issued in late January or early February 2015. Projects will have a three year life span and match funding must be re-confirmed annually.

Development Committee,
Tuesday, 21st October, 2014

- 2.5** Although ESF is only one funding programme for employability and skills development, and its focus is primarily on those furthest from the labour market, it nevertheless presents a significant opportunity to make a positive impact on this target group – the numbers of which remain stubbornly high, particularly in some communities across the city.
- 2.6** The recent spate of job announcements in the financial and business services sector and IT industry are indicative of the future direction of the economy in Belfast. It will become increasingly service-sector focused, with the greatest job growth expected in administration, hospitality, IT and financial services. While many of these are high paid, highly skilled jobs, there are a range of entry level employment opportunities that provide an access point for individuals into the world of work. The challenge is to encourage employers to look at training opportunities for existing staff – with resources currently available from DEL for this activity – in order to move people through the grades and improve their employment status. This has the added impact of creating further entry-level opportunities.
- 2.7** In addition to the new investment announcements, there are a range of planned physical investments in the city in the coming years, as set out in the city centre regeneration and investment plan. It will be important to consider how any project can support the development and delivery of these schemes, thereby supporting not only the physical development of the city but ensuring greater social cohesion by putting in place interventions which will improve access to employment opportunities for those furthest from the labour market.
- 2.8** Research on skills in Belfast suggests that skills matter: the more highly skilled you are, the more likely you are to be in work. With just over 10% of future jobs expected to require no or low skills, there is a need to ensure that individuals can secure vocationally-relevant skills development support to improve their employment prospects.
- 2.9** Belfast is a micro business economy – with over 80% of companies employing 10 people or less. Conversely, less than 1% of the city's businesses can be considered as a large business (250+ employees). However these businesses support over half of the total employee numbers in the city – whereas the micro businesses provide 10% of overall employment. It is clear that differentiated approaches are required to employer engagement and, while many are actively

Development Committee,
Tuesday, 21st October, 2014

involved in employability support initiatives, others are more reticent to accommodate work placements or consider ring-fenced employment opportunities. Belfast City Council – as a key employer in the city – has a role to play in encouraging businesses to be more flexible in providing opportunities for those people trying to get into employment. The success of our outreach programme profiled through the Investment Programme has been widely acknowledged and puts us in a good position to encourage other employers to consider these approaches.

- 2.10 Taking into account the challenges and opportunities, and bearing in mind the relatively limited resources available to the council at this point, it is proposed that the council considers making an application directly to DEL for a citywide employability and skills development programme for the target groups identified within the ESF programme. This application will be based on the significant employability and skills research available to the council – with further work underway at present.
- 2.11 It is suggested that the council role is not that of a delivery partner – rather as a strategic oversight body ensuring focus on the areas and target groups requiring most support and ensuring alignment with complementary support provision (by us and other partners). Equally, we can provide a role in terms of employer engagement as well as considering specific and additional opportunities within our own organisation. From a governance perspective, we can ensure appropriate project management and compliance and can access the expertise of relevant financial and economic development staff.
- 2.12 Project delivery is likely to involve a consortium of partners from across the city with a range of specialisms, including community engagement, skills development, personal development, technical skills and training delivery. The overall objective will be to maximise the opportunities of finding employment for those engaged in the programme and to improve their experience of the engagement. This may include signposting them to further provision beyond the programme.
- 2.13 Members are reminded that ESF is a relatively small programme and represents only 7% of DEL's overall programme budget. In addition, there are commitments to a range of other schemes across the city through mainstream DEL provision (apprenticeships, further and higher education, Training for Success, Steps to Success) as well as

Development Committee,
Tuesday, 21st October, 2014

employability projects supported through the Social Investment Fund (SIF). These include:

- Belfast North Zone: employment fuel poverty project (£2m)
- Belfast South Zone: employment programme training in catering, hospitality, retail and IT (£2.2m)
- Belfast West Zone: integrated employment programme supporting people back to mainstream employment (£3.3m)

2.14 There is also an employability project in Belfast East Zone which is awaiting approval and there are a number of other projects across the zones that will have an impact on employability support including childcare and family support and early years interventions.

2.15 The council ESF project needs to take account of existing provision and support only interventions that can add value to the current offer, focusing on securing positive employment outcomes, in line with the guiding principles approved at September Development Committee.

3 Resource Implications

3.1 Under the current NR Programme, DSD currently provides around £700,000 to match-fund 11 employability related projects part financed by the European Social Fund (ESF). If this funding transfers, it is likely to be subject to budget cuts, in line with other departmental transfers. At present, there is an indicative funding allocation of around £200,000 within the EDU budget estimates – which are still subject to approval.

3.2 Given that this funding will not be incurred until the 2015/2016 financial year, budgetary decisions will be subject to consideration by the Shadow Council.

4 Equality and Good Relations Considerations

4.1 Equality and Good Relations considerations will also be factored into the project application and will be monitored as part of the application process (in line with DEL requirements).

**Development Committee,
Tuesday, 21st October, 2014**

5 Recommendations

5.1 It is recommended that members:

- **Note the pending call for proposals under the ESF programme**
- **Endorse the council's proposed commissioning approach, based on extensive research and taking account of specific local needs while ensuring city-wide coverage and focusing on maximising positive outcomes for participants."**

The Committee adopted the recommendations.

City Centre Business Information Point

The Committee was reminded that, at its meeting on 17th September, 2013, it had agreed to provide funding in the sum of £39,000 to enable the establishment of a pilot City Centre Business Information Point. That Information Point, known as the City Business Hub, was located in Castle Lane and provided information services and networking opportunities to prospective businesses. The Hub was managed by Ortus, a Belfast-based enterprise agency. The Committee was informed that, since its opening, the Hub had:

- dealt with 1792 businesses and individuals, 949 of which had requested logistical support;
- hosted 140 networking events which had been attended by 840 individuals; and
- provided digital information to over 1,100 individuals on the services and support offered.

The Director reported that a further request for financial support, in the sum of £23,370, had been received from Ortus. That figure would enable the project to be extended until April, 2015. The Committee was apprised of an associated budget which had been submitted and which outlined how the Hub would utilise the additional funding. The Director pointed out that the Council would assume responsibility for local enterprise functions on the implementation of Local Government Reform.

After discussion, the Committee agreed to grant funding, in the sum of £23,370, to the City Business Hub to enable the extension of the pilot project, subject to a legal agreement being formulated and targets being agreed between the Council and Ortus.

Digital DNA – Request for Support

The Committee was advised that the MBA Association of Ireland, in partnership with the Northern Ireland Chamber of Commerce, Invest NI and the University of Ulster, would host its third Digital Summit in Titanic Belfast and in the City Hall from 3rd till 7th November. The Director reported that the event would attract a range of renowned

**Development Committee,
Tuesday, 21st October, 2014**

speakers, including representatives from Google, Microsoft, Facebook, Twitter and Deloitte Digital.

He informed Members that Digital DNA had requested funding in the sum of £7,500 from the Council. However, given budget pressures and the short lead-in time for any associated benefits to be accrued, he recommended that a contribution of £2,500 be endorsed.

Accordingly, the Committee agreed:

- to provide sponsorship for the Digital DNA event in the sum of £2,500; and
- to note a proposal to undertake a review of the economic impact of supporting such events and to consider a revised eligibility criteria in order to determine whether any sponsorship provided would represent value for money to the Council.

City Marketing Activity

The Committee considered the undernoted report:

“1 Relevant Background Information

- 1.1 Members will be aware that in the lead up to the Christmas period in 2012 and 2013, the Belfast Chamber of Trade and Commerce approached the Council for emergency funding to support a promotional campaign to overcome negative perceptions of the city which had built up around Belfast on the Move implementation and protests the following year.**
- 1.2 In November 2013, Members asked that there would be no repeat of last minute requests and that funding for such initiatives be adequately planned for. As a result a budget of £70k has been allocated to support this activity within this year’s Development department budgets.**
- 1.3 Belfast Chamber of Trade and Commerce (BCTC) is currently working on a city marketing campaign for the Christmas period, in conjunction with Visit Belfast, Castlecourt and Victoria Square.**

2 Key Issues

- 2.1 While footfall and spend figures have improved slightly in Belfast over the past year, the economic climate is still relatively precarious. Retailers, the hospitality trade and attractions are keen to ensure that there is active promotion of the city as a key retail, hospitality and visitor destination,**

Development Committee,
Tuesday, 21st October, 2014

given the competition which will come from other destinations in the crucial Christmas period.

- 2.2 The proposed Christmas campaign – while still under development – is likely to include a range of promotional activities such as online promotion, television advertising, partnerships with Translink and other carriers and promotional events at key locations. The principal aim will be to maximise footfall and consumer spend in the key trading period in the run-up to Christmas.
- 2.3 In addition to promoting the shopping offer in the city, there will be a focus on encouraging people to stay longer – availing of Belfast’s vibrant hospitality offer and visitor attractions, and increasing the spend in the city. The campaign will focus not only on the city centre but will also include images and information on other parts of the city. In this regard, it will support the locally-based action plans being developed by trader groups across the city – most of which include a series of Christmas events and activities.
- 2.4 The four partners – namely BCTC, Castlecourt, Victoria Square and Visit Belfast – have already allocated a total of £130,000 towards the campaign. This along with a proposed Council allocation of £70k would allow for a campaign totalling £200k.
- 2.5 Members are reminded that, when previous requests for marketing support of this nature have been presented to the committee, there has been concern that activities will be piecemeal and that, because of the lateness of the request, the expenditure will have limited impact. Given that there has already been some development work undertaken on this campaign – and that there is significant commitment from the private sector partners – it is proposed that this represents a more consolidated approach from city partners that will have a greater opportunity of meeting its objectives in terms of enhanced visitor numbers and additional spend.

3 Resource Implications

- 3.1 It is anticipated that the full campaign will cost £200,000. £130,000 has already been secured from private sector partners. £70,000 has been allocated within Departmental budgets to support the campaign.

4 Equality and Good Relations Considerations

- 4.1 No specific equality and good relations considerations.

**Development Committee,
Tuesday, 21st October, 2014**

5 Recommendations

5.1 It is recommended that Members:

- **Note the proposed city marketing campaign for the pre-Christmas period**
- **Agree to match funding of £70,000 from council towards the campaign.”**

The Committee adopted the recommendations.

Tall Ships Races 2015 – Update

(Mr. G. Copeland, City Events Manager, attended in connection with this item.)

The Committee considered the contents of a report which provided an update on the arrangements which had been put in place for the hosting of the Tall Ships Races in 2015. The City Events Manager indicated that, due to budget constraints, there was a possibility that the Tourist Board would not be able to provide its full allocation of funding towards the event. He outlined the impact that this might have on the hosting of the event, but emphasised that the races would proceed as proposed in 2015.

The Committee noted the information which had been provided and agreed that a letter be forwarded to the Minister for Enterprise, Trade and Investment outlining its concerns in respect of the suggested cut in funding for the event.

World Pipe Band Championships

(Mr. G. Copeland, City Events Manager, attended in connection with this item.)

The Committee was provided with an outline of the feasibility of the Council submitting a bid to host the World Pipe Band Championships during the three-year period from 2016 until 2018. The City Events Manager indicated that a sum in the region of £2 million would be required to secure the event for Belfast for that three-year period, £1 million of which would be sought from central government departments. The Committee was informed that, despite sponsorship and income associated with the event, the Council would be required to contribute approximately £250,000 in each of the three financial years in which the event would be hosted by Belfast.

The Committee was reminded that it had been the practice that corporate funding for large-scale events had been financed through a specified reserve. However, that reserve would be exhausted following the hosting of the Tall Ships event in 2015. Accordingly, the Committee was requested to note that no funding had been identified to mount a bid to host the championships. However, should the Committee deem it appropriate, a request to set aside sufficient funding to support a bid would need to be made to the Strategic Policy and Resources Committee, so as such funding could be addressed as part of the rate setting process in the financial years 2016, 2017 and 2018.

**Development Committee,
Tuesday, 21st October, 2014**

In response to a Member's question, the City Events Manager confirmed that bids to host the championships would be required to be submitted to the organisers by 15th November at the latest.

Moved by Alderman Kingston,
Seconded by Councillor Reynolds,

That the Committee agrees, in principle, to prepare a bid to host the World Pipe Band Championships in Belfast during 2016, 2017 and 2018.

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

Accordingly, it was agreed that the Council would not bid to host the championships in the years as specified. However, it was agreed further that a report would be submitted to a future meeting which would provide an overview of the large-scale events which the Council might consider bidding to host for in future years.

Culture, Arts and Leisure Committee – Arts in Working-Class Communities

The Committee agreed that the Director, or his nominee, would deliver a presentation to the Culture, Arts and Leisure Committee at the Northern Ireland Assembly on 13th November. It was noted that the presentation would outline the role of the Council in promoting arts within working-class communities.

Community Festivals' Fund

The Committee noted the contents of a report in respect of the Council's Community Festivals' Fund for 2014/2015 and agreed to accept the proposed funding from the Department of Culture, Arts and Leisure to administer the Community Festivals' Fund for 2015/2016.

Consultation Exercises

Northern Ireland Bicycle Strategy

The Committee endorsed the Council's response to a consultation exercise which had been overseen by the Department for Regional Development in relation to a future Bicycle Strategy for Northern Ireland. It was noted that the response would be amended to emphasise the following comments:

- that the Council would request that the Department would consider creating 'safe spaces' for bicycles, particularly to enhance that ability of children to cycle to and from school;
- that the Department would explore the feasibility of extending 'cycle to work' schemes across Northern Ireland; and
- that the Department would agree to review the criteria for the 'cycle to work' scheme to enable a greater number of local bicycle shops to be deemed as suppliers.

**Development Committee,
Tuesday, 21st October, 2014**

Bank Square Access

The Committee endorsed a proposal by Transport NI to introduce revised access arrangements which would enable public hire vehicles to access Bank Square on evenings and weekends.

Ainsworth Community Centre

The Committee agreed to defer consideration of a request to reallocate a pre-agreed support grant, in the sum of £11,000, to the Ainsworth Residents Group to enable it to develop a community house at premises at 369 to 371 Springfield Road. It was noted that the deferral would enable consultation to be undertaken with the relevant authorities and neighbouring communities in respect of the proposal and allow for a business case to be presented to the Committee.

Ballymacarrett Recreation Centre – Lease Renewal

The Committee agreed to recommend to the Strategic Policy and Resources Committee that it would extend, for a further five-year period from 1st October, 2014, a lease agreement with Connswater Community and Leisure Services for the use of the Ballymacarrett Recreation Centre, subject to a rent of £10,775 per annum.

Glen Road Travellers' Site

The Committee agreed, subject to the endorsement of the Strategic Policy and Resources Committee, to enter into a lease agreement with An Munia Tober, until 30th September, 2017, for the locating of an additional port-a-cabin, fenced compound and car park at the Glen Road site for the use of the Council's Traveller Liaison Officer at a yearly rent of £2,315.

North Queen Street Community Centre – Holy Family Amateur Boxing Club

The Committee agreed to extend the lease, for a five-year period commencing on 1st February, 2014, with the Holy Family Amateur Boxing Club for the use of the North Queen Street Community Centre at an annual fee of £1,075, subject to the approval of the Strategic Policy and Resources Committee.

Denmark Street Community Centre – Rent Review

The Committee agreed to a revised rent of £3,786 per annum for the use of the Denmark Street Community Centre by the Denmark Street Community Association. It was noted that the revised rate would be backdated to 1st April, 2013, subject to the approval of the Strategic Policy and Resources Committee in accordance with Standing Orders.

Children and Young People – Update

The Committee noted an update in respect of the Council's activity in promoting services for Children and Young People.

**Development Committee,
Tuesday, 21st October, 2014**

Cancellation of Committee Meeting in November

The Committee was reminded that the Shadow Strategic and Resources Committee had, at its meeting on 26th September, agreed that it would be necessary for two party briefings to be provided during November for each political party. Those briefings would enable each of the parties to consider in detail the future governance arrangements for the Council and the rate-setting process for 2015/2016. Accordingly, in order to free-up Members' time, it had been proposed that meetings of the Principal Committees of the City Council be cancelled in November.

The Members were informed that Chief Officers had been requested to defer until December any business which would have been submitted to Committees in November. Should any urgent decisions be required during November, the Chief Executive would be requested to exercise her delegated authority. However, such decisions would be taken only after consultation with the Party Leaders, in conjunction with the relevant Committee Chairman. Alternatively, should it be deemed appropriate, the matter would be referred to the appropriate Committee in December, or, if necessary, to the Strategic Policy and Resources Committee in November.

The Committee noted the information which had been provided and agreed to cancel its scheduled meeting in November.

Northern Ireland Rural Development Programme 2014/2020

The Committee noted the contents of a report which provided information in respect of the Council's future participation in the Department of Agriculture and Rural Development's Rural Development Programme for 2014/2020, particularly in respect of the Council's involvement in the Lagan Rural Partnership.

The Committee agreed, in principle, that it would participate, in conjunction with the newly-formed Lisburn and Castlereagh Council, in the Lagan Rural Partnership, subject to a further report being submitted for consideration in due course.

Visteon Site

The Committee was reminded that, at its meeting on 16th September, it had considered the contents of a feasibility study regarding the future development of the former Visteon factory off Finaghy Road North.

The Director advised that further correspondence had been received from local residents setting out their views on the feasibility study, copies of which had been circulated to the Members of the Committee.

Noted.

Chairman

Health and Environmental Services Committee

Wednesday, 8th October, 2014

MEETING OF HEALTH AND ENVIRONMENTAL SERVICES COMMITTEE

Members present: Councillor Corr (Chairman);
the High Sheriff (Alderman L. Patterson);
Aldermen Kingston and Stoker;
Councillors Austin, M. E. Campbell, Curran,
Clarke, Garrett, Jones, Magee, McCarthy,
McKee, McNamee and Thompson.

In attendance: Mrs. S. Toland, Lead Operations Officer/
Head of Environmental Health;
Mr. T. Martin, Head of Building Control;
Mr. S. Skimin, Head of Cleansing Services;
Mr. T. Walker, Head of Waste Management; and
Mr. B. Flynn, Democratic Services Officer.

Apologies

Apologies were reported on behalf of Alderman McCoubrey and Councillors Hussey, Keenan, Kelly and Kyle.

Minutes

The minutes of the meeting of 3rd 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.

Declarations of Interest

No declarations of interest were reported.

Committee Meeting in November

The Committee was reminded that the Shadow Strategic and Resources Committee had, at its meeting on 26th September, agreed that it would be necessary for two party briefings to be provided during November for each political party. Those briefings would enable each of the parties to consider in detail the future governance arrangements for the Council and the rate-setting process for 2015/2016. Accordingly, in order to free-up Members' time, it had been proposed that meetings of the Principal Committees of the City Council be cancelled in November.

**Health and Environmental Services Committee,
Wednesday, 8th October, 2014**

The Members were informed that Chief Officers had been requested to defer until December any business which would have been submitted to Committees in November. Should any urgent decisions be required during November, the Chief Executive would be requested to exercise her delegated authority. However, such decisions would be taken only after consultation with the Party leaders, in conjunction with the relevant Committee Chairman. Alternatively, should it be deemed appropriate, the matter would be referred to the appropriate Committee in December, or, if necessary, to the Strategic Policy and Resources Committee in November.

The Committee noted the information which had been provided and agreed to cancel its scheduled meeting in November.

Building Control

Naming of Street

The Committee approved the undernoted application for the naming of a new street to which the Royal Mail had offered no objection:

<u>Proposed Names</u>	<u>Location</u>	<u>Applicant</u>
Cairnmartin Crescent	Off Cairnmartin Road	URS Infrastructure and Environmental UK Ltd.

Requests for Drawings from the Building Control Archive

(Mr. R. Corbett, Records Manager, attended in connection with this item.)

The Committee considered the undernoted report:

“1 Relevant Background Information

1.1 The purpose of this report is to inform the Committee and ask that it gives some consideration to two issues that have recently been put to the Service. Firstly that the Council give the original copies of their archive drawings to another organisation, and secondly the possibility of permitting archived drawings to be loaned to external parties on a temporary basis for exhibitions.

1.2 The Building Control Archive is a unique reference facility which holds detailed drawings and information on buildings constructed in the Belfast City Council area dating from 1861 to the present day. There are currently nearly 500,000 plans and associated documents which were previously held in the basement of the City Hall but are now located in a private storage facility in the city.

Health and Environmental Services Committee,
Wednesday, 8th October, 2014

- 1.3 The records are accessed by geographers, social historians and genealogists in addition to practising architects and students. It is accessed by approximately 125-150 people a year with other 100 written requests for information. It is not common practice to loan drawings out but persons are entitled to call at the Building Control offices to view drawings. A fee of £30 is usually charged but this is waived for students. The Service also permits paper copies to be taken of the drawings for research purposes.
- 1.4 Some of these drawings are exceptionally beautiful works and of great historical significance. Earlier this year, the company responsible for digitising our records provided the Service with a laser copy of the facade of the Grand Opera House in order to demonstrate the quality of its new technology. As the drawing was of little intrinsic value to the Service and as a gesture of goodwill, it was presented to the Trustees of the Opera House by the previous Lord Mayor, Cllr Ó Mulleoir. At that meeting, we displayed other working drawings of the Opera House dating back to the period of its original construction. The Grand Opera House has now requested that Belfast City Council loan the original drawings of the Grand Opera House to them permanently.
- 1.5 The Council also occasionally receives requests from organisations who ask for drawings to be loaned on a temporary basis and, as a matter of principle, the Committee's general views were sought at that time. Such a request has been received by the Ulster Museum for the original drawings of their building on a temporary basis for the purpose of holding an exhibition which will run from 17th to 31st October 2014.

2 Key Issues

- 2.1 The Building Control Plan archive, whilst it is by definition a public archive, remains under the Council's control as it is required for administrative purposes. The records are therefore the exclusive property of the Council.
- 2.2 The Council has recently provided the Grand Opera House with a high quality copy of the drawings as a gesture of goodwill however they have now asked that the Council provides them with the original drawings. The Ulster Museum has requested the original drawings of their building purely on a temporary basis for the purpose of holding an exhibition which will run from 17th to 31st October 2014.

Health and Environmental Services Committee,
Wednesday, 8th October, 2014

- 2.3 The Committee should be aware of the risks of loaning out drawings, both temporarily and/or permanently. The Council's Records Manager was consulted and expressed concerns about original public records being loaned to non-accredited museums, libraries, etc. on the grounds of ensuring their security, access to researchers and permanent preservation (e.g. how they would be displayed, etc). PRONI was specifically consulted regarding the request made by the Grand Opera House in that it is giving away the original documents and also shared the other general concerns expressed by the Records Manager.
- 2.4 The Committee should consider the possibility that the service currently being offered to persons who wish to view original drawings would be compromised if drawings were loaned out.
- 2.5 If the current requests are acceded to it is likely to set a precedent whereby others may request that drawings are loaned out on a similar basis. Therefore the Committee are being asked to consider the loaning out, either temporary or permanent, of drawings in principle and whether a policy would be useful in establishing appropriate guidance.
- 2.6 If the Committee refuses to consent to release of the drawings then no further action will be required. However, if the Committee does agree, then the Service will consult with the Legal Services Department and an agreement will be drawn up to allow the drawings to be loaned out to the parties concerned.
- 2.7 The Committee is also being asked to consider whether it would be appropriate to draw up a policy which would regulate the loan of drawings to external parties. This policy would consider such factors as to whether the requester requires the drawings, for what purpose and why copies would be insufficient for their purposes. It might be appropriate to restrict the circumstances in which original drawings may be loaned out, whether on permanent or temporary basis.

3 Resource Implications

- 3.1 None.

4 Equality and Good Relations Considerations

- 4.1 No screening at this point however any policy may needed to be submitted for screening.

**Health and Environmental Services Committee,
Wednesday, 8th October, 2014**

5 Recommendations

- 5.1 The Committee is requested to give consideration to the possibility of drawing up a policy which will enable drawings to be loaned out either on a permanent or temporary basis.**
- 5.2 The Committee is requested also give consideration to the current issues, namely:**
- 1. Whether the Grand Opera House original drawings should be loaned out to the Grand Opera House permanently, and**
 - 2. Whether the Ulster Museum drawings should be loaned out to the Ulster Museum for a set period of time for the purposes of an exhibition which runs from 17th to 31st October 2014.**
- 5.3 The Committee is requested to either consent or refuse consent in respect of the above matters. Depending on its decision, the matter shall progress if necessary and Legal Services shall be consulted in the manner described above.”**

The Head of Building Control tabled for the information of the Committee a number of original examples of drawings from the archive, together with some high-quality reproductions.

During discussion, several Members expressed the view that the copies of the drawings were of such a high standard that it was unnecessary for original copies to be loaned from the archive. Regarding the request from the Ulster Museum for the loan of the original drawings for a two-week period, the Committee was satisfied that sufficient safeguards existed to ensure that the drawings would be handled in a professional manner.

Accordingly, the Committee agreed to the following course of action:

- that the original drawings of the Grand Opera House be not loaned for display purposes to the Trustees of the Grand Opera House;
- that the Ulster Museum be permitted to borrow, from 17th till 31st October, the original drawings of that building for the purposes of their display at the exhibition, subject to the drawing-up of an appropriate legal agreement and to the Council being satisfied that the documents would be handled and displayed in an appropriate and professional manner;
- that the Council formulates a policy to oversee any future requests for the loan of drawings from the Building Control Service’s archive; and

**Health and Environmental Services Committee,
Wednesday, 8th October, 2014**

- that further research be undertaken to determine the commercial viability of establishing an online archive of the Council's Building Control Service's records and to examine the feasibility of charging members of the public for the re-production of high-quality copies.

**Proposed Changes to the Water and Sewerage Service
(Northern Ireland) Order 2006**

The Head of Building Control outlined the principle aspects of a report which gave an overview of a consultation exercise which had been undertaken by the Water and Sewerage Service. He indicated that the main issues which had been raised within the consultation exercise related to the following:

- the adoption of private sewerage systems and the role of building regulations in the adoption of such sewers;
- a review of the current level of sewer bonds and the retention, increase or decrease of that Bond;
- the prohibition of surface water connections to combined sewerage systems;
- encouraging the use of sustainable drainage systems (SUDS) in new residential properties; and
- maintaining and replacing private supply pipes, including strengthening NI Water's powers to enter commercial property to address leakages from burst pipes.

After discussion, the Committee endorsed the Council's response to the consultation exercise as set out hereunder:

**"Council Response to Proposals for
New Water Legislation Public Consultation 2014**

Private Sewerage Systems

General comments on this section of questions:

The Council advises that the Building Control Service is currently not part of the planning and development control process and has limited involvement with any proposals prior to either submission of a Building Regulation application or pre application discussions. It is anticipated that, with Planning moving to Local Authorities in the Local Government Reform, this problem can be fully addressed.

The Council is of the opinion that, in the majority of cases, it would seem appropriate to make sewer adoption contingent upon road adoption and vice versa. There may, however, be instances where a development has a mixture of surfaces not all of which are intended for 'roads' adoption. Whether the extent of adopted sewers should follow the exact

Health and Environmental Services Committee,
Wednesday, 8th October, 2014

boundaries of adopted surfaces may be a matter for discussion in each case and thus a rigid approach to the link between adoption of surfaces and pipes may not be appropriate. It is also noted that 4.1 to 4.3 relate solely to sewerage infrastructure and clarity may be required regarding whether the limit of adopted mains supplies would and should follow the same geographical limits.

Proposal 4.1 – Make Sewer Adoption Agreements a pre-requisite of connection to the public sewerage system. Do you agree that all residential sewerage systems that are to be connected to the public network in the future and which serve five or more houses should be adopted by NI Water and protected by Sewer Adoption Agreements (and surety bonds)?

The Council is informed by the Head of Building Control that the professional body, Building Control Northern Ireland of which he is the current chairman made representation to the Committee for Regional Development (Inquiry into Unadopted Roads) on this very issue. The Council welcomes this proposal but would also recommend that NI Water should adopt all residential developments including those under 5 houses, even where the road is not to be adopted to ensure equity for all residents. Whilst the vast majority of premises in the current city council area are connected directly to main sewerage systems, Belfast's boundaries will change dramatically in 2015. In that new expanded area, there may be small developments (under 5 houses) which could be served by a pumping station, this type of development needs to fall under the same requirement of what is being proposed.

The Council expresses concern that non-residential developments are not going to be adopted by NI Water and the potential difficulties which may occur where the works are not completed to the standard normally required by NI Water.

Proposal 4.2 – Make sewer adoption a pre-requisite of private streets adoption - Do you agree that all new residential sewerage systems in private streets (serving five houses or more) should be adopted by NI Water and if so, do you agree that sewer adoption should be a pre-requisite of private streets adoption?

The Council would welcome this approach and feels that it provides clarity as to the responsibility of NI Water. As stated in the previous question, the Council feels that all

Health and Environmental Services Committee,
Wednesday, 8th October, 2014

houses should be adopted, even in residential developments where there are less than 5 dwellings. Furthermore, the proposals suggest that non-residential developments are not going to be adopted by NI Water and potential difficulties may occur where the works are not completed to the standard normally required by NI Water. This measure needs to be reconsidered.

Proposal 4.3 – Review the current level of Sewer Bonds (at 40% / 50% of the estimated construction costs). Should the current level of sewer bond (i.e. 40% for gravity sewers and 50% for pumping stations/mains) be retained, increased or decreased for the PC15 investment period (2015-21)? Please give your reasons why.

The Council has no strong views on this and the bond should be determined between the industry and NI Water. NIW should set the bond at whatever level is appropriate to their needs and is acceptable and feasible for the construction industry. Yearly review periods should also be introduced to amend the level of sewer bond as market conditions change.

Surface Water Drainage & New Connections

General

Our opinion is that although there is real long term benefits in pursuing this policy we must point out that in a difficult economic environment for developers these proposals would introduce an additional cost to developers and will likely result in a downward adjustment in the value the market is prepared to pay for development land. Developers who have acquired development sites prior to introduction of these measures would not have been in a position to build this adjustment into the price they paid.

In light of this:

- (i) some transitional arrangements may be appropriate and 5.3 may form part of this;
- (ii) ii) a reasonable period should be allowed to flag up the intended introduction of this policy so as to allow the market to phase in the relevant adjust.

**Proposal 5.1 – Prohibit new surface water connections to the combined system for non- residential development.
Do you agree that surface water connections for all new non-residential sites should be prohibited?**

Health and Environmental Services Committee,
Wednesday, 8th October, 2014

Although the Council supports the principal of a more sustainable means of dissipating surface water, it feels that this approach would be too inflexible and is not practical or feasible in some small land locked urban non residential developments, perhaps 'discouraging' instead of 'prohibiting' would be more a more workable approach.

The Council would also have concerns regarding the lack of robust regulatory regime, standards and procedure in place in Northern Ireland to support such a requirement. A number of bodies currently have some involvement in this area, but there is limited associated legislation and/or guidance on the issue. The Council also has concerns with the availability of the skills and knowledge required to design, construct and maintain SUDS and this is critical to the current proposals.

Proposal 5.2 – Encourage sustainable drainage systems in new residential development by restricting surface water connections to the combined sewerage system. Do you agree that developers should be:

- (i) prevented from connecting surface drainage from residential areas to the combined sewerage network;
and
- (ii) required to use sustainable drainage systems to manage surface water locally on site?

Clarity required as the proposal and question appear to differ as the proposal refers to 'encourage' and the question to 'required'?

The Council would suggest that where there are decisions to be based on cost comparison between the costs of traditional methods versus the cost of SUDS, that the entire costs associated with SUDS are considered, e.g. including the loss of land use, i.e. 5 houses lost from the development to accommodate the SUDs.

The Council also feels that there may be limited recreational and amenity benefits from a SUDS and that the maintenance and liabilities associated with the system may be significant.

We would also ask what measures are in place to deal with situations where the development management company or residents group is unable or unwilling to deal with the ongoing maintenance, whose responsibility is it to ensure the SUDs continues to operate effectively without any public health issues?

Health and Environmental Services Committee,
Wednesday, 8th October, 2014

The Council would also have concerns regarding the lack of robust regulatory regime, standards and procedures in place in Northern Ireland to support such a requirement. A number of bodies currently have some involvement in the areas, but there is limited associated legislation and/or guidance on the issue.

The Council also has concerns with the availability of the skills and knowledge required to design, construct and maintain SUDS as this is critical to the successful implementation of the current proposals.

Proposal 5.3 – Incentivise the use of Sustainable Drainage Systems through the Reasonable Cost Allowance.

Do you agree that conditions should be introduced for the Reasonable Cost Allowance for sewer requisitions to encourage Sustainable Drainage Systems and reduce surface water connections?

When a robust legislative framework and regulatory regime have been developed which covers the design, installation and ongoing operation of the SUDS, it may then be effective to provide incentives to encourage provision of SUDS.

Maintaining & Replacing Private Supply Pipes

Proposal 6.1 – Introduce an information programme to educate the public about the risks of lead supply pipes. Do you agree that an information campaign should be funded to educate people about the risks of lead supply pipes.

The Council feels that this may be useful, however needs to be managed carefully to ensure to educate and not create unnecessary concern for residents. Surely an opportunity would be where people are undertaking work they should be encouraged to replace the water supply pipe, relevant documentation relating to replacing lead pipes to be sent out with planning approvals and building control correspondence.

Proposal 6.2 – Enable NI Water to replace private supply pipes with the owner's consent. Should NI Water be permitted to enter private land with the owner's consent to replace or repair private supply pipes that contain lead or to address leakage?

As this should assist with reducing the amount of wasted water through leaking pipework, this would seem like a sensible approach.

Health and Environmental Services Committee,
Wednesday, 8th October, 2014

Proposal 6.3 – Incentivise property owners to remove lead supply pipes by providing some financial support.

Should the Department incentivise people to replace lead supply pipes by making financial support available?

This may be beneficial to encourage homeowners to consider the replacement of lead pipes at their properties.

Proposal 6.4 – Promote lead supply pipe replacement through the house purchase/rental market by:

- Requiring anyone selling or letting a property to declare whether lead is present in the external supply pipes; or,**
- Requiring anyone selling or letting a property to replace any external lead private supply pipes.**

Although the benefits of this proposal are obvious, how this could be reasonably ascertained and could it cause significant delays in the conveyancing process and may be very onerous for homeowners

Depending on the level of financial support available this could help reduce or eliminate an inevitable market adjustment in the prices/rents people are prepared to pay for houses affected by lead piping (predominantly older properties). In the absence of financial support it would be an unfortunate consequence of the policy to put in place a market impediment which could affect whole districts of affordable housing falling into this category.

Proposal 6.5 – Strengthen NI Water’s powers to enter commercial property in order to address leakage from burst pipes Should NI Water be permitted to enter private land without the agreement of the property owner, to repair burst private supply pipes where critical issues arise?

In principle, the Council would agree with allowing NI Water powers of entry to address the issue of burst pipes, however it would always be more effective where possible to engage with the property owners. A definition of what factors determine a critical issue would also be beneficial and help set the parameters.”

Health and Environmental Services Committee,
Wednesday, 8th October, 2014

Environmental Health

Association of Port Health Authorities
Annual General Meeting and Conference

The Committee noted the contents of a report which provided an overview of the Council's attendance at the above-mentioned annual general meeting and conference, which had been held in London from 9th till 11th September.

Northern Ireland Registration Authority – Tobacco Retailers Register

The Committee considered the undernoted report:

“1 Relevant Background Information

- 1.1 Smoking is the single greatest cause of preventable illness and premature death in Northern Ireland, killing around 2,300 people each year. In addition, a strong relationship exists between smoking and health inequalities. It has a greater impact on people living in areas of social or economic deprivation. Overall, almost one in four adults in Northern Ireland is a current smoker. In deprived areas this increases to one in three; and amongst the prison population, and for those with mental ill-health problems, smoking prevalence rates are considerably higher and one in two will die as a result of smoking.**
- 1.2 Since 2007, the NI Assembly has introduced a number of legislative controls to address this serious public health issue. On 30th April 2007, the Smoking (Northern Ireland) Order 2006 came into effect to protect people from second hand smoke by preventing smoking in most workplaces and public places. On 1st September 2009, the minimum age to purchase tobacco products was increased from 16 to 18 years by the introduction of the Children and Young Persons (Sale of Tobacco etc) Regulations (Northern Ireland) 2008; and more recently controls were introduced relating to point of sale display of tobacco products and the use of vending machines. The Council has been funded by the Public Health Agency since 2006 to enforce the tobacco control legislation. The level of compliance relating to smoke free workplaces and point of sale display in Belfast and indeed, throughout Northern Ireland, is high.**
- 1.3 The Public Health Agency also funds the Council to provide a smoking cessation service for its employees and this service has been extended over the past few years to include smoking cessation in other workplaces throughout the city.**

Health and Environmental Services Committee,
Wednesday, 8th October, 2014

1.4 In February 2012, the Department of Health, Social Services and Public Safety published a Ten Year Tobacco Control Strategy for NI with the overall aim to create a tobacco-free society.

2 Key Issues

2.1 In 2013, the Northern Ireland Assembly introduced a Tobacco Retailers Bill, which received Royal Assent in March 2014. The Tobacco Retailers Act (Northern Ireland) 2014 includes the establishment of a central register of tobacco retailers. It is estimated that the register will contain around 2,500-3,000 entries. Similar retailer registers have already been established in Ireland and Scotland.

2.2 The purpose of the register is to provide essential information to councils to enable the enforcement of tobacco legislation. The system will allow all tobacco retailers to record their details on an online database by completing a simple online application process. The process will also allow submission on a paper application form. There will be no cost or conditions associated with the registration for the business.

2.3 Local councils must be able to access the information contained in the register to check the registration status of retailers in their area. This information will also be accessible to the public through the internet. In addition, the register should allow for nominated council staff to enter and observe information relating to enforcement action taken with regards to relevant tobacco control legislation. This information will be restricted to nominated persons.

2.4 The system will include procedures for approved administrators to monitor, amend, omit and delete information as appropriate. It should be capable of interrogation to produce management reports e.g. the number of registered tobacco retailers in a particular council area. The use of compulsory fields will be required in order to facilitate accurate searches.

2.5 The registration authority will be responsible for the establishment and maintenance of the tobacco retailers register. Its responsibilities will include:

- facilitating public access to the register on a 24 hour basis;
- ensuring effective operation of the register and the maintenance of accurate records;

Health and Environmental Services Committee,
Wednesday, 8th October, 2014

- storing data securely/ensuring restricted public access;
- sharing information with appropriate authorities, e.g. DHSSPS and councils;
- providing online guidance on the registration system; and
- providing a link in with NI Direct.

2.6 The Department of Health, Social Services and Public Safety has approached the Council with a proposal that it takes on the regional registration authority role for NI. An initial meeting on 5th September explored the need to examine costs and to have further more detailed discussions with Digital Services. This report therefore seeks authority from the Committee to have exploratory meetings on this with the proposal to bring back an options paper with costs.

3 Resource Implications

3.1 HR Implications

None.

3.2 Financial implications

Preliminary discussions with the DHSSPS have taken place about Council becoming the registration authority. DHSSPS have advised that funding is likely to be available for both the setting up and maintenance of the system. Further exploratory work will be done about the costing of systems etc.

3.3 Equipment Implications

None

4 Equality and Good Relations Considerations

4.1 There are no equality issues associated with this work.

5 Recommendation

5.1 The Committee is requested to:

- i. agree, in principle, to the Council becoming the registration authority for NI, provided adequate funding is made available by DHSSPS to fully cover costs; and
- ii. authorise officers from the Environmental Health Service and Digital Services to engage in further discussions on the matter and bring back options to this Committee.”

The Committee adopted the recommendations.

**Health and Environmental Services Committee,
Wednesday, 8th October, 2014**

Wastes Management

Mr. John Quinn

The Committee extended its congratulations to Mr. John Quinn, Chief Executive of arc21, on his imminent election to the position of President of the Chartered Institution of Wastes Management.

Chartered Institute of Wastes Management

The Committee was informed that Council's Waste Transfer Station had been short-listed by the Chartered Institute of Wastes Management for the Peel People's Cup. The Head of Waste Management reported that that competition sought to recognise excellence in the operation of a waste management facility and the Council's team had been one of three short-listed. The awards ceremony would be held in the Marriott Hotel, Grosvenor Square, London, on 6th November.

The Committee agreed that up to three members of staff from the Waste Transfer Station be authorised to represent the Council at the awards ceremony in London.

In addition, the Committee agreed to delegate authority to the Chairman to approve the attendance of Members or officers at local events which would be organised by the Chartered Institute of Wastes Management during 2014/2015.

Chairman

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Licensing Committee

Monday, 6th October, 2014

SPECIAL MEETING OF LICENSING COMMITTEE

Members present: Alderman Ekin (Chairman);
Aldermen McCoubrey, Rodgers and Stalford;
Councillors Attwood, M. E. Campbell, Clarke,
Hussey, Hutchinson, McCarthy, Mullan and
Reynolds.

In attendance: Mrs. S. Toland, Lead Operations Officer/
Head of Environmental Health;
Mr. T. Martin, Head of Building Control;
Ms. N. Largey, Solicitor; and
Mr. H. Downey, Democratic Services Officer.

Apologies

Apologies for were reported on behalf of Aldermen R. Patterson and Webb and Councillors Cunningham, Groves and Ó Donnghaile.

Declarations of Interest

No declarations of interest were reported.

THE COMMITTEE DEALT WITH THE FOLLOWING ITEM IN PURSUANCE OF THE POWERS DELEGATED TO IT BY THE COUNCIL AT ITS MEETING ON 1st MAY, 2007 IN ACCORDANCE WITH STANDING ORDER 46

Application for the Grant of an Amusement Permit – Onassis Amusements, 25-41 Botanic Avenue

The Committee was advised that an application had been received from Hazeldene Enterprises Limited for the grant of an Amusement Permit in respect of the above-mentioned premises. The Council's Solicitor reported that written representation had been received on behalf of Oasis Retail Services Limited, which operated a number of amusement arcades across the City. She confirmed that the objector's legal representative had requested that the matter be deferred by the Committee until such time as a pending Judicial Review of its decision to grant an Amusement Permit for another premises had been determined and documentation which had been submitted by the applicant in the lead up to this meeting had been evaluated.

She suggested that the Committee might, at this stage, wish to hear from the representatives of the objector and the applicant regarding the request for the deferral. The Committee endorsed that course of action and Mr. L. McCollum Q.C., Ms. K. Mairs, Solicitor, together with Mr. M. Trimble of Oasis Retail Services Limited, were admitted to the meeting.

**Special Licensing Committee,
Monday, 6th October, 2014**

Mr. McCollum reported that there was a Leave Application pending regarding a Judicial Review of the Committee's decision of 19th March to grant an Amusement Permit for a premises in Bradbury Place. The Judicial Review would seek to challenge the criteria governing the Council's Amusement Permit Policy and the way in which it had been applied by the Licensing Committee in determining that application. He pointed out that, if successful, the Council would be required to revisit its Policy, which could potentially have a material impact upon the determination of the application for the premises in Botanic Avenue. Therefore, he requested that the Committee defer the matter until the Judicial Review had been concluded.

He referred also to surveillance reports which had been submitted by the applicant's legal representatives beyond the date stipulated by the Building Control Service. He pointed out that the fitness of his client was not material to this application. However, should the Committee feel that the reports were material, his client had the right to defend himself and, therefore, additional time would be required to enable the information to be reviewed in full and any allegations addressed. He advised the Committee that none of the criticisms made against his client could be justified.

The representatives were thanked by the Chairman and they retired from the meeting.

Mr. J. Burns, the applicant, together with Mr. S. Beattie Q.C. and Mrs. C. Colton, his legal representatives, and Mr. I. Foster, Planning Consultant, were admitted to the meeting and advised of the points which had been raised by the objector's legal representative in seeking the deferral of the application.

Mr. Beattie highlighted the length of time which had elapsed between the granting of the Amusement Permit for the premises in Bradbury Place and the submission of the Leave Application. He made the point that, should the Leave Application be granted, it would be a considerable length of time before the Judicial Review and any potential appeal would be concluded. The prospect for delay was, therefore, significant and that would have a detrimental impact upon his client's business. In terms of the content of the late submission, he accepted that the fitness of the objector was not of relevance to this application, however, it had been provided to highlight wider issues around the equity of the situation and the enforcement of the Betting, Gaming, Lotteries and Amusements Order (Northern Ireland) 1985 generally.

The deputation then retired from the meeting.

After discussion, the Committee agreed not to accede to the request to defer consideration of the application, on the grounds that it did not attach any weight to the content of the late submissions which had been made on behalf of the applicant and, since it would take some time for the Judicial Review and any potential subsequent appeal to be concluded, it could prejudice the applicant's commercial interests.

Special Licensing Committee,
Monday, 6th October, 2014

The Committee then proceeded to consider the following report relating to the application for the grant of the Amusement Permit:

"1 Relevant Background Information

- 1.1 Members are reminded that, at your meeting on 18th June, you agreed that a special meeting be held to consider the following application for the grant of an Amusement Permit under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985:

Premises and Location	Ref. No.	Applicant
Onassis Amusements 2nd Floor 25-41 Botanic Avenue Belfast, BT7 1JG	WK/2014/0632	Hazeldene Enterprises Ltd.

- 1.2 The directors of Hazeldene Enterprises Limited are Mr John Gerard Burns and Ms Kelly Mary Burns.

- 1.3 The application is for a total of 227 gaming machines of which all 227 machines are to pay out a maximum all cash prize of £25.00. In the case of premises that have machines with a maximum cash prize of £25.00 admission is restricted to persons aged 18.

- 1.4 The proposed opening hours of the premises, as specified on the application, are:

Monday to Sunday: 8.00 a m to 5.00 a m the following morning

- 1.5 However, the applicant has confirmed that the hours below, as granted by their Planning Permission, should have been specified on the application form:

Monday to Saturday:	9.00 a m to 11.30 p m
Sunday:	12.00 p m to 11.30 p m

- 1.6 The proposed amusement arcade is to be located in a three storey terraced building on the main Botanic Avenue, formally known as the Belfast Civic Arts Centre. The area of the premises intended to be licensed to provide amusement by means of gaming machines is the second floor.

- 1.7 The entrance to the premises is from the main Botanic Avenue and via a staircase to the second floor.

Special Licensing Committee,
Monday, 6th October, 2014

- 1.8 A Building Regulations application for the refurbishment of a theatre to a bingo hall was submitted to the Service on 30th June 2010 and the works were completed on 2nd September 2010 to the satisfaction of the Service.
- 1.9 A further Building Regulations application was received on 16th June, 2014 for the fit out of the second floor of the premises for an amusement arcade and the works have commenced on site.
- 1.10 A location map has been circulated to the Committee.

2 Key Issues

- 2.1 Members are reminded that the Licensing Committee is responsible for determining all applications relating to the grant of Amusement Permits.

Objections

- 2.2 As a result of the public notices of application, the Building Control Service has received one objection to the application.

- 2.3 A summary of the objection is as follows:

- the suitability of the applicant - the objector has concerns with regards to the applicants ability to run the property having due regard to the legal requirements pursuant to the Betting, Gaming, Lotteries and Amusements (NI) Order 1985.
- there is a significant number of premises/businesses with the benefit of amusement permits in the locality of the applicant's premises and, as a consequence, there is no need for an additional business of this nature and in this regard we are mindful of the criteria outlined in the Belfast City Council Amusement Permit Policy which was adopted by the council on 1st May 2013.

- 2.4 A copy of the letter of objection has been circulated to the Committee.

- 2.5 Upon receipt of the objection, clarification was sought regarding the objector's concern over the suitability of the applicant. In response, the objector states that they have lodged their objection on the following points:

Special Licensing Committee,
Monday, 6th October, 2014

1. A Pending Judicial Review
2. Bingo Club Application
3. Fitness of Applicant
4. Police Objection
5. Locality and Suitability of the Premises and Compliance with Belfast City Council Amusement Permit Policy
6. History of the Location

2.6 The details of their objection points are summarised as follows:

Judicial Review

- 2.7 The objector points out that there is a Leave Application in respect of a Judicial Review pending before the High Court of Justice in Northern Ireland which challenges the decision of the Council to Grant an Amusement Permit for Mavericks at 28 Shaftesbury Square. The leave application has been adjourned until 25th November, 2014.
- 2.8 The objector argues that the decision of the High Court in relation to this Judicial Review will have a material impact in terms of any decision to be reached by Belfast City Council Licensing Committee regarding this application. The objector, therefore, suggests that the application should be adjourned to allow the Leave Application and any Judicial Review to be determined prior to making a decision on this application for Botanic Bingo.
- 2.9 The Council will contest the Leave Application, on the grounds that the application does not meet the required standard of an arguable case and that the application was not made promptly or within the period permitted. Furthermore, if the objector wished the Council to desist from processing applications it believed might be affected by the outcome of a judicial review, it could have, and still could, apply to the Court for an order to prevent this. However it is likely that the objector would need to give an undertaking in damages in respect of any losses incurred by the applicant if the judicial review were unsuccessful.
- 2.10 In addition, Members should note that this application was lodged on 17th April 2014 and brought before the Committee in 18th June to obtain permission to set a special hearing. As this is a grant application, the business is not currently operating and any undue delay in determining the application will potentially prejudice the applicant's interests and may lead to the Council being challenged.

Special Licensing Committee,
Monday, 6th October, 2014

Bingo Club Application

2.11 The objector states that an application for the grant of a Bingo Club Licence for the first floor of the premises was refused on 20th September, 2013 by District Judge Kelly. They contest that the first floor was proposed to hold over 80 gaming stations and that the second floor to which this application relates, could then provide for over another 300 machines.

2.12 The objector also states that the applicant lodged an Appeal against the decision on 27th September 2013 and, whilst they have not progressed the Appeal, they clearly intend to provide both Bingo and Gaming from the premises. The objector also highlights that, should both applications be successful, it would be impossible to police both areas due to the first and second floor having a shared entrance.

2.13 **RESTRICTED CONTENT**

(by virtue of Paragraphs 1 and 2 of the Council's policy on the publication of Committee reports)

2.14 **RESTRICTED CONTENT**

(by virtue of Paragraphs 1 and 2 of the Council's policy on the publication of Committee reports)

Police Objection

2.15 The objector has included the PSNI correspondence for the Bingo Club Licence, which offered no objection. However, they nonetheless state that the PSNI continued to object in terms of the opening hours and number of gaming machines to be provided on the premise in connection with the second application which was refused by District Judge Kelly on 27th September 2013.

Locality and Suitability of the Premises and Compliance with Belfast City Council Amusement Permit Policy

2.16 The objector provides a report by Michael Burroughs Associates, which challenges the decision of the Council to grant an Amusement Permit for Mavericks, 28 Bradbury Place and that the decision to proceed with this application is neither reasonable nor proportionate and manifestly fails to provide their client with the right to a fair hearing.

Special Licensing Committee,
Monday, 6th October, 2014

History of the Location

- 2.17 The objector has also highlighted that the premises, 25-41 Botanic Avenue have been the subject of a number of previous applications and have included a breakdown of the applications and associated correspondences with their submission.
- 2.18 In total, the objector's submission consists of the following:
- Floor Plans of the premise.
 - Observations report from Securway (NI) Limited
 - Case Officers Planning Report regarding the application for 22-23 Shaftesbury Square
 - PSNI representation regarding the Bingo Club Licence
 - Michael Burroughs Report
 - Decision of the County Court of 16th June 2003
 - Letters received by the Planning Service from community organisations regarding the Planning Application for the change of use from a theatre to an Amusement Arcade.

2.19 A copy of the objector's submission has been circulated to the Committee.

2.20 The objector and their legal representative will be in attendance to appear before and be heard by the Committee.

Applicant

2.21 The applicant has been informed of the objection and has been provided with a copy of the written representation. The applicant has also received a copy of the additional submission from the objector in support of their objection.

2.22 Both the applicant and objector were informed that their respective submissions would be shared in advance of your meeting.

2.23 The applicant has indicated that they have engaged Counsel and will not be submitting additional documentation in advance of your meeting.

2.24 A copy of the applicant's correspondence confirming this has been circulated to the Committee.

2.25 The applicant and their representatives have also confirmed that they will be in attendance to appear before and be heard by the Committee.

Special Licensing Committee,
Monday, 6th October, 2014

PSNI

2.26 Members should note that whilst the objector has indicated that the PSNI 'had continued to object in terms of the opening hours and number of gaming machines to be provided on the premises in connection with the second application' that the PSNI has offered no objection to this application. In addition, they have provided the following information:

- 1.** They are not aware of any criminal convictions for the applicant. Mr Burns, a director for the company, has received two offences which indicate fines and two further entries located have an absolute discharge. All are over 20 years old.
- 2.** They are not in possession of complaints regarding the applicant to which statements have been recorded.
- 3.** Police have not been called to any incidents at 25-41 Botanic Avenue in regards to this applicant.
- 4.** They are not aware of an amusement permit application being made by the applicant for premises elsewhere before.

2.27 A copy of the PSNI correspondence has been circulated to the Committee.

Health, Safety, Welfare and Technical Requirements

2.28 The applicant has submitted a Building Regulations application for alterations required to the premises. Members should note that, if you are minded to grant the application, it must be upon condition that all works required to comply with the Amusement Permit technical requirements are completed to the satisfaction of the Service.

Planning Matters

2.29 An application was made to the Planning Service on 24th October 2013 for a change of use (second floor only) to an Amusement Arcade. The application was subsequently granted approval on 25th March 2014.

2.30 The applicant has confirmed that they would adhere to the hours of 9.00 am to 11.30 pm Monday to Saturday and 12.00 pm to 11.30 pm on Sundays, as granted by their Planning Permission.

Special Licensing Committee,
Monday, 6th October, 2014

- 2.31 As part of the planning consultation process, Officers of the Environmental Protection Unit (EPU) and Building Control Service commented on the planning application.
- 2.32 EPU recommended that certain informatives be attached should planning permission be granted. Members are advised that enforcement action cannot be taken should the applicant not comply with them.
- 2.33 A copy of the planning approval has been circulated to the Committee.
- 2.34 Members may recall that in an important Court of Appeal decision in June 1999 it was confirmed that the Council, in determining applications for amusement permits, may take into account planning considerations but should be slow to differ from the views of the Planning Authority.
- 2.35 The Court also confirmed that the Council can take into account matters such as location, structure, character and impact on neighbours and the surrounding area.

Amusement Permit Policy

- 2.36 Members will be aware that an Amusement Permit Policy was ratified at Council on the 1st May 2013. It outlines those matters which may be taken into account in determining any application and indicates that each application must be assessed on its own merits.

The key Policy objectives are to:-

1. Promote the retail vibrancy and regeneration of Belfast;
2. Enhance the tourism and cultural appeal of Belfast by protecting its image and built heritage;
3. Support and safeguard residential communities in Belfast;
4. Protect children and vulnerable persons from being harmed or exploited by gambling;
5. Respect the need to prevent gambling from being a source of crime and disorder.

Special Licensing Committee,
Monday, 6th October, 2014

2.37 There are five criteria set out in the Policy which should typically be considered when assessing the suitability of a location for an amusement arcade. These are detailed below as they relate to this application.

(a) Retail vibrancy and regeneration of Belfast:

2.38 The application premises are located outside the Retail Core of Belfast City Centre but within the limit of the City Centre, as defined in the Belfast Metropolitan Area Plan 2015 (BMAP). It is bordered on one side by the railway line and it is located above ground floor level. It therefore does not break up a continuous shopping frontage.
Complies with this criterion.

(b) Cumulative build-up of amusement arcades in a particular location:

2.39 There are no other amusement arcades on this commercial frontage.
Complies with this criterion.

(c) Impact on the image and profile of Belfast:

2.40 While the Arts Theatre once performed an important role in hosting plays and various acts in Northern Ireland it has remained vacant for some years now. The building is not listed and it has lawful development consent for use as a bingo hall and the incorporation of a slot machine area. Taking these considerations on board, the application premises are not considered a tourism asset. The site is also not considered as being a Gateway location into Belfast.
Complies with this criterion.

(d) Proximity to residential use:

(i) - predominantly residential in character

2.41 The application premises are located above ground floor level, along the commercial frontage of Botanic Avenue, where there are a mix of uses including restaurants, offices and retail units. There are residential buildings in the area on streets leading off Botanic Avenue.

The application premises are located in the City Centre but outside the Retail Core, and can therefore be viewed as a 'mixed use' area and not one that is predominantly residential in character.

Special Licensing Committee,
Monday, 6th October, 2014

(ii) – non-residential property that is immediately adjacent to residential property

- 2.42 The nearest residential properties to the application premises are flats at 34 Botanic Avenue, which are approximately 19m from the application site on the opposite side of the road. These residential properties are facing the application premises, but are not immediately adjacent to it.
Complies with this criterion.

(e) Proximity to schools, youth centres, and residential institutions for vulnerable people:

- 2.43 There are no schools, youth centres, or residential institutions for vulnerable people within 200m of the application premises.
Complies with this criterion.

Conclusion

- 2.44 The application premise complies with all assessment criteria for the suitability of the location as laid down in Belfast City Council's Amusement Permit Policy.
- 2.45 In addition to the above legal requirements and assessment criteria, Members may take into account any matter which is deemed relevant. Members may also depart from the Policy where it is appropriate to do so, although it is envisaged that this should only happen in exceptional circumstances.

3 Resource Implications

Financial

- 3.1 None

Human Resources

- 3.2 None

Asset and Other Implications

- 3.3 None

4 Equality and Good Relations Considerations

- 4.1 There are no equality or good relations issues.

Special Licensing Committee,
Monday, 6th October, 2014

5 Recommendations

5.1 The current policy, dictated by the governing Order is that the Committee, in considering the application, shall have regard to:

- a) The fitness of the applicant to hold a Permit having regard to his character, reputation and financial standing,
- b) The fitness of any other person by whom the business to be carried on under the Permit would be managed, or for whose benefit that business would be carried on,
- c) Representation, if any, from the sub-divisional commander of the Police Service of Northern Ireland in whose sub-division the premises are situated, and
- d) Representation, if any, as a result of the public notices of advertisement.

5.2 In addition, the Committee may also decide upon the suitability of the location for the proposed amusement arcade having regard to the five criteria set out in the Amusement Permit Policy, as ratified at council on the 1st May 2013, and discussed in paragraphs 2.38 to 2.47.

5.3 You are then required to make a decision based on the following options set out under the Order.

5.4 You must refuse the application unless satisfied that:

- a) The applicant is a fit person to hold an Amusement Permit; and
- b) The applicant will not allow the business proposed to be carried on under the Amusement Permit to be managed by, or carried on for the benefit of, a person other than the applicant who would himself be refused the grant of an Amusement Permit.

5.5 Thereafter:

- 1. You may refuse the application after hearing any representations from third parties, or
- 2. You may grant the application, subject to the mandatory condition that the premises are not to be used for an unlawful purpose or as a resort of persons of known bad character, and

**Special Licensing Committee,
Monday, 6th October, 2014**

- 5.6 In the case of premises which have machines with the maximum cash prize of £25.00 where admission is restricted to persons aged 18 or over that:**
- no persons under 18 are admitted to the premises; and**
 - at any entrance to, and inside any such premises there are prominently displayed notices indicating that access to the premises is prohibited to persons aged under 18, and in addition.**
- 3. You may also grant the application subject to discretionary conditions outlined in the Order relating to the illumination of the premises, advertising of, and window displays on the premises and the display of information notices.**
- 5.7 Should you be of a mind to refuse the application or grant the Permit subject to any discretionary conditions, you are required to advise the applicant of your intention to do so.**
- 5.8 In this case, you must afford the applicant the opportunity to make representations at a specified Licensing Committee meeting on the matter before making a final determination of the application.**
- 5.9 If, subsequent to hearing the applicant, you refuse the application or decide to grant the application subject to discretionary grounds, the applicant may appeal that decision to the County Court”**

Mr. McCollum Q.C., Ms. Mairs and Mr. Trimble were again admitted to the meeting.

Mr. McCollum referred to the documentation which had been submitted on behalf of Oasis Retail Services Limited in response to the application, which focused firstly upon the issue of proliferation, which was the subject of the Judicial Review. He made the point that it was clear that the Committee had already decided to proceed with the application, despite the Judicial Review proceedings. His client's other objection concerned the fitness of the applicant to hold an Amusement Permit. He advised the Committee that the objections had been set out in full in writing and that he did not propose to repeat them.

The deputation thanked the Committee for receiving them and they left the meeting.

The Committee was advised that Dr. T. Quinn, Braniff Associates, who had assisted the Council in the development of its Amusement Permit Policy, was in

**Special Licensing Committee,
Monday, 6th October, 2014**

attendance in order to address any issues arising from the application and he was welcomed to the meeting.

Dr. Quinn reminded the Members that the Council's Amusement Permit Policy had been drafted in order to provide clarity around the process for dealing with Amusement Permit applications. He provided a brief overview of the Policy and confirmed that, in his view, the application complied with the five assessment criteria regarding the suitability of the location, in terms of, for example, the premises being situated within the greater City Centre area, as defined within the Belfast Metropolitan Area Plan, not being a listed building or at a gateway location to the City and being situated at least two hundred metres from residential properties, schools and youth centres.

Mr. Beattie Q.C., together with Mrs. Colton and Mr. Foster, were again admitted to the meeting.

Mr. Beattie referred to the results of a credit check, which had been requested by the Building Control Service, which had revealed the presence of an outstanding debt against his client. He explained that Hazeldene Enterprises Limited, the applicant company, had not as yet commenced trading and that the debt was, in fact, an inter-company loan and did not involve any third party suppliers. His client had arrangements in place with two banks and, should the Committee be minded to grant the application, his client would, in advance of the arcade opening, submit references from them, together with information on the aforementioned loan, to the Council's Legal Services Section. He informed the Committee that Mr. Burns operated premises in a number of other council areas in Northern Ireland and that he had never been prosecuted for non-adherence to the legislation governing gaming. In terms of the refusal of the application for a Bingo Club Licence on the first floor of the premises in Botanic Avenue, he stressed that the ruling had related to the issue of locality and that the Court had made no finding regarding the fitness of his client. He pointed out that the report which had been obtained by the objector had not been produced until this Committee meeting was due to take place, despite the fact that there had been an intervening renewal application in respect of other premises.

Mr. Beattie explained that Mr. Foster had been working with officers of the Council and the Planning Service on matters relating to the premises. He confirmed that the bingo club and the amusement arcade would be accessed through separate foyers and that closed-circuit television would be in operation. Copies of the recordings could be made available to the Council, if requested. He added that expressions of interest had been sought from within the local area in relation to the recruitment of between twenty and twenty-five people to work in the arcade.

In response to a number of questions from the Members, Mr. Beattie confirmed that the amusement arcade would, if licensed, operate from 9.00 a.m. till 11.30 p.m. from Monday to Saturday and from 12.00 noon till 11.30 p. m. on a Sunday. In terms of any reduction in the number of gaming machines, he pointed out that the allocation of 227 machines had been based upon the available floor space and that it would be unlikely that all of the machines would be in use at any one time. He added that, whilst the Police Service of Northern Ireland had objected to the number of gaming machines

**Special Licensing Committee,
Monday, 6th October, 2014**

stipulated within the application for the Bingo Club Licence, it had offered no objection in relation to that proposed within the amusement arcade. In relation to the delay in appealing the refusal of the Bingo Club Licence, Mr. Beattie explained that the appellant was seeking to have the matter considered at one sitting, rather than over a number of separate sittings, which had created difficulty in terms of identifying a suitable date. He stressed that, should that appeal fail, it would not impact upon his client's plans for the amusement arcade.

The Chairman thanked the deputation and they retired from the meeting.

During discussion, several Members voiced concern that, despite being invited by the Building Control Service to attend the meeting in order to provide details around any convictions or breaches relating to the applicant and being contacted on a number of occasions subsequently, the Police Service of Northern Ireland had failed to attend the meeting.

The Head of Building Control reminded the Committee that, at a recent meeting, it had agreed that a senior representative of the Police Service of Northern Ireland be invited to attend a future meeting in order to discuss issues around representations made by the Police Service in relation to licensing applications and confirmed that the matter was being progressed.

He drew the Committee's attention to the point which had been made by Mr. Beattie Q.C. regarding the enforcement of the Betting, Gaming, Lotteries and Amusements Order (Northern Ireland) Order 1985. He explained that, unlike other legislation relating to, for example, entertainments licensing and street trading, which were both administered and enforced by the Building Control Service, responsibility for enforcing the aforementioned Order rested with the Police Service of Northern Ireland. He added that there were limitations within the Order which created difficulties for the Police Service in that regard and suggested, in light of the increased powers being delegated to the Council as part of the Review of Public Administration, that it would be an opportune time to raise the matter with the Department of Justice.

After further discussion, it was

Moved by Councillor Attwood,
Seconded by Councillor Mullan,

That the Committee agrees, in its capacity as Licensing Authority, to grant an Amusement Permit in respect of Onassis Amusements, 25-41 Botanic Avenue, subject to the information to be submitted by the applicant to the Council's Legal Services Section confirming his financial standing, as outlined at the meeting by Mr. S. Beattie Q.C., and to the applicant adhering to the following conditions:

- (i) the premises are not to be used for an unlawful purpose or as a resort of persons of known bad character;

**Special Licensing Committee,
Monday, 6th October, 2014**

- (ii) no persons under the age of 18 are admitted to the premises;
and
- (iii) at any entrance to, and inside the premises, there are prominently displayed notices indicating that access is prohibited to persons under the age of 18.

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

The Committee noted that, in accordance with the undertaking which had been provided at the meeting, the premises would operate from 9.00 a.m. till 11.30 p.m. from Monday to Saturday and from 12.00 noon till 11.30 p. m. on a Sunday.

The Committee granted approval for officers of the Building Control Service to raise with the Department of Justice the issue which had been highlighted in relation to the enforcement of the Betting, Gaming, Lotteries and Amusements Order (Northern Ireland) Order 1985.

Chairman

Licensing Committee

Wednesday, 22nd October, 2014

MEETING OF LICENSING COMMITTEE

Members present: Councillor M. E. Campbell (Deputy Chairman)
(in the Chair);
Aldermen Browne, Rodgers, Stalford and Webb;
Councillors Attwood, Clarke, Cunningham, Groves,
Hussey, Hutchinson, Magee, McCarthy, Mullan
Ó Donnghaile and Spence.

In attendance: Mr. T. Martin, Head of Building Control;
Ms. N. Largey, Solicitor; and
Mr. H. Downey, Democratic Services Officer.

Apologies

Apologies were reported on behalf of the Chairman (Alderman Ekin) and Alderman R. Patterson.

Minutes

The minutes of the meeting of 17th 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 the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

No declarations of interest were reported.

Non-Delegated Matters

Consideration of the Appropriate Number of Sex Establishments in the Locality of Gresham Street

The Head of Building Control submitted for the Committee's consideration the undernoted report:

“1 Relevant Background Information

- 1.1 **Members are reminded that, at your meeting on 20th August 2014, you agreed that a special meeting be held to consider an application for the grant of a Sex Establishment Licence under Article 4 of and Schedule 2 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985.**

Licensing Committee,
Wednesday, 22nd October, 2014

Premises and Location	Ref. No.	Applicant
2-8 Gresham Street Belfast, BT1 1JN	WK/2014/0116	Mr Brian Hope

- 1.2 Members are advised that a further application was received on the 16th September 2014.

Premises and Location	Ref. No.	Applicant
Misstique 27 Gresham Street Belfast, BT1 1JL	WK/2014/1496	Mr Steven H. Robinson D2D Trading Limited

- 1.3 Members will be aware that the Council has previously considered a number of applications for Sex Establishment Licences the majority of which have been in the Gresham Street area.

- 1.4 Applications in relation to Gresham Street were brought before the Health and Environmental Services Committee in 1989, 1996 and 2003 for consideration and on each occasion the Council, in its capacity as Licensing Authority, determined that the appropriate number of Sex Establishments in the Gresham Street locality be nil.

- 1.5 The last application for a Sex Establishment Licence to be considered in the locality was submitted by Mr Hope for premises at 2 Smithfield Square North (Naughty Butt Nice). This was considered by the Health and Environmental Services at their meeting of 29 April, 2003.

- 1.6 After discussion, during which the Committee gave consideration to the character of the locality, including the type of retail premises located therein, the proximity of public buildings, the presence of a number of shops which would be of particular attraction to families and children and the proximity of a number of places of worship, it was resolved by the Council, in its capacity as Licensing Authority, that the appropriate number of Sex Establishments in the Gresham Street locality be nil.

- 1.7 The Committee in recommending that the appropriate number of Sex Establishments for that locality be nil, acknowledged that this recommendation would not necessarily impact on its views in relation to the appropriate number of such establishments in other localities in the City.

- 1.8 A copy of the minutes of the meeting of 29th April, 2003 has been forwarded to the Committee.

Licensing Committee,
Wednesday, 22nd October, 2014

Enforcement Operations

- 1.9 Members may be aware that there are a number of sex shops operating within Gresham Street. These shops are unlicensed and are currently the subject of enforcement action by the Service. They have also been subject to legal proceedings in the past. As a result of recent enforcement action, the two unlicensed sex shops in Smithfield Square North have now closed.

2 **Key Issues**

- 2.1 Members are advised that there are contained within the Order discretionary grounds for refusal of an application, two of which are as follows:

a. That the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the Council considers is appropriate for that locality; and

b. That the grant of the licence would be inappropriate having regard:

- (i) to the character of the relevant locality; or
- (ii) to the use in which any premises in the vicinity are put; or
- (iii) to the layout, character or condition of the premises in respect of which the application is made.

- 2.2 The Order provides that nil may be an appropriate number of sex establishments in the relevant locality.

- 2.3 An applicant whose application for the grant of a licence is refused on either ground specified in paragraph 2.1(a) or (b) above shall not have any right of appeal to the county court. However, the applicant still has the right to challenge the Council's decision by applying for leave to seek a judicial review of that decision.

- 2.4 The decision in 2003 that the number of sex shop licences in the locality of Gresham Street shall be nil still stands. However the decision was based on circumstances at the time and Members are therefore required to consider whether the decision taken previously concerning the locality should be altered based on current circumstances.

- 2.5 For the purposes of deciding upon an appropriate number of sex establishments for a relevant locality, nil may be such a

Licensing Committee,
Wednesday, 22nd October, 2014

number, but Members may set another number based on the submissions of the applicant and taking into account the relevant locality in which the application is situated.

- 2.6 In considering the number of sex establishments appropriate for the locality, Members may wish to take account of the character of the locality, why that character is thought to make the licensing of a sex shop appropriate or inappropriate, as the case may be, and the use to which any premises in the vicinity are put. Similarly, Members can use their own local knowledge in deciding which factors are relevant in assessing the appropriateness of this application.

Relevant Locality

- 2.7 For previous applications considered by the Council, it was estimated that the relevant locality encompassed an area covered by a 10 minute walk from the application site. The walk was regarded as the equivalent to a 600m radius from the application site and included a large part of the city centre.

- 2.8 Guidance published by Translink and recently by the DOE advises that 400m can be considered an easy walking distance. However, both measurements encapsulate a large part of the city centre and the residential areas at Peters Hill, Carrick Hill and Divis Street.

- 2.9 The character of a locality typically relates to its distinctive nature and sense of place. This is largely derived from the form and function (i.e. look and use) of buildings found within a given area, as well as the spatial pattern of streets and spaces found therein. For the most part, the character of the locality for the application premises is shaped by its City Centre location, wherein a broad mix of uses is found. This includes retail, office, educational, religious, residential, tourist, leisure, entertainment, bar, restaurant and civic uses. Many of these uses, especially those relating to retailing, religion and education, have a long established presence in the area. In contrast, apartment development has been a relatively new addition to the character of the locality in recent years.

- 2.10 A map of the relevant locality together with details of the building uses in the locality will be available at the meeting.

Vicinity

- 2.11 Whilst the term 'relevant locality' is defined in the Order, 'premises in the vicinity' is not so defined. A reasonable interpretation, in the context of this application, would be

Licensing Committee,
Wednesday, 22nd October, 2014

nearby premises, i.e., considerably less in distance than the 600 metre radius of the relevant locality.

- 2.12 The Hudson Bar is located adjacent to the premises with a vacant commercial unit on its other side at the corner of North Street and Royal Avenue. A butchers shop is located opposite the premise.
- 2.13 Continuing along Gresham Street, towards the rear of Castlecourt, there are two other Sex Establishments which are currently open and trading illegally.
- 2.14 There are other commercial businesses operating along Gresham Street, namely an engravers, children's wear shop, mobility shop and a skate shop. Smithfield Market is also located nearby, together with a further two former sex shops at Smithfield Square North which are closed and have not traded for some time. The remaining units in Gresham Street are either vacant or demolished/derelict.
- 2.15 Gresham Street is not regarded as a residential street and is primarily commercial in nature. Located to the rear of Royal Avenue and Castlecourt Shopping Centre it generally doesn't have the same footfall as other commercial streets in the city. This is not helped by the one-way traffic system which operates on Gresham Street, which does not permit traffic leaving Castlecourt to pass through it.
- 2.16 However, there is no doubt that with Castlecourt, Smithfield Market and the other retail units on Gresham Street and Winetavern Street families may be attracted to the area.

Land and property survey

- 2.17 A report has been prepared by Braniff Associates which provides an up to date review of the planning and development context in the locality. In summary, the following points are noted in the report:
- Within the vicinity of the application premises there is a mix of vacant/derelict properties and retail use, with a childrenswear shop located approximately 70m from the application premises and opposite a group of 3 sex shops at 25-29 Gresham St.
 - For the most part the character of the locality for the application premises is shaped by its City Centre location, wherein a broad mix of land uses can be found. This includes educational and religious establishments, with Belfast Central Library located

Licensing Committee,
Wednesday, 22nd October, 2014

approximately 110m away. There are also established residential areas within the locality at Millfield, Carrick Hill and Divis Street. Furthermore, there are parcels of land zoned for social housing on land bounded by Carrick Hill and Frederick Street.

- Under the BMAP the site forms part of an Opportunity Site for comprehensive redevelopment. It is also located within the Retail Core, the designation of which seeks to promote a lively and attractive shopping environment.
- Mindful of the above, the DSD's NorthWest Quarter Masterplan proposes retail mixed use development for the area surrounding the application premises. As part of this Masterplan there is an intention to create a new public space on the car park facing the application premises.
- The chief regeneration initiative in the locality relates to the Royal Exchange mixed use project, which was granted planning permission in 2012. In addition to this there are other regeneration initiatives in neighbouring parts of the City. There is an expression of interest for the redevelopment of the Northside area, on land between North Street and Donegall Street, to provide approximately 3,000 housing units, mainly for students and for social housing. There are other proposals aimed at enhancing the public realm, at Bank Square and at the junction of Little Donegal Street and Library Street.
- The largest construction project currently taking place in the locality is the new University of Ulster campus at York Street. Planning permission also exists to create over 150 apartments in those streets to the rear of the Central Library, which presumably will now form part of the Northside redevelopment proposal referred to above.

2.18 Overall, it is clear that the northwest quarter of the City Centre, within which the application premises are situated, is an area of mixed use and is an area earmarked for comprehensive retail-led renewal. However, it is less clear when this regeneration will actually happen.

2.19 A copy of the Braniff Associates report has been forwarded to Members.

Licensing Committee,
Wednesday, 22nd October, 2014

Applicant and supporting information

- 2.20 Each applicant has been asked to prepare a statement in support of their application for Committee. In doing so we have asked that they consider the use to which any premises in the vicinity are put and, in particular, to outline to Members why the character of the locality is thought to make the licensing of a sex shop appropriate.
- 2.21 The applicants and their representatives have confirmed that they will be in attendance to appear before and be heard by the Committee to inform your consideration of an appropriate number of sex establishments for the Gresham Street locality.

3 Resource Implications

Financial

- 3.1 None. Current budgets will cater for enforcement operations and Officers time to coordinate and attend meetings for this application.

Human Resources

- 3.2 None.

Asset and Other Implications

- 3.3 None.

4 Equality and Good Relations Considerations

- 4.1 There are no equality or good relations issues.

5 Recommendations

- 5.1 Based on the submissions made by the applicants and taking into account all other information presented, the Committee is required to make a recommendation as to the appropriate number of sex establishments licences for the relevant locality.
- 5.2 Members are advised that the Licensing Committee does not have delegated powers in relation to policy decisions concerning licensing matters and as such your recommendation as to the appropriate number of sex establishments licences for the relevant locality will be subject to ratification by Council.
- 5.3 The applicants must be afforded the opportunity to make representations before the relevant Council meeting before a final determination of the appropriate number of sex establishments licences for the relevant locality is made.”

**Licensing Committee,
Wednesday, 22nd October, 2014**

Prior to the matter being considered, a Member drew the Committee's attention to an article which had appeared in the media following the Council's receipt of an application for the grant of a Sex Establishment Licence for a premises in Gresham Street. He pointed out that an Elected Member had, within that article, appeared to give the impression that their Political Party had already reached a decision on the application. Accordingly, he sought clarification from the Council's Solicitor on whether that Party should be involved in the decision-making process around that application.

In response, the Solicitor confirmed that the Committee was being requested at this stage only to review the Council's policy relating to the appropriate number of sex establishments in the locality of Gresham Street and that, should it agree that that number be other than nil, the matter which had been raised by the Member would be considered by the Legal Services Section prior to the application being determined.

The Head of Building Control provided an overview of the Committee report. He explained that the Miscellaneous Provisions (Northern Ireland) Order 1985 defined a sex establishment as being a premises used for a business which consisted "to a significant degree" of selling sex articles. That distinguished it from, for example, a news agency which sold sexually explicit magazines or the United Kingdom-wide retail chain whose merchandise included a range of sex toys/products. He added that sex establishments were also the only permitted vendors of R18 DVDs, which were classified under the British Board of Film Classification.

He informed the Members that Dr. T. Quinn, Braniff Associates, who had, at the request of the Building Control Service, conducted an assessment of Gresham Street and the surrounding area, was in attendance and he suggested that it would be beneficial for the Committee to hear the results of his findings. The Committee agreed to receive Dr. Quinn and he was welcomed by the Deputy Chairman.

Dr. Quinn provided information on the vicinity of Gresham Street, which contained vacant derelict sites, a licensed premises and a retail unit, which housed a butchers premises and a children's clothing shop and which faced onto two unlicensed sex establishments. In terms of the wider locality, there could be found, within a 400 metre radius, educational and religious establishments, shops, offices, licensed premises and restaurants and the residential areas of Carrick Hill and Peter's Hill.

He pointed out that Gresham Street was located within the City's primary retail core, which sought to promote a lively and attractive shopping environment and drew the Committee's attention to a number of initiatives which had either been approved or were under consideration. Those included the NorthWest Quarter Masterplan, the Royal Exchange Project, the Northside Scheme, public realm works at Bank Square and Little Donegall Street/Library Street and the relocation of the University of Ulster to York Street, all of which pointed to a comprehensive regeneration of the area encompassing Gresham Street. He concluded by stating that it was a matter for the Committee to decide whether the presence of a sex shop or shops in Gresham Street would be likely to add to or detract from the area.

**Licensing Committee,
Wednesday, 22nd October, 2014**

The Head of Building Control reported that the Service had, in the week leading up to the Committee meeting, received from Mr. F. MacElhatton, who was acting on behalf of the Smithfield and Union organisation, a petition which had been signed by 862 traders and their customers, setting out grounds for the objection to the grant of a Sex Establishment Licence for Misstique, 27 Gresham Street. Following a request for clarification by the Service, it had been established that the objection had been extended to include not only a further application which had been received for the grant of a Sex Establishment Licence for a premises at 2-8 Gresham Street but any sex shop in the Smithfield and Union area. He pointed out that, under the provisions of the Miscellaneous Provisions (Northern Ireland) Order 1985, the Committee, in considering an application for the grant, renewal or transfer of a Licence, must have regard to any representation which had been received within the twenty-eight statutory period. However, where an objection had been received outside that period, the Committee could exercise its discretion and consider the objection although it did not have a duty to do so.

The Committee agreed, in view of the relevance of the objections, to consider the representations and to hear from Mr. MacElhatton, who was in attendance. Accordingly, Mr. MacElhatton, together with Mr. J. Doherty and Mr. M. Donnelly, who operated retail premises in North Street and Winetavern Street, respectively, were welcomed to the meeting.

Mr. MacElhatton reminded the Members that the Smithfield and Union area, which included Gresham Street, had been recognised by the Council as being a distinct quarter within Belfast. He explained that the Smithfield and Union organisation had been working with others to improve the overall amenity of the area and to promote it as a distinct shopping and visitor attraction and referred to a number of regeneration initiatives which had been completed or were being planned. He pointed out that the area was situated close to major retail areas such as the Castle Court Complex and Donegall Place/Royal Avenue and that it contained some of the City's oldest and most iconic buildings, all of which drew significant numbers of families, young people and visitors to the area. The relocation of the University of Ulster to that part of the City would be likely to draw foreign students and academics to the quarter. Mr MacElhatton concluding by stressing that the licensing of sex establishments in Gresham Street would detract from the positive work which had been undertaken to date in that area, inhibit future regeneration and reduce the numbers of visitors.

In response to a number of questions from the Members, Mr. MacElhatton explained that the petition which he had submitted had been signed by businesses in the Smithfield and Union area and by their customers, many of whom lived outside Belfast, and pointed out that the high number of signatures demonstrated the level of opposition to sex shops in that area. He stated that, of the four sex establishments which were trading currently in Gresham Street, none of which were licensed, two premises had created problems through the indirect sale of illegal highs to young people and he, together with Mr. Donnelly, provided examples of incidences of anti-social behaviour which, they argued, affected businesses and created an unfavourable impression for visitors. He stated further that neither of the two applicants who were seeking to licence their sex establishments had made any attempt to engage with local businesses and residents.

**Licensing Committee,
Wednesday, 22nd October, 2014**

The deputation thanked the Committee for receiving them and retired from the meeting.

Mr. S. Robinson and Mr. B. Hope, who had applied for the grant of a Sex Establishment Licence for numbers 2-8 and 27 Gresham Street, respectively, together with Mr. D. Ramsey, Mr. Hope's legal representative, were admitted to the meeting.

Mr. Robinson informed the Committee that attitudes towards sex shops had changed considerably since the Council decision of 2003 not to licence such premises in the locality of Gresham Street. He pointed out that sex shops had operated in Gresham Street for many years and that the street was similar to those in other towns and major cities across the United Kingdom where licensed adult shops operated. He stated that the area had benefitted from significant investment in recent years and that, should the Committee grant his application, the façade of his premises would be enhanced with a view to improving the overall appearance of the street.

In terms of Gresham Street being located close to shopping areas which attracted young people, he made the point that many of the sexual health products which were available in his premises were placed for sale, in full view of families and young people, in chemists and other shops across the City. In addition, a renowned United Kingdom-wide adult store was trading currently close to the main shopping thoroughfares. That business differed from his in terms of the lower proportion of items of a sexual nature which it offered for sale and, as had been highlighted by a Member, that his shop was the only one which was permitted to sell R18 DVDs. He added that it was preferable for sex establishments to operate within a controlled environment and that he had the support of a number of businesses in the immediate area.

Mr. Ramsey endorsed the assertion that attitudes in Belfast towards sex shops had changed significantly since 2003 and highlighted the fact that no objections to the applications had been lodged by churches, the Police Service of Northern Ireland or other organisations. In view of that and, given that other cities across the United Kingdom had up to four licensed sex establishments, he suggested that this would be an opportune time for the Council to review its policy on the licensing of such businesses.

Mr. Hope explained that he had been trading in Gresham Street for a number of years and that this was his third application for the grant of a Sex Establishment Licence. He informed the Committee that his shop was situated next to licensed premises and that its presence had had no impact upon that business or others in the street.

The Deputy Chairman thanked the deputation for their contribution and they retired from the meeting.

The Council's Solicitor confirmed that enforcement action had been taken against both applicants regarding the operation of a sex establishment without a Licence, however, it had not been related to the sale of illegal highs.

**Licensing Committee,
Wednesday, 22nd October, 2014**

After discussion, during which the Committee gave consideration to the representations made by the deputations, the proximity of public buildings and places of worship, the presence of shops which would be of particular attraction to families and children and the initiatives which had either been approved or were under consideration, which pointed to a comprehensive regeneration of the area encompassing Gresham Street, it was

Moved by Councillor Attwood,
Seconded by Councillor Spence and

Resolved - That the Council be recommended to determine that the appropriate number of Sex Establishments in the Gresham Street locality remain as nil, on the grounds that the presence of such premises would have an adverse impact upon the current and envisaged character of the area.

The Committee noted that its decision would, on 3rd November, be presented to the Council for ratification and that the applications relating to numbers 2-8 and 27 Gresham Street would be considered at a future meeting.

Update on 2014 Events/No Alcohol on Buses Campaign

The Committee considered the undernoted report:

“1 Relevant Background Information

- 1.1 Members will recall that, at your meeting on 20th August, you considered and agreed the new Guidance Document for Outdoor Events and a number of Assessment Sheets for specific outdoor venues.**
- 1.2 At that meeting, you also requested that Officers provide you with an update on the entertainment events which had taken place or were due to take place over the course of the year.**
- 1.3 For all of these events, Officers of the Service worked closely with the respective event organisers to help ensure their successful delivery. Pre-event planning meetings were coordinated by the Service in liaison with the relevant statutory agencies such as the PSNI, NIFRS, Northern Ireland Ambulance Service, DOE, DRD Roads Service, as well as Translink and local resident representatives.**
- 1.4 Officers were also present on site throughout the operation of the major events to ensure their safe running and that licence conditions were complied with. Subsequently, some of the post event meetings have been held to ensure that information was shared and suggested improvements recorded to improve any future planned events.**

Licensing Committee,
Wednesday, 22nd October, 2014

2 **Key Issues**

2.1 The following events were presented to and granted by the Committee between April and June of this year:

- Cathedral Arts Festival
- Féile An Phobail
- Belsonic
- Tennents Vital
- Ardoyne Fleadh

2.2 Specific details in relation to each of the events including information on attendance and complaints received have been forwarded to the Members.

2.3 Generally, the events ran smoothly and the lessons learned from previous years were incorporate into event plans to ensure a successful outcome for the promoter, concert-goer, residents and the city in general. Key issues identified that we will incorporated into planning for next year include the locations and frequency of events and the scope to exercise control over the behaviour of concertgoers arriving at and leaving venues.

2.4 Other major events that the Service were involved with included those held in the Odyssey Arena, Féile An Earraigh, St. Patrick's Day celebrations, The Lord Mayor's Festival, Belfast Pride and Orangefest.

2.5 We are also currently involved in the planning of forthcoming events such as Belfast Restaurant Week, Halloween Celebrations, Queens Festival, Belfast Music Week, Lady Boys of Bangkok and the Christmas Lights switch-on.

No Alcohol On Buses Campaign

2.6 Members will recall that the Service developed and co-ordinated the recent *No Alcohol On Buses Campaign* through a working group consisting of the DOE, PSNI, Federation of Passenger Transport, Translink, Drinkaware, Pubs of Ulster, District Police Community Safety Partnership's (DPCSP's) and Doctor Aisling Diamond, a respected expert in the field of medical care for major events.

2.7 The purpose of the group was to examine last year's Tennents Vital event and implement measures for this year's Tennents Vital to prevent a reoccurrence of the problems which arose. The promoter, MCD Promotions, and the

Licensing Committee,
Wednesday, 22nd October, 2014

sponsor of Tennents Vital made up the remainder of the working group.

2.8 The intention is that other promoters and sponsors will become involved for other events to ensure that these measures and any lessons learned form part of the planning for all events.

2.9 Some of the actions agreed in advance of this year's Tennents Vital festival included:

1. Radio ad created and aired on Cool FM to promote campaign and raise awareness on the dangers of consuming alcohol on buses and the penalty for doing so;
2. Posters developed and displayed on all private buses, Translink vehicles and in key areas, such as bus/train stations, etc. to support the radio ad and further raise awareness on the dangers and penalties for consuming alcohol while on board a bus, coach and train;
3. Letters sent to each of the private bus operators licensed by the Vehicle Policy Branch;
4. Press Releases from the DOE and Promoter of Tennents Vital to coincide with the event and further raise awareness;
5. Ticket holders were notified and reminded by the organiser via an automated message on the dangers and penalty for consuming alcohol on buses, coaches and trains; and
6. Some enforcement operations were carried out to support the media campaign on both nights of the Tennents Vital Event.

2.10 Additional measures which were introduced as part of Tennents Vital this year included:

1. Implementing a single bus parking facility within close proximity to the event site;
2. A first aid and cool down facility being set up within the bus parking facility;
3. Additional toilets positioned within the bus parking facility and along the various routes to/from the venue;
4. Increased stewarding provisions for the Sunday event;
5. Erection of security fencing along various parts of the routes to the concert venue to protect both commercial and residential properties;

Licensing Committee,
Wednesday, 22nd October, 2014

6. Introduction of additional police teams within the area to prevent unrest and maintain a precautionary presence;
7. Alcohol enforcement operations strategically positioned around the venue; and
8. Representatives from Translink and the private bus operators were present within the Event Control Room to provide an update of progress en route to the venue and coordinate the arrival of buses within the bus park.

Outcome

- 2.11 The Tennents Vital event itself passed off very well and with little disruption or trouble. All health, safety and welfare provisions were complied with including crowd control measures and exiting arrangements.
- 2.12 In the lead up to the event there were a number of Councils who supported our Campaign and conducted press releases using our posters as a backdrop.
- 2.13 A post campaign meeting was held with all parties present to discuss all aspects of the No Alcohol On Buses Campaign and to identify which of the measures implemented went well and those that could have been better.
- 2.14 As a result of that meeting a number of the positive outcomes and areas for improvement are listed below that should be implemented for the next campaign being organised.

Positives

- Level of cooperation between all agencies which bodes well for future campaigns.
- Ability for agencies to work together to quickly develop and produce a media campaign.
- Letters appeared to raise awareness as DOE received several telephone queries from their bus operators and there were 227 buses parked in the bus parking facility compared to 14 last year.
- Small number of other bus operators (approx. 22) which didn't park within the bus parking facility still had the poster displayed. These were later confirmed as not being licensed by the DOE Vehicle Policy Branch or members of the Federation of Passenger Transport.
- All 227 buses parked within the bus park had the poster displayed in their vehicles.

Licensing Committee,
Wednesday, 22nd October, 2014

- The DPCSP's providing a forum to convey and share information.
- The First Aid facility within the bus parking facility treated 35 persons and helped to facilitate parents/guardians to collect their children.
- The Northern Ireland Ambulance Service (NIAS) advised that they didn't receive any calls before or after the event which has never happened before.
- Through the joint alcohol enforcement operations 19,000 units of alcohol were seized. DVLA were on site to conduct enforcement operations.
- Residents have acknowledged the considerable difference in the area, both before and after the event, in comparison to the Avicii event last year, with less ASB from attending patrons and security fencing prevented urinating in gardens, etc.
- PSNI have confirmed that they had the least amount of arrests for any similar event.
- Some joint enforcement operations were conducted in towns/cities from which the buses departed.
- Promoter confirmed that they had far less ejections from the site, patrons were better behaved and a lower number of people required treatment in the venue than normal.
- Having access to all ticket holders' allowed information to be readily forwarded to them to raise awareness about the campaign, warn them of the measures in place for the event and the dangers of irresponsible alcohol consumption.
- Joint Departmental press release by Justice Minister David Ford, Environment Minister Mark H Durkan and Health Minister Edwin Poots again raised awareness of the campaign, enforcement powers and the wider dangers of irresponsible alcohol consumption.

2.16 Key improvements suggested

- Lobby for legislative changes to prevent alcohol being carried on all public vehicles.
- Extend Campaign to all areas of UK and Rep of Ireland by TV, newspapers and further radio ads in addition to increasing coverage of posters and billboards across the province.
- Better use of social media for monitoring, making announcements and creating links.
- Earlier engagement with other agencies, such as the Public Health Agency, Colleges NI, Youth Forums, schools and clubs.

Licensing Committee,
Wednesday, 22nd October, 2014

- Release other promotional and educational material around the health dangers with irresponsible consumption and raise awareness within schools and colleges who are the target audience.
- Undertake enhanced joint enforcement operations at boarding points and at strategic entry points to Belfast. Stewards should also become involved in the boarding operations and travel on the bus to the event to assist with wider security/parking arrangements.
- Tickets to include information and promotional material.
- Improve contact and communications with Control Room and all Bus Operators.
- Improve other Councils uptake of the Campaign through various Forums.
- Obtain assistance from Council to provide financial support and venues free of charge to support the promoter and create an incentivised and collaborative working environment for future campaigns.

2.17 Other suggested improvements

- For future campaigns, the Working Group may develop a slogan/branding and logo with merchandise. Sponsors such as Tennents may also become involved.
- Create incentives for people to refrain from consuming alcohol before an event with some promotional award, e.g. if arriving at the venue sober you get access to a free draw and can avail of vouchers to use within the venue.
- Create 'Alcohol Restricted Areas' ARA's within the vicinity of an event site with flexibility to amend these as and when required.
- Councils to create or improve By-Laws to cover alcohol seizures.
- Supporting infrastructure could have been increased, e.g. security fencing, signage, etc.
- Delay in buses being able to park within the bus parking facility which would have benefitted from designated parking stewards and parking bays.

2.18 One of the main concerns raised by the group and Service is the impending reduction of budgets which will have a consequential impact on resources across all organisations and agencies. This equally applies to a promoter for whom it is becoming increasingly difficult to attract world class acts to Northern Ireland. If the Council could explore ways to

Licensing Committee,
Wednesday, 22nd October, 2014

reduce their charges this would allow the promoter set aside those funds for campaign support and wider community safety, such as protection of properties, increased stewarding and toilet facilities. the wider health, safety and welfare

- 2.20 By helping to introducing these measures it will provide an incentive to the promoter to make provisions available to support a future campaign, provide additional measures to protect the wider area including residential and commercial residents and provide the Council with greater assurances.
- 2.21 Members should also note that the DOE are trying to organise a meeting of all stakeholders on the Carriage and Consumption of Alcohol on Buses. They have advised that it is likely that another consultation will be released and that the Council will be invited to provide input to this.
- 2.22 Details of the advertising introduced for the Campaign has been forwarded to the Members

3 Resource Implications

3.1 Financial
None

3.2 Human Resources
None

3.3 Assets and other Implications
None.

4 Equality and Good Relations Considerations

4.1 There are no equality and good relations issues.

5 Recommendation

5.1 The Committee is requested to note the information contained within this report.”

The Committee adopted the recommendation.

Cancellation of Committee Meeting in November

The Committee was reminded that the Shadow Strategic and Resources Committee, at its meeting on 26th September, had been advised of the necessity for Political Parties to be briefed during the month of November on future governance arrangements for the Council and the rate-setting process for 2015/2016. Accordingly, it had been proposed that, in order to free-up Members' time, monthly meetings of the

**Licensing Committee,
Wednesday, 22nd October, 2014**

Principal Committees of the Belfast City Council, with the exception of the Strategic Policy and Resources Committee, be cancelled during that month.

The Head of Building Control confirmed that, should a licensing application be received or any other issue arise which required a decision in advance of the Licensing Committee meeting in December, officers would, in the first instance, seek to have the matter dealt with under the delegated authority of the Chief Executive. However, any matter which, in the opinion of the Chief Executive, was required, as a matter of urgency, to be considered by Members, would be referred to the Strategic Policy and Resources Committee meeting in November.

The Committee agreed to cancel its scheduled monthly meeting in November.

**THE COMMITTEE DEALT WITH THE FOLLOWING ITEMS IN PURSUANCE OF
THE POWERS DELEGATED TO IT BY THE COUNCIL AT ITS MEETING ON
1st MAY, 2007 IN ACCORDANCE WITH STANDING ORDER 46**

Licences Issued under Delegated Authority

The Committee noted a list of licensing applications which had been granted under the Council's Scheme of Delegation.

Request for Extended Hours – Cathedral Gardens

The Committee considered the undernoted report:

“1.0 Relevant Background Information

- 1.1 A request has been received from Project Street Food Belfast (SFB) to hold a three day food and drinks festival at Cathedral Gardens on Friday 31st October, Saturday 1st November and Sunday 2nd November 2014. For the Friday and Saturday of the event, SFB has requested permission to provide entertainment beyond the standard hours of 11.00 pm, with the event to end at 1.00 am the following morning.**
- 1.2 Cathedral Gardens, sometimes referred to as Buoy Park, is adjacent to the University of Ulster in York Street.**
- 1.3 Project SFB is a concept devised by Mr Gary Posnett to promote local produce, beers and spirits within a bistro restaurant environment. A similar event was held within the old Northern Bank Building on Waring Street in August this year. This proposed event will be held to celebrate the Halloween festival.**
- 1.4 Entertainment was not provided at the event held in August and, whilst it was quite successful, SFB has advised that if**

Licensing Committee,
Wednesday, 22nd October, 2014

entertainment had been provided the event may have had more appeal and been more successful.

- 1.5 The promoter intends to provide entertainment in the form of a DJ on the Friday and Saturday nights and a jazz band on Sunday. All performances will be held within a Marquee alongside the bistro restaurant providing food and beverages.
- 1.6 The marquee will be set up to accommodate a professional kitchen to serve high quality food in a format similar to a conventional restaurant. The marquee will also have an area for seating consisting of tables and chairs, a dance floor area and a free standing area with high tables.
- 1.7 Cathedral Gardens falls under the responsibility of the Parks and Leisure Department and the event will be subject to approval by the Parks and Leisure Committee at their meeting 16th October.
- 1.8 The Parks and Leisure Department currently holds a Fourteen-day Occasional Outdoor and a Marquee Entertainments Licence for the venue and the standard days and hours during which they are licensed to provide entertainment are:
 - Monday to Sunday: 11.30 am to 11.00 pm.
- 1.9 In addition, a special condition on the Marquee Licence allows the licensee to apply for additional hours, later than 11.00 pm, which may or may not be granted dependent upon any noise issues which may have arisen from previous events there.
- 1.10 The following conditions are also attached to the Marquee Entertainments Licence:
 - Maximum numbers will be agreed at the discretion of the Building Control Service and will vary depending upon individual set up proposals
 - Prior to any event taking place the licensee or promoter is required to demonstrate evidence of early consultation with local residents and have in place a robust system, which has been agreed in advance with the Council, of dealing with any complaints
 - Should the Council receive a significant number of complaints about noise or the complaint is of such

Licensing Committee,
Wednesday, 22nd October, 2014

significant impact, then the finishing time for subsequent events may be reduced and the promoter should make contingency arrangements for this eventuality.

2.0 Key Issues

2.1 In order to facilitate this event and maximise the venture Project Street Food Belfast has requested permission to operate beyond the standard hours of 11.00 pm and to cease at 1.00 am on the following nights:

- Friday 31st October
- Saturday 1st November

2.2 The site will also be occupied by the event organiser for a period of one week from Monday 27th October to Monday 3rd November 2014 to facilitate the site set up and take down.

2.3 The company aims to bring together some of Belfast's finest chefs, restaurants, and serve craft beer, India Pale Ale's, cocktails and spirits to create a unique eating experience. This is the first time this type of event has been held within the park.

2.4 The event will cater for a maximum audience of 500 people and tickets went on sale from 7th October 2014, subject to licence. Patrons will pay an entry charge which will cover them for food and entertainment on offer. Food will be served from 12.00pm with entertainment commencing on the Friday and Saturday at 7.00pm.

2.5 As part of the event, welfare provisions will be catered for via temporary toilets and wash facilities. An external smoking area will also be provided.

2.5 As this is not an application to vary the terms of the Entertainments Licence, but a request for Council's permission to extend the hours under an existing licence condition, there is no requirement for public advertisement in this case.

2.7 However, in order to comply with the conditions of the Entertainments Licence and to demonstrate evidence of early consultation in relation to the intended event, the organisers will write to all residents within the vicinity of the venue and provide them with information about the event and the proposed finish times. The resident's letter will not be issued until the Committee has considered the request for the extended hours.

Licensing Committee,
Wednesday, 22nd October, 2014

- 2.8 The organiser has also advised the Service that he has consulted with other businesses in the area and the local University to advise them of the event.
- 2.9 The bar facility will be managed by Mr Bernard Lavery of Lavery's Bar. An Occasional Liquor Licence has been applied for to cover the hours of 12.00pm to 12.30am on the Friday and Saturday and from 12.00pm to 6.00pm on Sunday.
- 2.10 The venue will be surrounded with appropriate fencing and screening material and be marshalled by SIA registered stewards.
- 2.11 Representatives of Project, Street Food Belfast (SFB) and the Parks and Leisure Department will be available at the meeting should you wish to seek further information about their request.

PSNI

- 2.12 The PSNI has been consulted in relation to the application and have no objection or concerns with the event. They will be invited to attend the pre-event meeting and be provided with any relevant event documentation.

NIFRS

- 2.13 The Northern Ireland Fire and Rescue Service were also consulted and have no objection to the application. However, they will also be invited to attend the pre-event meeting and provided with any relevant documentation about the event.

Health, safety and welfare issues

- 2.14 The event organiser is currently working on an Event Management Plan and Officers of the Service will assess this documentation and other supporting information to ensure the technical requirements of the event and licence conditions are complied with. Work is ongoing in this regard.
- 2.15 Officers of the Service will also arrange to carry out during performance inspections for the event and coordinate other inspections with Council Officers, namely Environmental Health's Food Safety and Noise Control.

- 2.16 A Location Map has been forwarded to the Committee.

Environmental Protection Unit

- 2.17 The organiser is also currently working on an appropriate background noise survey to allow Officers of the Service and Environmental Protection Unit to assess the documentation

Licensing Committee,
Wednesday, 22nd October, 2014

and ensure the measures being proposed to manage noise from the event is appropriate.

2.18 Where a request is made to the Licensing Committee for an event to finish beyond 11.00 pm, Members are reminded of the requirements of the Clean Neighbourhoods and Environmental Act (Northern Ireland) 2011 which came into force in Northern Ireland on 1st April 2012.

3.0 Resource Implications

Financial

3.1 An officer will be required to carry out inspections at the event but this is catered for within existing budgets.

Human Resources

3.2 None.

Asset and Other Implications

3.3 None.

4.0 Equality and Good Relations Considerations

4.1 There are no equality or good relations issues.

5.0 Recommendations

5.1 Having considered this information and any representations received you are then required to determine, subject to all technical requirements being met to:

1. agree that the proposed events on Friday 31st October and Saturday 1st November 2014 be permitted to take place such that the standard hours of licence are extended from 11.00 pm to 1.00 am, or
2. refuse to extend the hours as requested.”

After discussion, during which the Head of Building Control confirmed that officers would work with the applicant to ensure that the event scheduled for Sunday, 2nd November would not impact upon services taking place within St. Anne's Cathedral, the Committee agreed, in its capacity as Licensing Authority, that, subject to all technical requirements being met, the standard hours on the Marquee Entertainments Licence for the Cathedral Gardens be extended to enable entertainment to take place on Friday, 31st October and Saturday, 1st November till 1.00 a.m.

Chairman

Town Planning Committee

Thursday, 9th October, 2014

MEETING OF TOWN PLANNING COMMITTEE

Members present: The High Sheriff (Alderman L. Patterson);
Alderman Rodgers; Councillors Austin,
Beattie, Carson, Cunningham, Curran,
Garrett, Haire, Jones, McCabe, Mullan
and Newton.

In Attendance: Mr. B. Flynn, Democratic Services Officer; and
Ms. E. Hanratty) Divisional
Mr. P. Fitzsimons) Planning Office.

Apologies

Apologies were reported on behalf of the Deputy Lord Mayor (Councillor Hendron), Aldermen M. Campbell, McCoubrey and R. Patterson, together with Councillors Hanna, Hutchinson and McCarthy.

Chairing of Meeting

In the absence of the Chairman and the Deputy Chairman, it was

Resolved – That Alderman Rodgers take the Chair.

(Alderman Rodgers in the Chair.)

Minutes

The minutes of the meeting of 4th 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 the omission of those matters which had been delegated to the Committee by the Council.

Declarations of Interest

In respect of the Schedule of Planning Applications, Councillors Garrett and Haire declared an interest regarding item ten, which had been submitted by the Belfast Harbour Commissioners. It was noted that both Members had been appointed by the Council to that body.

Requests to Address the Committee

No requests had been received.

**Town Planning Committee,
Thursday, 9th October, 2014**

Stranmillis and Lower Malone Residents' Association

The Committee was reminded that, at its meeting on 4th September, it had agreed to receive a deputation of local residents in respect of the proposals for the redevelopment of the Science Library at Chlorine Gardens and 14a Lennoxvale by The Queen's University of Belfast. Accordingly, the Acting Chairman welcomed Ms. E. Craig, together with Ms. E. Sung and Ms. M. Cosgrove, who were in attendance to outline their objections to the proposed development.

The Committee was advised that a number of local residents felt that the application for the demolition of the library at Chlorine Gardens and 14a Lennoxvale would be out of character due to the proposed scale and mass of the replacement building. In addition, it was suggested that the redevelopment would result in the loss of existing green space within the Malone Conservation Area. The residents suggested also that there would not be sufficient car parking provided at the new building and this would cause adverse problems at peak times.

The Acting Chairman thanked the residents for their attendance and indicated that the application would be reconsidered later in the meeting under the reconsidered items list.

Routine Correspondence

The Committee noted the receipt of the undernoted items of correspondence:

Department for Social Development

- Notification of the intention to make a vesting order on land to the front of 28 Duncairn Gardens.

Transport NI / Roads Service

- Notification of the construction of a road hump at the junction of Nelson Street and Whitla Street;
- The provision of a blue badge parking bay at 78 Belmont Road;
- The removal of blue badge parking bays at Rugby Road and College Park Avenue;
- The abandonment of a public right of way at Casement Park, Andersonstown; and
- Notification of the introduction of waiting restrictions at the following locations:
 1. Orby Link – no waiting at any time;
 2. Gardiner Place – no waiting Monday to Saturday 0800 - 1800;
 3. North Queen Street - no waiting Monday to Saturday 0800 - 1800;
 4. Stewart Street - no waiting Monday to Saturday 0800 - 1800;
 5. Alexandra Park Avenue – revocation of no waiting restriction;
 6. Short Strand - revocation of at any time restriction; and
 7. Short Strand – limited waiting Monday to Saturday 0800 - 1800.

**Town Planning Committee,
Thursday, 9th October, 2014**

Northern Ireland Environment Agency – Confirmation of Listed Status

- Parliamentary Boundary Posts at the Ligoniel, Lisburn and Glen Roads and Stockman's Lane;
- The Orange Hall at 176 Albertbridge Road;
- Lime Kilns at 1049 Crumlin Road;
- Belmont Presbyterian Church and McQuiston Presbyterian Church and Hall;
- Ligoniel Library;
- Workers' Cottages within the Stormont Estate;
- The Rock Bar, Falls Road; and
- Telecom House, May Street

Feasibility Study – Former Visteon Site

The Committee noted the findings of a feasibility study which had been commissioned by the Council on the former Visteon site off Finaghy Road North. It was noted further that the report had been considered by the Development Committee at its meeting on 16th September.

Appeal Dates and Decisions Notified

The Committee noted the outcome of a number of recent appeal cases, together with a list of dates which had been set for the hearing of further appeals.

Streamlined Decisions Issued

The Committee noted a list of decisions which had been issued by the Planning Service between 29th August and 30th September under the streamlined planning process.

Planning Applications Deemed Valid

The Committee noted a list of planning applications which had been received by the Planning Service from the period 2nd September till 29th September.

Deferred Items Under Consideration

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

Application Withdrawn

The Committee noted that the application Z/2014/0596/F, for the development of 2 semi-detached dwellings at 342 Stranmillis Road, had been withdrawn from the reconsidered list at the request of the Planning Service to enable amended plans to be considered.

**THE COMMITTEE DEALT WITH THE FOLLOWING ITEMS IN PURSUANCE
OF THE POWERS DELEGATED TO IT BY THE COUNCIL**

**Town Planning Committee,
Thursday, 9th October, 2014**

Reconsidered Items

The Committee considered further the undernoted planning applications and adopted the recommendations of the Divisional Planning Manager thereon:

<u>Site</u>	<u>Proposal</u>	<u>Opinion</u>
Site bounded by Little York Street, Great George Street and Nelson Street	Construction of 238 1 bed and 2 bed apartments with 200 parking spaces on ground and first floor levels with elevated landscaped central courtyard. (Amended Plans)	Approval
286 Cliftonville Road	Change of use from beauticians to hot food takeaway	Refusal
50 Malone Park	Renovations and extensions to include demolition of existing rear return and garage, erection of two storey rear return and basement and erection of two storey detached garage with ancillary living accommodation above, associated site works (Amended scheme)	Approval
11 Knightsbridge Park	2 storey rear extension and additional 1st floor window to front of dwelling (Amended Plan)	Approval
11 Malone Park	Two storey rear extension and erection of new garage with entrance gates (Amended Plans)	Approval
Land adjacent to McKinney House, Musgrave Park, Malone Lower	35 apartments over 6 floors with associated landscaping and car parking (Amended plans and additional information)	Refusal
46-48 Stranmillis Road	Proposed change of use (with associated works) from Class A2 (Financial, Professional, Other Services) premises to restaurant use including new external deck and seating area to front and side, extract chimney to the front and bin store to rear.	Refusal
Site comprising The Queen's University Science Library at Lennoxvale dwelling	Demolition of Science Library, 14a Lennoxvale, sub-station, associated steps and ramp and Science Library boundary wall on St Ives Gardens,	Approval

**Town Planning Committee,
Thursday, 9th October, 2014**

(vacant) and 14a Lennoxvale and service access to south and east of Queen's University Architecture Building, 15 Chlorine Gardens	relocation of external fire access from side to rear elevation of Architecture Building and development of new School of Biological Sciences Building (providing 11,165m ² of floorspace on 3-5 levels for teaching, research, offices, study areas and laboratories), landscaped pedestrian link between Chlorine Gardens and Lennoxvale, new, relocated service access to basement level from Lennoxvale and associated operational development including cycle parking, lighting, CCTV and landscaping	
Site Comprising the Queen's University Science Library at Lennoxvale Dwelling (vacant) at 14a Lennoxvale and service access to south and east of Queens University Architecture Building 15 Chlorine Gardens	Demolition of Science Library, 14a Lennoxvale, sub-station associated steps and ramp and Science Library Boundary Wall on St Ives Gardens (for the development of the School of Biological Sciences)	Consent
Unit 11 Ormeau Bakery 307-341 Ormeau Road	Proposed change of use from convenience and retail services use to charity shop	Approval

Schedule of Planning Applications

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

<u>Site</u>	<u>Proposal</u>	<u>Opinion</u>
30-32 Ballysillan Road	Alterations and extension of No.30 Ballysillan Road to provide two dwellings, provision of 6 no. New dwellings along Faburn Park, and associated site and access works (amended plans) [Deferred at the request of the Committee to enable an office meeting to be held: Criteria 5]	Approval

**Town Planning Committee,
Thursday, 9th October, 2014**

530 and 532 Shore Road	11 no. residential dwellings consisting of 3 detached and 8 semi-detached dwellings (amended proposal) [Deferred at the request of the Committee to enable an office meeting to be held: Criteria 5]	Approval
420 - 428 Woodstock Road	Proposed demolition of existing 3-storey building and no 424 - 428 Woodstock Road and erection of new retail unit. Retention of existing 2 storey building at nos 420 – 422 Woodstock Road with change of use of first floor area to storage/ancillary usage. [Deferred at the request of the Committee to enable an office meeting to be held: Criteria 5]	Refusal
105 Circular Road	Demolition of existing dwelling and erection of new 2 storey dwelling with integrated garage [Deferred at the request of the Committee to enable an office meeting to be held: Criteria 5]	Refusal
4 Shrewsbury Park	Demolition of existing house and construction of new 2 storey dwelling house and detached garage [Deferred at the request of the Committee to enable an office meeting to be held: Criteria 5]	Refusal
4 Shrewsbury Park	Demolition existing two storey detached house and single garage. [Deferred at the request of the Committee to enable an office meeting to be held: Criteria 5]	Refusal

Chairman

Circuses involving Animals

Alderman Stalford to move:

“This Council:

1. Recognised in 2000 that it is inherently cruel and unjustifiable for circuses to use animals that are coerced into performing tricks or engaging in behaviours that they otherwise would not do in the absence of coercion and adopted a policy to prohibit circuses containing animal acts from using Council-owned property;
2. Believes that there should be a United Kingdom-wide ban on circuses that use animals; and
3. Would encourage other councils throughout Northern Ireland to adopt the same policy stance as that taken by the Council in 2000.”

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