

East Belfast Area Working Group

Thursday, 8th December, 2016

MEETING OF EAST BELFAST AREA WORKING GROUP

Members present: Alderman Haire (Chairperson);
The High Sheriff of Belfast, Alderman Rodgers,
Aldermen McGimpsey and Sandford; and
Councillors Armitage, Copeland, Dorrian,
Graham, Hussey, Johnston, Mullan,
Newton and O'Donnell.

In attendance: Mr. R. Cregan, Director of Finance and Resources;
Mr. J. Walsh, City Solicitor;
Mr. D. Rogan, Head of Contracts;
Mr. R. Connelly, Programme Officer; and
Mrs L. McLornan, Democratic Services Officer.

Apologies

Apologies for inability to attend were reported from Councillors Howard, Jones, Long and O'Neill.

Minutes

The Working Group agreed that the minutes of the meeting of 3rd November, 2016, were an accurate record of proceedings.

Declarations of Interest

Alderman Rodgers and Councillors Copeland and Newton declared an interest in the Lagan Village Youth and Community Group, in that they were Board members.

Announcement

The Chairperson, on behalf of the Working Group, passed on congratulations to Councillor O'Neill on the recent birth of her son.

Lisnasharragh project - Outer East BIF

The Working Group noted that the Members which represented the Lisnasharragh District Electoral Area would meet immediately after the Area Working Group meeting had concluded, to discuss a project proposal for the ring-fenced Belfast Investment Fund. The Working Group noted that details of the proposal would be brought to the next Area Working Group meeting on 5th January, 2017.

Declaration of Interests – Briefing note

The Working Group was reminded that it had requested a report from the City Solicitor on declarations of interest, particularly in relation to the issue of Members proposing or voting to allocate funding to a group which they were a Board Member of.

The Working Group considered the undernoted report:

“ Purpose of the briefing

1. Councillors are seeking clarification around the requirements set out within the Code of Conduct for Councillors in respect of the register and declaration of interests.
2. In particular, clarity is sought in relation to Area Working Group discussions when councillors are involved in allocating funding to groups of which they may be a member or have a seat on the board. This briefing should be considered supplementary to the report presented by the Democratic Services Manager to the Strategic Policy and Resources Committee on 21 October 2016 and the Conflicts of Interests Policy appended to the same report.

Background to the Code of Conduct in relation to the registration and declaration of interests

3. The Code of Conduct and the associated guidance indicate that the requirements of the Code in relation to the disclosure and declaration of interests are *‘intended to give members of the public the confidence that decisions are being taken in their best interests, not in the best interests of the councillors or their family, friends or personal associates’*.
4. Councillors are required to publically disclose, in the Council’s Register of Interests, any such personal interests (both financial and otherwise) where they fall within a category mentioned in paragraph 5.2 of the Code of Conduct (Appendix 1).
5. Councillors are required to disclose, or to declare, their personal interests where they relate to a matter coming before a meeting of the council, including a meeting of a committee or a sub-committee. (The fact that a Councillor has disclosed an interest in the Register of Interests does not exempt the Councillor from a duty to declare the interest when it arises at a meeting of the council).
6. The requirement to declare such relevant interests also applies in Members’ dealings with council officers and in unofficial relations with other councillors. Therefore, it is clear that these requirements also apply to matters coming before the Area Working Groups.
7. The Code sets out Councillors’ obligations in relation to the disclosure and declaration of both pecuniary and non-pecuniary interests.

Guidelines in relation to Pecuniary Interests

8. The term 'pecuniary interest' is defined in the 1972 Act. Pecuniary interests are your business interests (for

example, your employment, trade, profession, contracts, or any company with which you are associated) and wider financial interests you may have (for example, investments, and assets such as land and property). (See Code Paragraph 5.2 at Appendix 1)

9. Councillors are required to declare both direct pecuniary interests (where you would personally benefit from a decision on the matter) and indirect pecuniary interests (where your employer, your partner in a legal partnership, a company in which you have shares, or a body of which you are a trustee or director or member, such as a club or charity, may benefit as a result of a decision).
10. When you declare a pecuniary interest, either direct or indirect, in a matter coming before a meeting of your council, you must not speak or vote on the matter in which you have an interest. In addition, if the matter is to be discussed by your council, you must withdraw from the meeting during the discussion.
11. In exceptional circumstances a Member may be able to obtain a dispensation from the Department to speak and vote at a council meeting despite having declared a pecuniary interest.

Requirements of Councillors having declared a pecuniary interest

12. Having declared a pecuniary interest the requirements of the Code are very clear – the Councillor must not speak or vote on the matter and must withdraw from the meeting during any discussion on the matter.
13. The Commissioners guidance to the Code of Conduct at Paragraph 4.13.7 states that when you *'disclose a pecuniary interest, either direct or indirect, in a matter coming before a meeting of your council...you must withdraw from the meeting entirely during that discussion. This means that you must leave the room while the discussion takes place'*.
14. I have looked into the Guidance from the Public Services Ombudsman for Wales which gives further consideration to this issue. The Welsh Guidance is clear that having declared a 'prejudicial' interest in a matter one *'cannot remain in the public gallery to observe the vote'* on a matter and in fact the guidance states that *'your presence itself could be perceived to be capable of influencing the decision making process'*.
15. This capacity to influence the decision seems to be at the crux of the matter and I have sought further clarification on this point from the Northern Ireland Local Government Commissioner for Standards.

Guidelines in respect of non-pecuniary interests

16. The Code requires that you declare *'any significant private or personal non-pecuniary interests'* in a matter coming before a meeting of your council, as soon as it becomes apparent to you.
17. Non-pecuniary interests are those that do not involve business or financial matters and can include, for example, those interests that arise through a position of responsibility in, or membership of, a club, society or organisation. A non-pecuniary interest will be considered to be 'significant' if:
 - It falls within one of the categories outlined in Paragraph 5.2 of the code (Appendix 1); or
 - You anticipate that a decision coming before the meeting of the council might reasonably be deemed to benefit or disadvantage you to a greater extent than other council constituents.
18. This second bullet point is referred to as the 'public perception test'. A councillor should apply this 'public perception test' before deciding whether they have a 'significant' private or personal non-pecuniary interest in a matter to be discussed.
19. The term "significant" is key. There is no requirement for a councillor to declare an interest if they decide that the decision would not reasonably be considered, by a member of the public, to benefit or disadvantage the councillor to a greater extent than other council constituents.
20. The question here is not whether the councillor would deem the decision to benefit or disadvantage them but whether a member of the public would consider so. If the Councillor determines that the interest is not significant then there is no need to declare any interest and the councillor may speak and vote on such matters as normal.

Requirements of Councillors having declared a significant non-pecuniary interest

21. Whilst the requirements in relation to pecuniary interests are clear, with regards to non-pecuniary interests the situation is not as straightforward and the introduction of subjective terms such as 'significant' has created uncertainty amongst councillors. The result is that too often, councillors have removed themselves from discussions on an issue, when public policy would suggest that it would be more appropriate for them to participate.
22. The Nolan Committee in its 3rd Report on Standards in Public Life (1997) recognised this point:
'a councillor is part of the community, and will have many interests in common with the rest of the community...a councillor may also be involved with a particular interest group, or may be concerned with a particular cause...or may

well take a particular standpoint on an issue that divides the community'.

23. Citing the example of a councillor who championed the interests of people with disabilities, the report said *'it would be inappropriate for a councillor in this position to be debarred from council decisions on providing facilities for persons with disabilities.'* In the Committee's view:

'In such situations, even though the councillor has direct contacts with organisations, the interest is a public interest, not a private one. The important principle is that everyone should know that the councillor approaches the matter from a particular background and standpoint, so that his contribution to the discussion and decision can be weighed by colleagues, and the press and public, against that background'.

24. The Principle is therefore clear – there requirement upon the councillor to declare any *'significant' private or personal non-pecuniary interest* which may exist. Having done so the options open to the councillor are somewhat more complex - unlike with pecuniary interests – as the councillor may remain in a meeting and even vote if the matter does not concern property or finance. The key is determining whether the Councillor's participation would be in the public interest.

The next section of the briefing aims to provide more clarity on this matter.

Declaring a significant private or personal non pecuniary interest but remaining in the meeting

25. Unlike pecuniary interests, there are circumstances in which a Councillor may declare a significant private or personal non-pecuniary interest but still participate in the meeting and vote on a matter.
26. The Code of Conduct for Councillors - Para 6.9 provides that:

Code Paragraph 6.9

It would, however, be appropriate for you to remain at a council meeting and speak and vote on a matter in which you have declared a significant private or personal non-pecuniary interest if your interest arises because you are:

- A member of a public body; or
- A member or supporter of a charity, voluntary body or other organisation formed for a public purpose (i.e. not for the personal benefit of members).

However, except where you have been appointed by your council as a representative on the organisation, you must not vote (although you may speak) on any matter directly affecting the finances or property of the organisation if you are a member of the organisation's management committee or governing body.

27. If the Councillor is a member of a body or organisation which has been established to pursue an objective that might be classified as being in the 'general public interest', then an association with such a body or organisation does not prevent a Councillor from participating in the decision making process but the interests should nonetheless be declared.
28. However, if the Councillor's interest in such a body or organisation includes participation in management or governance, then a non-pecuniary interest should be declared and the Councillor may participate in discussion but may not vote on decisions concerning finance or property.

Application of the Code in respect of Area Working Groups

Requirement to disclose interests

29. The guidance issued by the Commissioner states at 4.13.3 that:

"Members are required to disclose, or to declare, their personal interests where they relate to a matter coming before a meeting of the council, including a meeting of a committee or a sub-committee".

30. The guidance goes on to state that *"this requirement to declare such relevant interests also applies in Members' dealings with council officers and in unofficial relations with other councillors"*. It is therefore clear that this the requirement to declare relevant interests would apply to proceedings within the Area Working Groups in the same way as they would apply to Council, Committee or Sub-Committee meetings.

Speaking and voting

Pecuniary Interests

31. It is clear that in respect of matters in which a Councillor has a pecuniary interest (direct or indirect), the Councillor is not permitted to speak or vote on the issue. The Councillor must declare the pecuniary interest and withdraw from the Area Working Group meeting whilst that item is being discussed.

Significant private or personal non-pecuniary interests

32. However, in respect of matters in which a Councillor has a significant private or personal non-pecuniary interest, then

the Councillor, having declared that interest, may apply the criteria outlined at Paragraph 26 of this report (Code Paragraph 6.9) to determine whether or not it would be appropriate for them to participate in the meeting.

33. It would be appropriate for the Councillor to remain at the meeting and to speak and vote on a matter in which they have declared a significant private or personal non-pecuniary interest if the interest arises because the Councillor is a member of a public body; or a member or supporter of a an organisation formed for a public purpose (i.e. not for the personal benefit of members).
34. However, a Councillor must not vote (although they may speak) on any matter directly affecting the finances or property of such an organisation if the Councillor is a member of the management committee or governing body of the organisation (e.g. a Board member).
35. Councillors may however speak and vote if the organisation is one to which they have been appointed on behalf of the Council.

Allocation of funding under LIF and BIF

36. With respect to decisions on the allocation of funding under LIF and BIF, it is clear that a Councillor who is a member of a group or organisation which may benefit from such funding (or indeed which may be disadvantaged by the award of funding to another organisation) should declare an interest accordingly.
37. If the organisation has been formed for the 'personal' benefit of its members then membership of such a body would give rise to an indirect pecuniary interest. The Councillor would then have to declare an indirect pecuniary interest and must leave the room when the matter is being discussed.
38. If the organisation has been formed in the 'public interest' then the Councillor should declare a significant private or personal interest and may speak on the matter and vote (unless they are on the management committee / governing body / board of the organisation in which case they may speak but not vote on matters of finance or property).

Conclusions

39. Councillors on Area Working Groups must declare interests in the same way as they would do at meetings of Council or Committee.
40. A Councillor must determine whether they have a pecuniary or non-pecuniary interest in matters to be discussed at the Area Working Group.
41. If the Councillor declares a direct or indirect pecuniary interest in a matter then the Councillor must withdraw from

the meeting (leave the room) whilst the matter is being discussed and may not vote on the matter.

- 42. If the Councillor has a private or personal interest in a matter they must apply the 'public perception test' to determine whether the interest is 'significant' enough to declare.**
- 43. Having declared a 'significant' private or personal non-pecuniary interest in a matter the Councillor may participate in the meeting and vote provided that the organisation in question is a 'public body' or is one which has been formed in the public interest (and not for the personal benefit of its members).**
- 44. If the Councillor holds a position on a management committee or governing body of an organisation formed in the public interest, then the Councillor may participate in the meeting but must not vote on any decisions which affect the finances or property of that organisation (unless they have been appointed to the organisation on behalf of the Council).**
- 45. If however the organisation has been formed for the personal benefit of its members then the Councillor (if a trustee, director or member of the group) should declare an indirect pecuniary interest and withdraw from the meeting."**

The Working Group noted the information which had been provided.

The Programme Officer presented to the Members a flowchart which sought to illustrate the questions which all Members should consider in relation to each agenda item and he highlighted the importance of the Public Perception test. The City Solicitor advised the Members that they should speak with him or an officer within Democratic Services before a meeting if they had a query in relation to whether they should declare an interest in an item or not.

In response to a Member's question in relation to Board Members of a public body and their voting rights, the City Solicitor clarified that while they could bring forward a proposal for the body to be considered for funding, given that it was for the public benefit, it would be prudent that Board Members would not participate in a vote to determine funding for that public body.

The City Solicitor advised the Members that he had written to the Local Government Commissioner for Standards, Ms. Marie Anderson, to seek further clarity on three areas of the Code of Conduct, those being:

- Members declaring interests with regards to 'public bodies';
- the definition of what constituted 'an organisation formed for a public purpose'; and
- whether a Member who has disclosed a pecuniary interest or a significant private or personal non-pecuniary interest, should leave the room during discussion.

The Working Group noted the response which had been received.

After discussion, the Working Group noted the information which had been provided and agreed that copies of the Declarations of Interests flowchart and of the response from the Local Government Commissioner for Standards should be circulated to all Members for their information.

Belfast Investment Fund

A Member informed the group that, given recent media coverage in relation to both BIF and LIF, the Audit and Risk Panel had recently agreed that the Terms of Reference for the Panel would be circulated to all Members of the Panel and Party Group Leaders for their reference.

Lagan Village Youth and Community Group

A Member suggested that the Working Group consider rescinding its decision to ring fence £130,000 for pre-contract work on the three BIF projects which were at Stage 3, with an additional £200,000 designated for contingency, which had been agreed by the Strategic Policy and Resources Committee and the Council in November, 2016.

During discussion, the Director of Finance and Resources explained to the Working Group that, in accordance with the advice which he and the Director of Property and Projects had provided to the Working Group at its meeting on 6th October, the £130,000 which had been ring-fenced in order to work up the plans for the first three projects which had already been agreed.

In response to a Member's question, the Head of Contracts confirmed to the Members that a further project could be moved to Stage 2 of the BIF process, as funding was not committed to a project until it had reached Stage 3.

After further discussion, the Working Group agreed:

1. that the Lagan Village Youth and Community Group proposal would be moved to Stage 2 under BIF; and
2. to delay any further decision on the £200,000 contingency and £130,000 ring-fenced funds through BIF until the next meeting of the Working Group on 5th January, 2017.

The Director of Finance and Resources confirmed to the Members that the current Council decision stood in relation to the £330,000, and advised the Working Group that if any of the projects which were at Stage 3, namely, Willowfield Parish Church, Bloomfield Community Association or the Harland and Wolff Welders Football Club, required funding to be drawn down for pre-contract work, that he was authorised to do so.

Tullycarnet Community Support Services

The Working Group noted that Tullycarnet Community Support Services had withdrawn their project from the LIF process but had since written to the Working Group expressing their interest in the Belfast Investment Fund.

Ring-fenced BIF for newly transferred area

The Head of Contracts tabled an update report on the three Outer East projects under BIF, namely the Hanwood Trust, TAGIT Boxing Club and Braniel Church.

The Working Group noted that none of the projects had reached the required level to move beyond Stage 1. The Group agreed that officers would continue to engage with all three groups to develop their projects and that a detailed report would be submitted to the meeting on 5th January, 2017.

Local Investment Fund

Progress Report

The Working Group noted that the Tullycarnet Community Support Services proposal had failed to progress through the Due Diligence process and had, therefore, been withdrawn from the LIF process. The Working Group agreed that the £58,411 which had been allocated to that project would therefore be re-allocated.

The Working Group agreed that officers should engage with Our Lady and St. Patrick's College Knock in relation to its proposal for the installation of an outdoor gym, which had previously been considered by the group.

The Working Group also requested that an update on the Dock Café project be submitted to the meeting on 5th January, 2017.

St. Christopher's Church

The Working Group considered a report on officer engagement with St. Christopher's Church, where the Group had previously agreed that officers should assist them in getting their proposal 'project-ready', in the event that other funding might become available.

The Working Group agreed that officers would continue to engage with St. Christopher's Church.

Castlereagh Presbyterian Church Halls – Ald. Haire to raise

The Working Group noted that Castlereagh Presbyterian Church would submit a request in writing for the Group's consideration for funding at a future date.

Date of next meeting

The Working Group agreed that it would meet at 5.00 pm on Thursday, 5th January, 2017.

Chairperson

North Belfast Area Working Group

Thursday, 8th December, 2016

NORTH BELFAST AREA WORKING GROUP

Members present: Councillor McCabe (Chairperson);
Aldermen Convery and Spence;
Councillors Clarke and Magee.

In attendance: Mr. N. Grimshaw, Director of City and
Neighbourhood Services;
Mr. G. Millar, Director of Property and Projects;
Mrs. R. Crozier, Assistant Director of City and
Neighbourhood Services;
Mr. D. Rogan, Head of Contracts;
Mrs. C. Taggart, Community Development Manager;
Mr. G. Dickson, Policy Analyst; and
Miss E. McGoldrick, Democratic Services Officer.

Apologies

Apologies were reported on behalf of The Deputy Lord Mayor, Councillor Campbell, Aldermen L. Patterson and McKee, and Councillors Corr-Johnston and McAllister.

Minutes

The minutes of the meeting of 10th November were agreed as an accurate record of proceedings.

Declaration of Interest

No declarations of interest were reported.

Decision Tracker

The Director of Property and Projects explained that the Decision Tracker document had been emailed to Members before the meeting and provided the Working Group with a brief overview of actions since the last meeting held on 10th November.

He also tabled the Parks and Leisure Committee report from March, 2010 regarding the Velodrome Consultation, as requested at the last meeting.

Noted.

Girdwood Community Forum - Update from Representatives

The Chairperson welcomed Members of the Girdwood Community Forum to the meeting, Mr. M. Maguire, Mr. I. McLaughlin and Mr. P. O'Neill.

The representatives outlined the contents of the report that had been submitted to the Working Group for consideration, which included the following points for discussion:

- changing facilities for the Girdwood sports pitches;
- the need for toilet facilities for the Girdwood Youth Space;
- the possibility of fencing around the new sports pitches;
- community management of the Girdwood Community Hub; and
- issues with car access and bollards in situ.

The Director of Property and Projects confirmed that an economic appraisal had been completed regarding the potential for changing facilities at Girdwood. He advised that the issue would be highlighted at a meeting in the New Year with the Department for Communities and that interim facilities were also being considered.

It was reported that a feasibility study had been completed regarding the toilet facilities and access point and would be taken through the capital governance process.

The Head of Contracts advised that the installation of the fencing around the new sports pitches would commence in December and take approximately six weeks to complete.

The Community Development Manager informed the Group that Council staff had been working with the Girdwood Community Forum regarding the potential of community management of the Youth Space within the Hub and that a formal application for consideration would be submitted by the Forum early next year.

It was also reported that the bollards on the site were functioning and that training was due to be given to Greenwich Leisure Limited staff on 9th December on how to operate the bollards.

After discussion, the Chairperson thanked the representatives from the Girdwood Community Forum for attending.

The Working Group noted the information which had been provided and agreed that a document be produced to explain the processes, approximate timeline, and key decision points of the outstanding actions to help the Girdwood Community Forum and the wider community gain a better understanding of Council procedures.

Presentation – Women's TEC

The Working Group was reminded that, at its meeting on 24th August, it had been agreed that representatives from Women's TEC be invited to attend the Working Group.

The Chairperson welcomed to the meeting, Ms. L. Carvill, Chief Executive of Women's Training, Enterprise and Childcare (Women's TEC). With the permission of the Chairperson, she tabled copies of the presentation.

Ms. Carvill provided an overview of the work that had been undertaken by the organisation since 1998. She highlighted that, over the last three years, they had engaged

over 500 women in a range of accredited and non-accredited skills training programmes in non-traditional areas such as horticulture, plumbing, joinery, painting and decorating, tiling, electrics, and information and technology.

She explained that they had moved to a new premises on Chichester Avenue and that their vision was to become a hub for the local community, a neutral venue, accessible for all women.

She explained that Women's TEC was responsible for the maintenance and overheads of the building and that support for structural building work of approximately £52,000 was required to upgrade the premises. She also advised that funding assistance may be required for the replacement of IT equipment.

During discussion the Members noted that Women's TEC had worked with various organisations, including the Council, to organise work placements for its students and that some participants advanced to employment. However, the majority of participants progressed to further education courses due to the continued access to childcare facilities.

After discussion, the Chairperson thanked Ms. Carvill for attending and the Working Group noted the information which had been provided.

Presentation – Ligoneil Improvement Association

The Chairperson welcomed to the meeting, Mr. D. McCallin, Environment and Recreation Programme Coordinator, representing Ligoneil Improvement Association.

With the permission of the Chairperson, Mr. McCallin tabled copies of the presentation regarding the proposed redevelopment of an old Corn Mill at the Wolfhill Environment and Heritage Site (estimated total cost of £500k).

He explained that the charity had been set up to reduce health inequalities prevalent in Ligoneil and that the work of the organisation had been implemented by three strands: Strategic Development; Youth Health; and Environment and Recreation.

He provided an overview of the projects currently run by the Association and its future plans for the site. He advised that the Association would appreciate the cross-party support of the Council, and wished to make a further representation once consultation and feasibility studies had taken place.

During discussion, the Assistant Director provided an update on the Belfast Hills Project regarding accessing and promoting the area further via path networks. She advised that an update report would be submitted to the People and Communities Committee in the future.

After discussion, the Chairperson thanked Mr. McCallin for attending and the Working Group noted the information which had been provided.

Local Investment Fund Update

The Director of Property and Projects provided an overview of the report which included an update on the progress of those projects which had yet to be completed under the Local Investment Funds (LIF phase 1 and LIF phase 2).

He advised that the group had allocated £694,867 of its £800,000 LIF phase 2 allocation and that there were three projects remaining which required further information

to be provided by the project organisations so that feasibility assessments could be completed.

Noted.

Future Agenda Items

The Working Group noted that the following items would be discussed at the next meeting on 24th January, 2017:

- Alleygates Update on the consultation process Interface Programme Report;
- LIF Update;
- Workshop Report; and
- Plan information sessions on Inner North Belfast Projects.

The Working Group also noted the following future deputations and agenda items:

- Belfast Hills;
- Urban Villages (February);
- Zoo Update ;
- Harbour Commissioner Update; and
- Yorkgate Interchange Update.

Chairperson