



## Belfast City Council

<b>Report to:</b>	Special Strategic Policy and Resources Committee
<b>Subject:</b>	Decision of Special Council re: Arc21 Residual Waste Treatment Facilities
<b>Date:</b>	12th June, 2009
<b>Reporting Officer:</b>	Mr. L. Steele, Head of Committee and Members' Services
<b>Contact Officer:</b>	Mr. L. Steele, Head of Committee and Members' Services (extension 6325)

### Relevant Background Information

1. A special meeting of the Council was held on 9th June to consider the community consultation results in relation to the arc21 Residual Waste Treatment Facilities at the North Foreshore.
2. Following a presentation Councillor Ekin proposed:  

“That approval be granted for the disposal to arc21 of an area of land at the North Foreshore for the provision of either or both MBT or EFW facilities on terms to be agreed by the Directors of Improvement and Legal Services.”

The proposal was seconded by Councillor Jones.
3. An amendment, as set out below, was proposed by Councillor M. Browne and seconded by Councillor O'Neill:  

“That approval be granted for the disposal to arc21 of an area of land at the North Foreshore for the provision of an MBT facility only on terms to be agreed by the Directors of Improvement and Legal Services.”
4. The amendment was put to the Council and a recorded vote demanded.
5. Following the recorded vote it was announced that 17 Members had voted for the amendment and 16 against and it was accordingly declared carried.
6. The amendment was then put to the Council as the substantive motion, when 22 Members voted for and 10 against and it was declared carried.

**Key Issues**

1. During the first recorded vote, a vote was recorded for the High Sheriff in favour of the amendment.
2. During the second vote, whilst many Members changed their voting pattern in favour of the proposal, no vote was recorded against the name of the High Sheriff.
3. The next morning, the Head of Committee and Members' Services sought from an officer a letter which was to have been signed the previous evening by the High Sheriff. The letter has not been signed and, following investigation, it became clear that the High Sheriff had not been in attendance at the meeting.
4. The matter was drawn to the attention of the Chief Executive who directed that, as the Strategic Policy and Resources Committee had originally determined that the matter should be considered at a special Council meeting, the Lord Mayor, the Chairman of the Strategic Policy and Resources Committee and the Party Group Leaders be contacted to apprise them of the situation. It was agreed that the best course of action would be to convene a special meeting of the Committee at the earliest possible date to update the Members in this regard.
5. Given that the High Sheriff was not in attendance at the meeting, it is therefore clear that the vote attributed to him was invalid. This raises certain implications in relation to the legal standing of the decision of the Council at the meeting and the Director of Legal Services will provide advice to the Members in relation to that matter.

**Recommendations**

The Committee is asked to consider the matter and to take such action thereon as may be determined.