



**Supplemental Agreement to the Terms of Agreement  
dated 1 July 2003  
for the Procurement and Management of the  
Residual Waste Treatment Plant**

**Index**

1	Supplemental Agreement	2
2	Minutes of Antrim Borough Council	34
3	Minutes of Ards Borough Council	51
4	Minutes of Ballymena Borough Council	90
5	Minutes of Belfast City Council	127
6	Minutes of Carrickfergus Borough Council	169
7	Minutes of Castlereagh Borough Council	179
8	Minutes of Larne Borough Council	184
9	Minutes of Lisburn City Council	216
10	Minutes of Newtownabbey Borough Council	237
11	Minutes of North Down Borough Council	255
12	Supplemental Agreement approved by Down District Council	306
13	Minutes of Down District Council	338

**ANTRIM BOROUGH COUNCIL,  
ARDS BOROUGH COUNCIL,  
BALLYMENA BOROUGH COUNCIL,  
BELFAST CITY COUNCIL,  
CARRICKFERGUS BOROUGH COUNCIL,  
CASTLEREAGH BOROUGH COUNCIL,  
DOWN DISTRICT COUNCIL,  
LARNE BOROUGH COUNCIL,  
LISBURN CITY COUNCIL,  
NEWTOWNABBAY BOROUGH COUNCIL,  
NORTH DOWN BOROUGH COUNCIL,**

**and**

**arc21**

**Supplemental Agreement to the Terms of Agreement  
dated 1 July 2003  
for the Procurement and Management of the  
Residual Waste Treatment Plant**

**THIS AGREEMENT** is made the

day of

2009

**BETWEEN**

**ANTRIM BOROUGH COUNCIL** of Civic Offices, 50 Stiles Way, Antrim, Co. Antrim, BT41 2UB;

**ARDS BOROUGH COUNCIL** of 2 Church Street, Newtownards, Co. Down, BT23 4AP;

**BALLYMENA BOROUGH COUNCIL** of Ardeevin, 80 Galgorm Road, Ballymena, Co. Antrim, BT42 1AB;

**BELFAST CITY COUNCIL** of City Hall, Belfast, BT1 5GS;

**CARRICKFERGUS BOROUGH COUNCIL** of Town Hall, Carrickfergus, Co. Antrim, BT38 7BL;

**CASTLEREAGH BOROUGH COUNCIL** of Bradford Court, Upper Galwally, Castlereagh, BT8 6RB;

**DOWN DISTRICT COUNCIL** of 24 Strangford Road, Downpatrick, Co. Down, BT30 6SR;

**LARNE BOROUGH COUNCIL** of Smiley Building, Victoria Road, Larne, Co. Antrim, BT40 1RU;

**LISBURN CITY COUNCIL** of The Island, Lisburn, Co. Antrim, BT27 4RL;

**NEWTOWNABBEY BOROUGH COUNCIL** of Mossley Mill, Newtownabbey, Co. Antrim, BT36 5QA;

**NORTH DOWN BOROUGH COUNCIL** of Town Hall, The Castle, Bangor, Co. Down, BT20 4BT;

**AND**

**arc21** of Walsh House, Fortwilliam Business Park, 35 Dargan Road, Belfast, BT3 9LZ;

each a "Party" and together the "Parties".

**WHEREAS**

- (a) Each of the Councils entered into the Terms of Agreement to form a joint committee on 1<sup>st</sup> July 2003 (a copy of which is contained in Annex A hereto). The Terms of Agreement imposes a number of obligations on the Councils in relation to the establishment of arc21 and sets out how arc21 should function. In the Terms of Agreement each Council also signed up to a Statement of Principles for arc21.
- (b) The joint committee established under the Terms of Agreement was constituted as a body corporate with the name, arc21, pursuant to The Local Government (Constituting a Joint Committee a Body Corporate) Order (Northern Ireland) 2004 (S.R. 2004 No. 49) and the Local Government (Constituting a Joint Committee a Body Corporate) (Amendment) Order (Northern Ireland) 2007 (S.R. 2007 No. 505). The 2007 Order clarified the powers of arc21 and applied certain rights and powers applicable to the Councils to arc21 in its own capacity.

- (c) In connection with the award of the Contracts by arc21, arc21 and the Councils have resolved to further clarify the rights of the Councils both between themselves and in relation to arc21 and have resolved to work together to seek a long term solution to their needs and requirements.

**IT IS HEREBY** agreed as follows –

**1. Interpretation**

- 1.1 In this Agreement unless the context otherwise requires the following expressions have the following meanings –

**“Agreement”** means this Agreement comprising the terms and conditions together with the Annexes attached hereto. For the avoidance of doubt this Agreement supplements the Terms of Agreement.

References to **“the Councils”** shall be taken as references to Antrim Borough Council, Ards Borough Council, Ballymena Borough Council, Belfast City Council, Carrickfergus Borough Council, Castlereagh Borough Council, Down District Council, Larne Borough Council, Lisburn City Council, Newtownabbey Borough Council and North Down Borough Council and **“the Council”** shall mean one of the Councils.

**“Commencement Date”** means the date on which this Agreement is executed by the Parties.

**“Contract”** means any contract entered into by arc21 on behalf of the Councils in connection with the Projects.

**“Contractor”** means any contractor appointed by arc21 to a Contract in accordance with this Agreement.

**“Department”** means the Department of the Environment.

**“Funder”** means the funders to a Contractor in respect of a Project.

**“Loss”** includes any loss and liability directly suffered by a Party together with any damage, expense, liability or costs reasonably incurred in contesting any claim to liability and quantifying such loss and liability.

**“Principles”** means the principles stated in Clause 6.5 of this Agreement.

**“Procurement”** means the procurement of a Contract, and **“the Procurement Phase”** means that phase of a Project which relates to the procurement of the relevant Contract.

**“Project”** means any waste project procured by arc21 on behalf of the Councils relating to the Waste Management Plan.

**“Service Phase”** means the phase of a Project related to the management of a Contract.

**“Statement of Principles”** means the Statement of Principles contained in the Annex to the Terms of Agreement.



**"Terms of Agreement"** means the terms of agreement entered into by the Councils on 1<sup>st</sup> July 2003 (which for the avoidance of doubt includes the Statement of Principles).

**"Waste Management Plan"** means the Sub-regional Waste Management Plan which was jointly adopted in 2003 by the Councils as amended from time to time.

**"Working Day"** in respect to a Council, means any day other than weekends and bank or privileged holidays in Northern Ireland.

- 1.2 Reference to any statute or statutory provision includes a reference to that statute or statutory provision as from time to time amended extended or re-enacted.
- 1.3 Words importing the singular include the plural words importing any gender include every gender, words importing persons include bodies corporate and unincorporated; and (in each case) vice versa.
- 1.4 Reference to Clauses and Annexes are references to clauses and annexes of this Agreement and any reference to a sub provision is unless otherwise stated a reference to a sub provision of the provision in which the reference appears.
- 1.5 The Clause and paragraph headings and titles appearing in this Agreement are for reference only and shall not affect its construction or interpretation.

## **2. Term**

This Agreement shall come into effect on the Commencement Date and shall continue in force until all residual liabilities of arc21 under all Contracts have been satisfied.

## **3. General Principles**

- 3.1 This Agreement has been entered into by the Parties to establish and effect provisions for performance of the Projects and to clarify the Parties' responsibilities in respect thereof and to each other.
- 3.2 The Parties will work together in good faith and in an open, co-operative and collaborative manner for the duration of this Agreement. The Parties' members and officers will work together in the spirit of mutual trust in order to endeavour to procure the successful implementation of the Projects and will respond in a timely manner to all relevant requests from other Parties.
- 3.3 The Councils will continue to comply with the provisions of the Terms of Agreement (and in particular the Statement of Principles contained therein).
- 3.4 Each of the Parties hereby represents to the other that it has obtained all necessary consents sufficient to ensure the delegation of functions provided for by this Agreement for the purposes of the Projects.
- 3.5 The Parties shall use all reasonable endeavours to, at all times, act in the best interests of the Projects. The Parties expressly acknowledge that their members and officers involved in carrying out activities under this Agreement or otherwise in connection with the Projects will have regard to the benefits to all Parties and accordingly may be required to act in conflict with their duty to their relevant Party, and the Parties hereby authorise them to act in such a manner.
- 3.6 The Parties commit to share data and knowledge relevant to the Projects where appropriate.

- 3.7 Whilst this Agreement details the arrangements between the Parties for the Procurement Phase of Projects, the Parties agree to work together in good faith to agree such amendments and amplification of this Agreement as may be necessary to enable the Parties to work together throughout the Service Phase of such Projects.

**4. Status of this Agreement**

- 4.1 The Parties agree that this Agreement shall take the form of a legally binding relationship and mutual commitments between them created by this Agreement shall from the date hereof be construed accordingly.

**5. Intellectual Property**

- 5.1 All intellectual property in any material created by or on behalf of the Projects shall be owned jointly by the Parties and shall be available equally to each Party.
- 5.2 Each Party warrants that any intellectual property created by its officers for the purposes of any Project will not infringe any third party's intellectual property rights.
- 5.3 Where existing intellectual property of a Party has been used for the purpose of a Project, that Party agrees that, if such Project does not proceed, it will if requested licence the other Party on commercial terms to use that intellectual property for the purpose of its waste disposal functions.

**6. Further Supplemental Agreement**

- 6.1 The Parties will agree prior to entry into each Contract, a further Supplemental Agreement applying the following Principles.
- 6.2 Such supplemental agreement shall include:
- (a) drafting based on the Principles;
  - (b) such other provisions as the Parties agree (or as may be determined by the dispute resolution procedure in Clause 13) as a consequence of the terms of the relevant Contract; and
  - (c) a copy of the relevant Contract and any relevant direct agreements (as referred to in Clause 6.5(e) below).
- 6.3 The Parties will negotiate and agree such supplemental agreement prior to and in conjunction with the negotiation and agreement of the relevant Contract.
- 6.4 In respect of the obligations contained in this Clause 6 all Parties:
- (a) (without prejudice to paragraph 6.3) will at all times act in good faith;
  - (b) acknowledge that they have agreed the Principles but accept that they may need to be expanded to reflect the Contracts and, accordingly, no Party shall attempt to move significantly away from their intention or purpose;
  - (c) will ensure that sufficient time is set aside to conduct the negotiations on the terms of the Principles either through correspondence or by holding meetings or a combination of both to ensure that the terms of such supplemental agreements are agreed in a timely manner; and

- (d) if a dispute or difference arises between the Parties in relation to a proposed provision of such supplemental agreements and such dispute or difference cannot be settled by the Parties within ten (10) Working Days of it first arising, any Party may refer such dispute or difference for determination in accordance with Clause 13.

## **6.5 Principles**

The Principles are as follows:

### **(a) Exclusivity**

Each Council will be required to provide all waste specific to each Contract that is collected in their Council area to the relevant Project.

### **(b) Contamination / Composition of Waste**

Each Council will be required not to provide contaminated waste (outside of the specification agreed with the Councils) to the Projects. In the event that this does happen the Council will compensate arc21 for any Loss suffered in connection with the supply of the contaminated waste.

### **(c) Guarantee of arc21's obligations**

- (i) Each Council will guarantee the obligations and liabilities of arc21 under the Contracts (including all payments to be made), making payments to arc21 in accordance with this Agreement.
- (ii) Each Council will also indemnify arc21 for any direct or indirect loss suffered by arc21 in carrying out its obligations under the Contracts.

### **(d) Minimum Guaranteed Tonnage**

Each Council will commit a specified tonnage to arc 21 for each Contract, in order that arc21 can deliver its guaranteed minimum tonnage to a Contractor. If arc21 suffers Loss under any Contract as a result of a Council's failure to meet its tonnages, then arc21 shall pass on this liability to the relevant Council (pro-rata to its proportion of the overall shortage).

### **(e) Collateral warranty to Contractor / Funder**

In addition to the execution of the further supplemental agreements with arc21, each Council will also enter into a collateral warranty (substantially in the form set out in Annex C hereto) with the relevant Contractor and/or the Funder (as required) whereby each Council will warrant the performance of such Council's obligations to arc21 under such further supplemental agreement.

### **(f) Cross Indemnities and Liabilities**

Each Council will indemnify and guarantee that in the event that such Council (the "Defaulting Council") is responsible for a default by arc21 under the relevant Contract then such Defaulting Council will reimburse the other Councils to the full extent of their loss attributable to the individual Defaulting Council's actions.

**(g) Revenue Share**

If arc21 earns revenue under any Contract then such revenue will be returned to the Councils by arc21 in the proportion that each Council is responsible for providing tonnages or indemnifying arc21 in respect of other obligations under such Contract as more particularly set out in such Contract.

**(h) Changes in Legislation**

Any obligations and liabilities of arc21 arising from arc21's compliance with changes in legislation will be the responsibility of the Councils.

**(i) Residual Value of Capital Assets**

If arc21 is required to pay for the residual value of capital assets under the Contracts, this liability will be met by the Councils in accordance with the Assets and Borrowing Policy of arc21 which is contained in Annex B hereto and which must be complied with by all Parties.

**7. Acquisition of Capital Assets by arc21**

- 7.1 The Parties hereby agree that where capital assets are acquired by arc21 pursuant to the Contracts then the capital costs incurred by arc21 shall be passed on to the Councils on the basis set out in the Assets and Borrowing Policy of arc21 which must be complied with by all Parties.

**8. Remediation and Dispute Resolution**

- 8.1 Where a Party is of the opinion that another Party is failing to comply with the provisions of this Agreement in respect of any matter, including the provisions of Clause 3.2 to work together in good faith and in an open, co-operative and collaborative manner, the Parties shall use their best efforts to resolve any such matter amicably without resort to the formal remediation and dispute resolution procedures set out below.
- 8.2 Notwithstanding Clause 8.1, above, at any time the Chief Executive of either Party ("the first Party") may serve on the Chief Executive of the accused Party ("the second Party") a "Default Notice", alleging that the second Party has failed to comply with its obligations under this Agreement, setting out any suggested remedial action and any damage which the first Party has or is likely to suffer as a result of the alleged failure.
- 8.3 A Party in receipt of a Default Notice shall have 14 days within which to serve on the Chief Executive of the first Party who served the Default Notice a "Counternotice", setting out in respect of every matter contained in the Default Notice proposals for the remediation of the alleged failure and making good any loss which the first Party may have suffered or may suffer as a result of the failure or the reasons why that alleged failure is disputed.
- 8.4 Within 14 days of receipt of a Counternotice, the Chief Executive of the first Party shall send to the Chief Executive of the second Party a "Notice of Acceptance" of any proposals contained in the Counternotice in so far as those proposals are accepted by the first Party, and may send a "Notice of Dispute" in so far as no proposal satisfactory to the first Party is contained in the Counternotice, setting out in respect of each proposal which is not accepted by the first Party why it is considered to be unacceptable.

8.5 Where any proposal in a Counternotice is accepted in a Notice of Acceptance, the second Party shall implement that proposal.

8.6 Where any matter is contained in a Notice of Dispute, it shall fall to be dealt with under the Disputes Procedure set out in Clause 13.

**9. Information Undertaking**

9.1 The Councils hereby undertake that all information provided or to be provided by the Councils to arc21 in respect of the Projects (including but not limited to estimates of waste tonnages) are complete, accurate and correct. If any such information proves to be inaccurate or incorrect the Councils will indemnify arc21 fully for any Loss which arc21 suffers as a result of its reliance on such information.

**10. Confidential Information**

10.1 Subject to Clause 11, the Parties shall at all times use their reasonable endeavours to keep confidential and ensure that such information is used only for the purpose of the Projects (and to procure that their respective employees' agents, consultants, contractors and sub-contractors shall keep confidential and shall use such information only for the purpose of the Projects) all Confidential Information concerning the Projects or the business and affairs of the other Parties which may now or at any time hereafter be in its possession and shall not disclose it except with the consent of the other Parties, such consent not to be unreasonably withheld.

10.2 For the purpose of this Agreement "Confidential Information" means any information imparted to any Party or their employees agents, consultants, contractors or sub-contractors ("the Receiving Party") which was imparted to the Receiving Party on the basis that it is to be kept confidential or would by its nature normally be regarded as being confidential or to the knowledge of the Receiving Party was obtained by the other Party on the basis that it was to be kept confidential or is of commercial value in relation to a Project but shall not include any information which is for the time being in the public domain otherwise than by reason of its wrongful disclosure by the Receiving Party.

10.3 This Clause 10 shall not prevent the disclosure of any Confidential Information relating to the Projects which is reasonably disclosed for the furtherance of the Projects or the promotion of the Projects provided that the Party or person disclosing the information takes all steps that are commercially practicable to preserve the confidentiality of the information and shall not prevent the disclosure of any Confidential Information where required by law.

**11. Compliance with Laws**

11.1 The Parties agree that they will at all times comply with all laws including but not limited to the Data Protection Act 1998 and will, where appropriate maintain a valid and up to date registration or notification under such laws.

11.2 Each Council shall grant to the other Councils and arc21 the right of reasonable access to all records of Personal Data relevant to the Projects, as defined in the Data Protection Act 1998, and shall provide reasonable assistance at all times during the currency of this Agreement to ensure the quality and security of data collected.

## **12. Freedom of Information Act 2000 and Environmental Information Regulations 2004**

- 12.1 Each Party acknowledges that the other Parties are subject to the requirements of the Freedom of Information Act 2000 ("FoIA") and the Environmental Information Regulations 2004 ("EIR") and each Council shall where reasonable assist and co-operate with the other Councils and arc21 (at their own expense) to enable the other Councils and arc21 to comply with these information disclosure obligations.
- 12.2 Where a Party receives a request for information under either the FOIA or the EIR in relation to information which it is holding on behalf of any of the other Parties in relation to the Projects, it shall (and shall procure that its sub-contractors shall):
- (a) transfer the request for information to the other Parties as soon as practicable after receipt and in any event within two Working Days of receiving a request for information;
  - (b) provide the other Party with a copy of all information in its possession or power in the form that the Party requires within ten Working Days (or such longer period as the Party may specify) of the Party requesting that information; and
  - (c) provide all necessary assistance as reasonably requested by the other Party to enable the Party to respond to a request for information within the time for compliance set out in the FOIA or the EIR.
- 12.3 Where a Party receives a request for information under the FOIA or the EIR which relates to the Agreement or the Projects, it shall inform the other Parties of the request for information as soon as practicable after receipt and in any event at least two Working Days before disclosure and shall use all reasonable endeavours to consult with the other Parties prior to disclosure and shall consider all representations made by the other Party in relation to the decision whether or not to disclose the information requested.
- 12.4 The Parties shall be responsible for determining in their absolute discretion whether any information requested under the FOIA or the EIR:
- (a) is exempt from disclosure under the FOIA or the EIR;
  - (b) is to be disclosed in response to a request for information.
- 12.5 Each Party acknowledges that the other Parties may be obliged under the FOIA or the EIR to disclose information:
- (a) without consulting with the other Parties where it has not been practicable to achieve such consultation; or
  - (b) following consultation with the other Parties and having taken their views into account.

## **13. Dispute Resolution**

- 13.1 Upon service of a Notice of Dispute the relevant Parties will attempt to settle the issue in dispute ("Dispute") by mediation in accordance with the Centre for Dispute Resolution ("CEDR") Model Mediation Procedure or any other model mediation procedure as agreed by the Parties. To initiate a mediation, either Party may give notice in writing (a "Mediation Notice") to the other requesting mediation of the

Dispute and shall send a copy thereof to CEDR or an equivalent mediation organisation as agreed by the relevant Parties, asking them to nominate a mediator. The mediation shall commence within twenty (20) Working Days of the Mediation Notice being served. If there is any point in respect of the conduct of the mediation upon which the relevant Parties are unable to agree within ten (10) Working Days from the date of the Mediation Notice, CEDR will, at the request of either Party, decide that point for the relevant Parties, having consulted with them. The relevant Parties will co-operate with any person appointed as mediator providing him with such information and other assistance as he shall require and will pay his costs as he shall determine or, in the absence of such determination, such costs will be shared equally.

- 13.2 No Party may commence any court proceedings in relation to any Dispute until they have attempted to settle it by mediation under Clause 13.1 and/or such mediation has terminated. The Parties will take no further steps in the court proceedings until any such mediation commenced under Clause 13.1 has terminated. Nothing in this Clause 13 shall prevent a Party from having recourse to a court of competent jurisdiction for the sole purpose of seeking a preliminary injunction or such other provisional judicial relief as it considers necessary to avoid irreparable damage.
- 13.3 If the Dispute has not been resolved by the mediation procedure detailed in Clause 13.1 within one (1) month of the initiation of such procedure, the Dispute shall be referred to the courts for resolution.

#### **14. Severance**

- 14.1 If any condition, provision or Clause of this Agreement shall become or shall be declared by any court of competent jurisdiction to be void, invalid, illegal or unenforceable in any way, such invalidity or unenforceability shall in no way impair or affect any other provision all of which shall remain in full force and effect.

#### **15. Waiver**

- 15.1 The failure to exercise or delay in exercising a right or remedy provided by this Agreement or by law does not constitute a waiver of the right or remedy or a waiver of other rights or remedies.
- 15.2 A waiver of a breach of any of the terms of this Agreement or of a default under this Agreement does not constitute a waiver of any other breach or default and shall not affect the other terms of this Agreement.
- 15.3 A waiver of a breach of any of the terms of this Agreement or of a default under this Agreement will not prevent a Party from subsequently requiring compliance with the waived obligation.

#### **16. General**

- 16.1 Nothing contained or implied herein shall prejudice or affect the Parties' rights and powers duties and obligations in the exercise of (i) the Councils' functions as local Councils and (ii) arc21's functions as a "Joint Committee" and/or in any other capacity and all rights powers discretions duties and obligations of the Parties under all laws may at all times be fully and effectually exercised as if the Parties were not Party to this Agreement and as if this Agreement had not been made.

- 16.2 The Parties shall only represent themselves as being an agent, partner or employee of any other Party to the extent specified by this Agreement and shall not hold themselves out as such nor as having any power or authority to incur any obligation of any nature express or implied on behalf of the other Parties except to the extent specified in this Agreement.
- 16.3 This Agreement shall be governed by and construed in accordance with the law of Northern Ireland and shall be subject to the jurisdiction of the Courts of Northern Ireland.
- 16.4 This Agreement is personal to the Parties and no Party shall assign transfer or purport to assign or transfer to any other persons any of its rights or sub-contract any of its obligations under this Agreement.
- 16.5 No person other than the Parties shall be entitled to enforce any of its terms under the Contracts (Rights of Third Parties) Act 1999.
- 16.6 Any notice required or permitted to be given by a Party to another Party under this Agreement shall be in writing and addressed to the Chief Executive of each Party at his principal office.



**IN WITNESS** whereof this Agreement is attested to by the respective Chief Executives of the Participant Councils and by arc21 subscribing their signatures hereto in manner hereinafter appearing.

**ANNEX A**

**TERMS OF REFERENCE (INCLUDING STATEMENT OF PRINCIPLES)**

Dated this 1<sup>st</sup> day of July 2003

**EASTERN REGION WASTE MANAGEMENT GROUP**

***TERMS OF AGREEMENT***

*re: Proposal to establish a Joint Committee*

***arc 21***

C Quigley  
Director of Legal Services  
City Hall  
BELFAST  
BT1 5GS

**THIS AGREEMENT** made this                      day of                      2003  
**BETWEEN : -**

1.     **ANTRIM BOROUGH COUNCIL** of The Steeple, Antrim, Co. Antrim, BT41 1BJ
2.     **ARDS BOROUGH COUNCIL** of 2 Church Street, Newtownards, Co. Down, BT23 4AP
3.     **BALLYMENA BOROUGH COUNCIL** of Ardeevin, 80 Galgorm Road, Ballymena, Co. Antrim, BT42 1AB
4.     **BELFAST CITY COUNCIL** of City Hall, Belfast, BT1 5GS
5.     **CARRICKFERGUS BOROUGH COUNCIL** of Town Hall, Carrickfergus, Co. Antrim, BT38 7BL
6.     **CASTLEREAGH BOROUGH COUNCIL** of Bradford Court, Upper Galwally, Castlereagh, BT8 6RB
7.     **DOWN DISTRICT COUNCIL** of 24 Strangford Road, Downpatrick, Co Down, BT30 6SR
8.     **LARNE BOROUGH COUNCIL** of Smiley Building, Victoria Road, Larne, Co. Antrim, BT40 1RU
9.     **LISBURN CITY COUNCIL** of The Island, Lisburn, Co. Antrim, BT27 4RL
10.    **NEWTOWNABBEY BOROUGH COUNCIL** of Mossley Mill, Newtownabbey, Co. Antrim, BT36 5QA
11.    **NORTH DOWN BOROUGH COUNCIL** of Town Hall, The Castle, Bangor, Co. Down, BT20 4BT

**1.     DEFINITIONS**

**In this Agreement, the expressions:-**

- 1.1    'the 1972 Act' means the Local Government Act (NI) 1972.
- 1.2    'the 1997 Order' means the Waste & Contaminated Land (NI) Order 1997.
- 1.3    'the Ancillary Functions' and 'the Core Functions' shall be construed in accordance with the provisions of the Principle of Functional Responsibilities, as set out in the Statement of Principles.
- 1.4    'the Department' means the Department of the Environment for Northern Ireland.
- 1.5    'ERWMG' means the Eastern Region Waste Management Group (described in Clause 2.3).
- 1.6    'the Joint Committee' means the Joint Committee agreed to be established by the Participant Councils pursuant to Clause 3 of these Terms of Agreement.
- 1.7    'the Participant Councils' mean those above-named district councils expressed to be parties to these Terms of Agreement.

- 1.8 'the Statement of Principles' means those principles as set out in the Annex to these Terms of Agreement.
- 1.9 'the Waste Management Plan' means the Sub-regional Waste Management Plan which has been jointly adopted in this year 2003 by the Participant Councils as further described in Clause 2.4.

## **2. BACKGROUND**

- 2.1 Article 23 of the 1997 Order establishes a requirement for each district council in Northern Ireland to prepare a waste management plan, taking into account (inter alia) the Waste Strategy prepared by the Department pursuant to Article 19 of the 1997 Order, and including information as to (inter alia) what arrangements that council expects to make with other district councils.
- 2.2 The Department published its Northern Ireland Waste Management Strategy in May 2000, one of the objectives of which was stated therein as being to put in place a framework for preparation of joint waste management plans to develop an integrated network of regional waste management facilities which would be cost effective to the public.
- 2.3 In furtherance of the sub-regional approach promoted by the Department in its strategy, the Participant Councils agreed to form the Eastern Region Waste Management Group for the purpose of developing a joint waste management plan.
- 2.4 ERWMG have now jointly adopted, having consulted with the Department in accordance with the provisions of Article 23 of the 1997 Order, the Waste Management Plan which sets out the proposals of the Participant Councils as to how they would collectively deal with their waste arising over the period of the next 20 years.
- 2.5 The Participant Councils have agreed that, for the purpose of establishing an appropriate legal vehicle tasked with implementing those major procurement arrangements which will arise from the Waste Management Plan, they shall form a Joint Committee pursuant to the provisions of section 19 of the Local Government Act (NI) 1972.
- 2.6 As a preliminary step towards the formation of the Joint Committee, the Participant Councils have separately and effectively adopted the Statement of Principles as those fundamental principles which underpin the role and purpose of the Joint Committee, and which establish the parameters within which the Joint Committee shall function and operate.

## **3. ESTABLISHMENT OF JOINT COMMITTEE**

- 3.1 The Participant Councils, acting pursuant to the powers conferred on them by section 19 of the 1972 Act, hereby collectively agree as follows: -
- 3.1.1 that they shall establish a Joint Committee for the purpose of implementing the policies set out in the Waste Management Plan;
- 3.1.2 that an application shall as soon as practicable be made to the Department to have the Joint Committee constituted a body corporate with perpetual succession by the name of 'Arc 21' with power to employ staff, enter into financing arrangements, including the borrowing of money, hold property and funds, and enter into contracts;
- 3.1.3 that the functions of the Joint Committee shall be fixed by reference to these Terms of Agreement (including the Statement of Principles);

- 3.1.4 that the Order to be made by the Department under section 19 of the 1972 Act shall make such further incidental and consequential provision as shall be reasonably necessary to implement the requirements of these Terms of Agreement, including provision that section 19 of the Interpretation Act (NI) 1954 shall apply to the Joint Committee.

#### **4. DELEGATED POWERS**

- 4.1 The Participant Councils hereby agree that the Joint Committee shall have delegated powers and responsibilities as more particularly described and delimited in the Statement of Principles.
- 4.2 In relation to the acquisition of assets or the incurring of liabilities, a threshold of £250,000 shall apply and over which the unanimous agreement of the Joint Committee and approval of all of the Participant Councils shall be required (as referred to in the 'Principle of Limit of Delegation')

#### **5. ESTABLISHMENT AND OPERATING COSTS**

- 5.1 In accordance with the Principle of Equitable Shared Funding, the costs of establishing and operating the Joint Committee (including contract administration and management costs) shall be borne by the Participant Councils by reference to their respective populations, the percentage calculations of which are set out in the Schedule to these Terms of Agreement, but which shall be reviewed by the Joint Committee every three years, and adjusted as appropriate.
- 5.2 The Joint Committee may (subject to the Principle of Consensus) award contracts for the provision of waste disposal and/or treatment facilities by external contractors on the basis that the costs of constructing the facilities will be amortised over the relevant contract periods or on the basis of such other commercial arrangements as might be appropriate. In determining the specifications of such contracts, the Joint Committee shall endeavour to ensure that:-
- contracts are appropriately bundled to achieve best value for money for the ERWMG as a whole;
  - contracts shall provide for a suitable number of treatment facilities and waste transfer stations which shall, when taken with other contracts, reflect an equitable geographical distribution of such facilities and stations, having regard at all times to the overall objective of achieving due economies of scale;
  - the pricing specification of each contract shall, where circumstances permit, provide for a standard waste tonnage acceptance charge at transfer stations, subject to an economic appraisal being commissioned by the Joint Committee to ensure that, when taken with the pricing structure of other contracts awarded by the Joint Committee, there is no material element of cross-subsidisation of costs within the Participant Councils.
- 5.3 In relation to those waste disposal and/or treatment facilities (including, where appropriate, waste transfer stations) which are procured by the Joint Committee at a capital cost ('the procured facilities'), the costs incurred shall be re-charged to the Participant Councils on the same basis as set out in Clause 5.1. The Joint Committee shall hold the procured facilities in trust for the Participant Councils on a basis commensurate in percentage terms with the costs so re-charged. Tonnage charges shall, unless otherwise agreed, be assessed by reference to the Joint Committee's costs of operating the procured facilities.

In establishing the charges for acceptance of waste at such facilities, the Joint Committee shall consider, where appropriate, the aggregate cost of operating groups of procured facilities of similar treatment types for the purpose of establishing a common rate, but ensuring that no material element of cross subsidisation of tonnage charges arises within the Participant Councils.

**6. COMPOSITION AND PROCEDURE OF JOINT COMMITTEE**

- 6.1 In accordance with the Principle of Equal Committee Representation, each of the Participant Councils shall have equal representation, agreed at 2 Members each.
- 6.2 The provisions of sections 19 – 22 and 142 and Schedules 2 and 7 of the 1972 Act shall apply to the Joint Committee.
- 6.3 The quorum of the Joint Committee shall be ten, provided that at least six of the Participant Councils are represented.
- 6.4 The proceedings of the Joint Committee shall be regulated by Standing Orders to be agreed and adopted by the Participant Councils.

**7. DISPUTE RESOLUTION**

In the event of any disagreement between the Participant Councils in relation to any matter arising pursuant to these Terms of Agreement, but entirely without prejudice to the provisions set out in the Statement of Principles (and in particular the Principle of Consensus), the Joint Committee may request the Department or such other body as it might agree to act as a conciliator in accordance with such procedure as shall be agreed by the parties, and to the intent that the parties shall endeavour to resolve their differences in the spirit of achieving the objectives of the Waste Management Plan.

**8. EFFECTIVE DATE**

These Terms of Agreement shall be deemed to come into effect on the day and year first herein written, being a date following the affixing hereto of all of the signatures of the respective Chief Executives of all of the Participant Councils as hereinafter provided for.

**IN WITNESS** whereof this Agreement is signed by the respective Chief Executives of each of the Participant Councils and each subscribing his signature hereto in manner hereinafter appearing.

## **SCHEDULE**

### **POPULATION JUNE 2001 (MID-YEAR ESTIMATES)**

<b>Council</b>	<b>Actual Population</b>	<b>% of Total</b>
Antrim	48,761	5.28%
Ards	73,435	7.96%
Ballymena	58,801	6.37%
Belfast	277,170	30.02%
Carrickfergus	37,730	4.09%
Castlereagh	66,533	7.21%
Down	64,147	6.95%
Larne	30,811	3.34%
Lisburn	108,997	11.81%
Newtownabbey	80,144	8.68%
North Down	76,578	8.29%
<b>Total</b>	<b>923,107</b>	<b>100%</b>

## Annex

### STATEMENT OF PRINCIPLES

#### ARC 21

#### PROPOSAL FOR ESTABLISHMENT OF A JOINT COMMITTEE

##### EASTERN REGION WASTE MANAGEMENT GROUP

The Participant Councils are the eleven district councils of the ERWMG (ARC 21). Subject to their joint adoption of this Proposal Statement and Statement of Principles, the Participant Councils shall then enter into a formal Collaborative Agreement which will contain such further detail as shall be necessary to give legal efficacy thereto. The terms of the Collaborative Agreement shall also be subject to the prior approval of the Participant Councils.

#### PROPOSAL STATEMENT - CONTEXT OF ESTABLISHMENT

The Joint Committee shall be established by the Participant Councils as a body corporate under section 19 of the Local Government Act (NI) 1972 (pursuant to statutory order). It shall be set up solely in the context of the policies of the Eastern Region Waste Management Group as described in the ARC21 Waste Plan (including the Procurement Plan and the Implementation Plan). As a corporate body, the Joint Committee will have a distinct legal status with power to employ staff, enter into financing agreements, including the borrowing of money, hold property and funds, and enter into contracts.

#### THE FIVE PRINCIPLES

- Principle of Consensus
- Principle of Limit of Delegation
- Principle of Functional Responsibilities
- Principle of Equitable Shared Funding
- Principle of Equal Committee Representation

#### PRINCIPLE OF CONSENSUS

It shall be an overarching principle that all policy decisions and decisions with significant financial implications for the Joint Committee shall be taken on the basis of the consensus of all the Participant Councils, within the framework of the Waste Plan and this Proposal and Statement of Principles. Accordingly, any material change in the Waste Plan or any decisions in relation to the acquisition or use of significant assets, or the incurring of significant liabilities will require the prior approval of the Participant Councils.



### **PRINCIPLE OF LIMIT OF DELEGATION**

The Participant Councils shall delegate powers and functions to the Joint Committee to the extent necessary to enable it to carry out its Core Functions and Ancillary Functions. This delegation shall be with a view to achieving economies of scale and minimising of costs. No further functions are to be transferred to the Joint Committee except with the prior approval of the Participant Councils. The Collaboration Agreement shall specify thresholds in relation to the acquisition of assets or the incurring of liabilities over which the unanimous agreement of the Joint Committee or the referral back to the Participant Councils shall be required.

### **PRINCIPLE OF FUNCTIONAL RESPONSIBILITIES**

The Joint Committee shall have Core Functions and Ancillary Functions. The Core Functions shall be the acceptance, treatment and disposal of waste in accordance with the Waste Plan. In relation to the Core Functions (as affecting both short and long-term contracts) the Joint Committee shall:-

- Develop specifications and award criteria for the contracts
- Obtain the approval of the Participant Councils to the specifications and award criteria
- Invite tenders for and award the contracts
- Operate the contracts
- Have the power to acquire, hold and use assets
- Recover the contract operating costs from the Participant Councils on an equitable basis.

The Ancillary Functions shall be matters such as waste minimisation schemes, education programmes and other initiatives as may be agreed from time to time with the individual Participant Councils and to be operated on the basis of annual programmes and/or service level agreements.

### **PRINCIPLE OF EQUITABLE SHARED FUNDING**

- The costs of establishing and operating the Joint Committee shall be pre-estimated as far as possible by reference to a business plan, and/or operating plan, and shall be recovered on an equitable basis (by reference to respective populations) from the Participant Councils in accordance with the provisions of the Collaborative Agreement.
- The Joint Committee's net costs of operating the Core Functions shall be recovered on an equitable basis from the Participant Councils in accordance with the provisions of the Collaborative Agreement, having regard to all relevant cost factors arising in relation to the acceptance, treatment and disposal of waste of each of the Participant Councils.

- The costs of operating the Ancillary Functions shall be in accordance with the relevant annual service level agreements.

#### **PRINCIPLE OF EQUAL COMMITTEE REPRESENTATION**

The Joint Committee shall be constituted on the basis of equal representation, with ... member(s) to be nominated by each of the Participant Councils. The proceedings of the Joint Committee shall be regulated by Standing Orders to be set out in the Collaboration Agreement."

## ANNEX B



## **ASSETS AND BORROWING POLICY**

**CONTENTS**

**INTRODUCTION**

**GOVERNANCE ARRANGEMENTS**

**DEFINITION OF CAPITAL ASSET**

**ACQUISITION OF CAPITAL ASSETS**

**ASSET REGISTER**

**DE MINIMIS VALUE**

**REVALUATION**

**FINANCING OF CAPITAL ASSETS**

**LOAN FINANCING – LOAN CHARGES**

**GRANT AID**

**CAPITAL RECEIPTS – PROCEEDS FROM THE SALE OF CAPITAL ASSETS**

**CAPITAL FUND AND RENEWAL AND REPAIRS FUND**

**REVENUE COONTRIBUTIONS**

**REVIEW OF PUBLIC ADMINISTRATION**

## **INTRODUCTION**

Since becoming established in 2004, arc21 has incurred only revenue expenditure, receiving revenue funds from Member Councils to fund operational expenses, and contractual obligations.

As part of the ongoing development of the organisation, arc21 will soon become funded through Revenue and Capital sources of finance.

This document sets out the proposed treatment of Capital Assets and their associated funding. The policy will also be in accordance with Local Government Accounting Legislation, the Financial Reporting Standards, the DOE Accounting Directives, the Code of Practice on Local Authority Accounting in the United Kingdom: a Statement of Recommended Practice (SORP). In addition guidance will be taken from the Prudential Code.

## **GOVERNANCE ARRANGEMENTS**

As a Local Government Body, arc21 is subject to the rules and regulations established by the Department of the Environment, in relation to Borrowing.

The Terms of the Agreement, under which arc21 operates, will also apply to the procedures for the acquisition and disposal of Capital Assets together with any borrowing associated therewith.

In general, a business case will be produced setting out the jurisdiction for the investment in Capital Assets together with the method of financing, for approval, subject to the Financial Limits as outlined in the Terms of Agreement, by the Steering Group, Joint Committee and Member Councils.

The role of Member Councils will be vital due to the substantial value of both the capital assets and associated long term borrowing involved. In order that Member Councils can take due account of the issues, particularly affordability considerations, consultation with the Finance Sub Group will form a key element of the governance arrangements. Comments from the Finance Sub Group will be presented to the Steering Group for consideration.

In addition, in accordance with the Statutory regulations, arc21 will require the approval of the Department to borrow and, as a consequence, will also be subject to the policies and procedures in place by the DOE - Local Government Division, required when seeking such approval.

## **DEFINITION OF CAPITAL ASSET**

An asset will be treated as capital if it brings benefits to the organisation beyond one year.

In accordance with Financial Reporting Standard – FRS 15, all costs associated directly with the asset will also be treated as capital.

## **ACQUISITION OF CAPITAL ASSETS**

The organisation may acquire a range of assets such as:

- Land
- Buildings
- Plant and Machinery
- Vehicles
- Long Term Contracts

Capital assets may be acquired for the purposes of the organisation in general, for example for use by the organisation for operational purposes, or may be specifically acquired for the purpose of carrying out contractual obligations on behalf of Member Councils, for example Land may be acquired in support of a specific waste facility.

## **ASSET REGISTER**

All assets will be recorded on an asset register and will include the following information:

- The Type of Asset
- The name of the supplier (s)
- The date of acquisition
- The cost or value at the date of acquisition
- The estimated useful economic life
- The depreciation method and amount
- The revaluation details
- The method of financing
- The period of borrowing – if any
- The Loan Providers
- The terms of the Loan
- The repayments, including interest

## **DE MINIMIS VALUE**

In general individual assets costing up to £5,000 will be purchased through revenue and will not be capitalised. In some circumstances, similar assets may be grouped and treated as capital although each individual item may be valued at less than £5,000.

## **REVALUATION**

Assets will be revalued at least every five years and the Balance Sheet value adjusted accordingly. Any difference between the cost of the asset and its revaluation will be accounted for in the specific asset category and the Revaluation Reserve Account, in the Balance Sheet.

The revaluation will be conducted by the District Valuer or a suitably qualified valuer.

## **FINANCING OF CAPITAL ASSETS**

Capital assets may be financed as follows:

- Loan Finance including Leasing
- Grant Aid
- Capital Receipts – proceeds from the sale of capital assets
- Capital Funds/Repairs and Renewals Funds
- Revenue Contribution

## **LOAN FINANCING – LOAN CHARGES**

In the event that Capital Assets are acquired by Loans (including Leases), the amount so borrowed plus interest, known together as Loan Charges, will be charged to Member Councils on the following basis:

- Capital Assets acquired for General Use
  - Charges on Annual Population Basis
- Capital Assets acquired for Contractual Obligations:  
(For those Councils taking part in the related contract)
  - (i) During the Construction Phase
    - Charged on Total Estimated Contract Tonnage
  - (ii) During the Operational Phase
    - Charged on Tonnage Delivered Basis

For cashflow purposes, the amount of Loan Charges payable during the year will be charged in advance to Member Councils to ensure that sufficient funds are available to meet the repayment commitments. Where the Loan Charges are estimated for the year, a year and reconciliation exercise will be undertaken and the appropriate adjustments made to Member Councils.

In terms of Loan Charges specifically related to contractual obligations, the charges applied to Member Councils, when the contract is operational, will be based on the estimated tonnage for the year with adjustments being made at the end of the year to reflect the actual tonnage delivered, subject to any minimum guaranteed tonnage.

### **GRANT AID**

Receipts by way of Capital Grant will be wholly used to reduce the level of borrowing, if any, required to acquire a Capital Asset.

Subject to any repayment conditions, the Capital Grant will be taken to the Deferred Grants Reserve Account and then allocated over the estimated economic life of the asset.

In this way the amount chargeable to Member Councils by way of Loan Charges will be reduced by the Capital Grant.

### **CAPITAL RECEIPTS – PROCEEDS FROM THE SALE OF CAPITAL ASSETS**

In the event of Capital Assets being disposed, the amount received from the proceeds of sale will be treated as a Useable Capital Receipt and, subject to the Legislation, will be utilised to repay any loans outstanding on the specific asset sold with any remaining amount applied to borrowings on other assets.

Any amount remaining after all debt has been repaid may then be used only for the purposes of acquiring other Capital Assets, subject to the approval of the Joint Committee.

### **CAPITAL FUND AND RENEWAL AND REPAIRS FUND**

A Capital Fund and Renewal and Repairs Fund may be established for the purposes of acquiring Capital Assets or for the purposes of funding major Renewal and Repairs Programmes during the estimated useful economic life of Assets.

Where a Capital Asset has been subject to a major Renewal and Repairs Programme, its useful economic life will be reviewed and the Balance Sheet/Asset Register adjusted accordingly.

### **REVENUE CONTRIBUTIONS**

Revenue Contributions will be made out of revenue reserves for the purposes of financing Capital Assets, including the repayment of Loans/Leases, subject to the approval of the Joint Committee.

### **REVIEW OF PUBLIC ADMINISTRATION**

The ongoing Review of Public Administration (RPA) will impact upon the Assets and Liabilities of arc21 in the same way that it will impact on all other Local Government Bodies.

At this stage the impact is unknown and it is presumed that Legislation will be introduced in due course setting out the revised legal arrangements which will apply and at that time a review of the Capital Assets and Liabilities will be undertaken in accordance with RPA.



**ANNEX C**

**FORM OF COLLATERAL WARRANTY**

**ANTRIM BOROUGH COUNCIL,**

**ARDS BOROUGH COUNCIL,**

**BALLYMENA BOROUGH COUNCIL,**

**BELFAST CITY COUNCIL,**

**CARRICKFERGUS BOROUGH COUNCIL,**

**CASTLEREAGH BOROUGH COUNCIL,**

**DOWN DISTRICT COUNCIL,**

**LARNE BOROUGH COUNCIL,**

**LISBURN CITY COUNCIL,**

**NEWTOWNABBAY BOROUGH COUNCIL,**

**NORTH DOWN BOROUGH COUNCIL,**

**and**

**arc21**

**and**

**[FUNDER]**

**Collateral warranty relating to a further supplemental agreement dated [ ]  
relating to the procurement and management of the  
Residual waste treatment plant**

**THIS DEED** is made the

day of

2008

**BETWEEN**

**ANTRIM BOROUGH COUNCIL** of Civic Offices, 50 Stiles Way, Antrim, Co. Antrim, BT41 2UB;

**ARDS BOROUGH COUNCIL** of 2 Church Street, Newtownards, Co. Down, BT23 4AP;

**BALLYMENA BOROUGH COUNCIL** of Ardeevin, 80 Galgorm Road, Ballymena, Co. Antrim, BT42 1AB;

**BELFAST CITY COUNCIL** of City Hall, Belfast, BT1 5GS;

**CARRICKFERGUS BOROUGH COUNCIL** of Town Hall, Carrickfergus, Co. Antrim, BT38 7BL;

**CASTLEREAGH BOROUGH COUNCIL** of Bradford Court, Upper Galwally, Castlereagh, BT8 6RB;

**DOWN DISTRICT COUNCIL** of 24 Strangford Road, Downpatrick, Co Down, BT30 6SR;

**LARNE BOROUGH COUNCIL** of Smiley Building, Victoria Road, Larne, Co. Antrim, BT40 1RU;

**LISBURN CITY COUNCIL** of The Island, Lisburn, Co. Antrim, BT27 4RL;

**NEWTOWNABBEY BOROUGH COUNCIL** of Mossley Mill, Newtownabbey, Co. Antrim, BT36 5QA;

**NORTH DOWN BOROUGH COUNCIL** of Town Hall, The Castle, Bangor, Co. Down, BT20 4BT;

each a "Council" and together the "Councils"

**AND**

**arc21** of Walsh House, Fortwilliam Business Park, 35 Dargan Road, Belfast, BT3 9LZ;

**AND**

**[FUNDER]** (the "Beneficiary")

each a "Party" and together the "Parties".

**WHEREAS**

- (a) Each of the Councils entered into the Terms of Agreement to form a joint committee on 1<sup>st</sup> July 2003 (a copy of which is contained in Annex A hereto). The Terms of Agreement imposes a number of obligations on the Councils in relation to the establishment of arc21 and sets out how arc21 should function. In the Terms of Agreement each Council also signed up to a Statement of Principles for arc21.

- (b) The joint committee established under the Terms of Agreement was constituted as a body corporate with the name, arc21, pursuant to The Local Government (Constituting a Joint Committee a Body Corporate) Order (Northern Ireland) 2004 (S.R. 2004 No. 49) and the Local Government (Constituting a Joint Committee a Body Corporate) (Amendment) Order (Northern Ireland) 2007 (S.R. 2007 No. 505). The 2007 Order clarified the powers of arc21 and applied certain rights and powers applicable to the Councils to arc21 in its own capacity.
- (c) In connection with the award of the Contract by arc21, arc21 and the Councils entered into a supplemental agreement and the further supplemental agreement to further clarify the rights of the Councils both between themselves and in relation to arc21 and resolved to work together to seek a long term solution to their duties for the treatment of residual controlled waste by procuring a Contractor to construct, provide and operate facilities for the treatment and disposal of such residual waste for the Councils and for managing the resulting Contract on behalf of the Councils.
- (d) By an agreement ("the Finance Agreement") dated [ ] made between the Contractor (1) and the Beneficiary (2) the Beneficiary has subject to the terms and conditions thereof agreed to provide finance or re-finance to assist inter alia in carrying out the Contract.
- (e) It is a term of the Finance Agreement that the parties hereto enter into this Deed

**IT IS HEREBY** agreed as follows –

#### **1. Defined terms**

Defined terms shall have the meaning given in the further supplemental agreement, unless otherwise defined herein.

#### **2. Warranties/Undertakings**

The Councils hereby warrant and undertake to the Beneficiary that they have performed and shall continue properly and diligently to perform all of their obligations under the further supplemental agreement and will owe the same contractual duties (including without limitation duties of care) to the Beneficiary as those owed by the Councils to arc21.

#### **3. Liability of Councils**

The obligations of the Councils under or pursuant to clause 2 hereof shall be without prejudice to any other present or future liability of the Councils to the Beneficiary (including without prejudice to the generality of the foregoing any liability in negligence) and shall not be released diminished or in any other way affected by any independent enquiry into any relevant matter which may be made or carried out by or on behalf of the Beneficiary by any person nor by any action or omission of any person whether or not such action or omission might give rise to an independent liability of such person to the Beneficiary.

#### **4. Continuing Effect**

Notwithstanding the termination of the further supplemental agreement or any part thereof this Deed shall continue to have effect, provided that no action or proceedings for any breach of this Deed shall be commenced against the Councils by the Beneficiary after the expiry of twelve (12) years from the date of termination of the Contract.

#### **5. Arc21's Consent**

Arc21 by its execution hereof agrees to the terms and conditions of this Deed.

## **6. Assignment**

[This Agreement is personal to the Parties and no Party shall assign transfer or purport to assign or transfer to any other persons any of its rights or sub-contract any of its obligations under this Agreement].

## **7. Limitation of Liability**

The Councils shall owe no duty or have any liability under this deed which are greater or of longer duration than that which it owes to arc21 under the further supplemental agreement.

## **8. Governing law**

This Agreement shall be governed by and construed in accordance with the law of Northern Ireland and shall be subject to the jurisdiction of the Courts of Northern Ireland.

## **9. Third party Rights**

No person other than the Parties shall be entitled to enforce any of its terms under the Contracts (Rights of Third Parties) Act 1999.

IN WITNESS whereof this Deed has been executed by the Councils, arc21 and the Beneficiary and is intended to be and is hereby delivered on the day and year first above written

**EXECUTED AS A DEED** by )  
[ Councils] )  
acting by:- )

**EXECUTED AS A DEED** by )  
[ arc21] )  
acting by:- )

**EXECUTED AS A DEED** by )  
[ Beneficiary] )  
acting by:- )



# ANTRIM BOROUGH COUNCIL

Minutes of the proceedings of a Meeting of the **Environment and Borough Services Committee** of Antrim Borough Council held in The Round Tower Chamber, Antrim Civic Centre, 50 Stiles Way, Antrim on **Thursday 15 January 2009 at 10.00 am.**

In The Chair : Alderman M Rea

Other Members Present : Aldermen -  
S Dunlop  
R J Loughran

Councillors -  
A K Brady  
A D Cochrane-Watson  
B Graham  
D Kinahan  
A Logue  
M Lucas

Non-Committee Members Present : None

In Attendance : Director of Corporate Services  
Director of Development & Leisure  
Assistant Director - Operational Services  
Environment Manager  
Public Relations Manager  
Committee Secretary

Apologies : Councillors -  
O C J Keenan  
J Smyth

## **HEALTH & WELL-BEING**

**REPORT:** No 2 had been circulated.

**RECOMMENDED:** acceptance of Northern Health Board funding towards Home Accident Prevention Officer post of £5,000 from June 2009 until June 2010 and £3,750 from July 2010 until March 2011. Action Plan to be developed in conjunction with the Antrim Borough Home Accident Prevention Group.

**NORTHERN  
HEALTH BOARD  
FUNDING:  
HOME ACCIDENT  
PREVENTION  
OFFICER**

Alderman Dunlop and Councillor Kinahan entered the Meeting at 10.05 am.

**REPORT:** No 3 had been circulated.

**RECOMMENDED:** that £5,000 is allocated to the Life Education Centre Project from the Well-Being budget.

**SOUTH EAST  
ANTRIM LIFE  
EDCUATION**

**TABLED:** report.

**RECOMMENDED:** acceptance of Northern Health Board Funding of £10,000 towards post of Community Well-Being Officer.

**NORTHERN  
HEALTH BOARD  
FUNDING:  
HOME ENERGY**

Councillor Logue entered the Meeting at 10.20 am.

## **OPERATIONAL SERVICES**

**REPORT:** No 4 had been circulated.

The Assistant Director - Operational Services summarised and explained the background to the Arc21 Supplemental Agreement. As outlined in the report the Supplemental Agreement is required to progress the Residual Waste Project and should be approved in light of legal advice, in the interests of receiving sufficient competition and ultimately delivery of a Best Value solution for the Residual Waste Project.

**ARC21  
SUPPLEMENTAL  
AGREEMENT 2008**

The Assistant Director responded to Members various concerns around the implications of the agreement for Council and advised that legal advice had been taken on the Supplemental Agreement and amendments made in order to protect Council's interests.

**ARC21  
SUPPLEMENTAL  
AGREEMENT 2008  
(continued)**

Members also enquired about the proposed multi-million pound 'Energy from Waste Programme':

The Assistant Director reported that

- it was in very early stages and would be progressed through Options drawn up by Consultants and taken through the 11 Councils for consideration and approval.
- Long-term financial and technical considerations for the Programme would be included in the consultation process and a significant grant from Central Government towards waste management infrastructure was envisaged.
- if Councils do not take forward Central Government recommendations regarding waste management financial penalties will be incurred.

The Assistant Director advised that only one of the eleven Councils in the Arc21 waste grouping would be affected by the Review of Administration amalgamations.

**RECOMMENDED:** approval of the Arc21 Supplemental Agreement 2008.

The Assistant Director - Operational Services undertook to include the monthly Arc21 update as an Agenda item to enable discussion where necessary.

Councillor Lucas entered the Meeting at 10.25 am.

**ENVIRONMENTAL HEALTH**

**REPORT:** No 6 had been circulated.

**RECOMMENDED:** approval for Officers to deliver training as an educative approach to assist businesses to comply with the legal requirement to carry out risk assessments in relation to vulnerable workers within the workplace.

**VULNERABLE  
WORKERS RISK  
ASSESSMENT  
ENFORCEMENT  
INITIATIVE**



**REPORT:** No 7 had been circulated.

**THE DOGS (NI)  
ORDER 1983**

**Case Ref: RS/DC/08/03**

**RECOMMENDED:** that, following several incidents and the keeper of the dog's refusal to pay a Fixed Penalty Notice, legal proceedings be initiated against the keeper of the dog in Case Ref: RS/DC/08/03 for contravention of The Dogs (Northern Ireland) Order 1983 Article 17 - Offence of Permitting Dog to Stray and Article 31 - Regulations with Respect to Dogs.

**CORRESPONDENCE**

**LETTER:** dated 15 November 2008 had been circulated expressing thanks on behalf of the Committee of Carmavy Graveyard for grass cutting and general maintenance of the historic graveyard.

**LETTER OF  
THANKS:  
COMMITTEE OF  
CARMAVY  
GRAVEYARD**

The Chairman commended staff for the excellent work carried out.

**NOTED.**

Alderman Dunlop commended staff for the recent clean-up of the Muckamore Area.

**THANKS FOR  
CLEAN-UP OF  
MUCKAMORE  
AREA**

**NOTED.**

**FOR INFORMATION**

**REPORT 14:** as circulated.

**ANTRIM TOWN  
WALL**

Alderman Rea requested details of the Consultant's Report on the Antrim Town Wall in respect of an inspection carried out on the day prior to the collapse of the Wall.

**NOTED.**

**REPORT 15:** as circulated.

**FESTIVE LIGHTING  
2008 PROGRESS  
REPORT**

**RECOMMENDED:** that representatives from Northern Ireland Electricity (NIE) and Department Regional Development (DRD) be invited to attend a future meeting of Committee to discuss powerlines at Main Street, Crumlin and the request for removal of Council signs, litter bins etc from DRD street poles.

**REPORT 18:** as circulated.

**REQUEST FROM  
TIDAL GROUP FOR  
IMPROVEMENTS  
AT MONEYNICK  
ROAD, TOOME**

**RECOMMENDED:** that Officers ensure TIDAL have been notified that the Department of Regional Development (DRD) is currently assessing land issues, design and cost estimates for improvements at Moneynick Road, Toome, therefore Council can take no further action on TIDAL's request until DRD completes proposed works in the vicinity.

**REPORT 24:** as circulated.

**UPDATE ON  
DIOXINS IN BEEF  
FROM NORTHERN  
IRELAND**

**NOTED:** that the risk to humans from dioxins in beef from Northern Ireland is minimal.

Councillor Graham left the Meeting at 10.45 am.

**RESOLVED:** on the proposal of Councillor Kinahan, seconded by Alderman Dunlop that the remainder of Committee business be taken 'In Confidence'.



# ANTRIM BOROUGH COUNCIL

Minutes of the proceedings of a Meeting of **Antrim Borough Council** held in the Round Tower Chamber, Antrim Civic Centre, 50 Stiles Way, Antrim on **Thursday 12 February 2009** at 2pm.

In the Chair

: Councillor O C J Keenan, Mayor

Members Present

: Aldermen -

S Dunlop  
R J Loughran  
M Rea

Councillors -

A K Brady  
T A Burns  
T Clarke  
A D Cochrane-Watson  
H J Cushinan  
D R J Ford  
D Kinahan  
P Lewis  
A Logue  
M Lucas  
S Nicholl  
D Ritchie  
J Smyth

In Attendance

: Chief Executive  
Director of Corporate Services  
Director of Development and Leisure Services  
Public Relations Assistant  
Committee Secretary (*D Waddell*)

Apologies

: Councillors -

B Graham  
A A Lawther

## **MAYOR'S BUSINESS**

Sincere condolences were extended to Councillor Brady on the recent death of his brother Michael.

The Mayor paid tribute to Tony McCoy on his recent well deserved 3000<sup>th</sup> horse racing win.

Congratulations were extended to MIVAN on securing a significant £3.5 million contract to outfit the Golden Princess at Victoria Shipyards, British Columbia, Canada. The Mayor acknowledged that MIVAN has also been highly commended in the Supplier of the Year category at the recent Seatrade Insider Awards in Venice.

Members were reminded that the Fairtrade Fashion Show would be taking place on Friday 27 February in the Hilton Hotel, Templepatrick at 8 pm and tickets were for sale at £10 each through Council Officers.

The Mayor referred to the recent arson attack on retail premises at Bridge Street, Antrim and paid tribute to the owners of the premises in their endeavours to repair the damage and reopen as soon as possible.

## **DEPUTY MAYOR'S BUSINESS**

The Deputy Mayor made reference to the attendance by himself and MLA representatives Councillors Burns and Ford at a Ballyclare Community event on 3 February 2009 attended by HRH Prince of Wales and the Duchess of Cornwall. The Deputy Mayor expressed his gratitude at the opportunity to discuss the Borough of Antrim with His Royal Highness.

## **AGENDA ITEMS**

**RESOLVED:** on the proposal of Councillor Smyth seconded by Councillor Cochrane-Watson that the Minutes of Council Meeting held on 8 January 2009, copies of which had been circulated, be taken as read, approved as a correct record and signed.

**CONFIRMATION  
OF MINUTES OF  
COUNCIL  
MEETING HELD  
ON 8 JANUARY  
2009**

Committee Chairman, Alderman Rea, presented the Minutes of the Environment and Borough Services Committee Meeting held on 15 January 2009, copies of which had been circulated.

**RESOLVED:** on the proposal of Alderman Rea seconded by Councillor Cochrane-Watson that the Minutes of the Environment and Borough Services Committee Meeting held on 15 January 2009 be taken as read, approved as a correct record and signed and that the recommendations be adopted.

**Northern Health Board Funding: Home Accident Prevention Officer**

Councillor Nicholl expressed his disappointment that his previous proposal to consider an alternative title for the Home Accident Prevention Officer post had not been taken on board.

**MINUTES OF  
ENVIRONMENT  
AND BOROUGH  
SERVICES  
COMMITTEE  
MEETING HELD  
ON 15 JANUARY  
2009**

Committee Chairman, Councillor Smyth, presented the Minutes of Resources Committee Meeting held on 15 January 2009, copies of which had been circulated.

**RESOLVED:** on the proposal of Councillor Smyth seconded by Councillor Ritchie that the Minutes of the Resources Committee Meeting held on 15 January 2009 be taken as read, approved as a correct record and signed and that the recommendations be adopted.

Councillor Clarke proposed that the 'In Confidence' section of the Resources Committee Minutes be taken 'In Open Session'.

A vote on Councillor Clarke's proposal was taken by a show of hands with the results as follows:

*Those in favour of proposal* - 3

*Those against proposal* - 8

The proposal was lost therefore the 'In Confidence' section of the Resources Committee Minutes would be taken 'In Committee' at the end of the Meeting.

**MINUTES OF  
RESOURCES  
COMMITTEE  
MEETING HELD  
ON 15 JANUARY  
2009**

Committee Chairman, Councillor Nicholl, presented the Minutes of the Development and Leisure Committee Meeting held on 22 January 2009, copies of which had been circulated.

**RESOLVED:** on the proposal of Councillor Nicholl seconded by Alderman Dunlop that the Minutes of Development and Leisure Committee Meeting held on 22 January 2009 be taken as read, approved as a correct record and signed and that the recommendations be adopted.

**MINUTES OF  
DEVELOPMENT  
AND LEISURE  
COMMITTEE  
MEETING HELD  
ON 22 JANUARY  
2009**

**Lough Neagh Partnership: Request for Annual Financial Assistance**

Councillor Smyth acknowledged the excellent work carried out by the Lough Neagh Partnership and voiced concerns regarding Committee's proposals to reduce annual financial assistance.

The Director of Development and Leisure explained the background to reduced funding proposals and outlined discussions which had taken place with the Manager of the Partnership in relation to future funding requirements.

Councillor Lewis and Councillor Burns entered the Meeting at 2.10 pm.

Committee Chairman, Councillor Cushinan, presented the Minutes of the Public Services Committee Meeting held on 22 January 2009, copies of which had been circulated.

**RESOLVED:** on the proposal of Councillor Cushinan, seconded by Councillor Brady that the Minutes of the Public Services Committee Meeting held on 22 January 2009 be taken as read, approved as a correct record and signed.

**CONFIRMATION  
OF MINUTES OF  
PUBLIC SERVICES  
COMMITTEE  
MEETING HELD  
ON 22 JANUARY  
2009**

Alderman Loughran entered the Meeting at 2.25 pm.

**TABLED:** Minutes of Special Meeting of Antrim Borough Council held 'In Confidence' on Wednesday 11 February 2009 and updated Estimate of Expenditure and Income 2009-2010 report.

The Chief Executive gave an overview of the report highlighting areas of efficiency savings and necessary expenditure.

**RESOLVED:** on the proposal of Councillor Smyth seconded by Councillor Clarke that the Minutes of the Special Council Meeting held on 11 February 2009, copies of which had been circulated, be taken as read, approved as a correct record and signed.

**RESOLVED:** on the proposal of Councillor Smyth seconded by Councillor Clarke to strike District Rates for 2009/2010 as follows:

Domestic Rate	25.5261p
Non-Domestic Rate	0.003404p

Also, to approve the **Mayor's/Deputy Mayor's financial allowances** which were incorporated within the estimate figures for the forthcoming year (£8,500 and £2,100 respectively).

**NOTED:** an increase on last year's rate of 7.76%.

The Mayor expressed his thanks to all the staff involved in the estimates process for their hard work.

## **LEGAL MATTERS**

**REPORT:** had been circulated.

**RESOLVED:** on the proposal of Councillor Smyth, seconded by Alderman Rea to facilitate the upgrade of Massereene Sewage Pumping Station in principle as follows, subject to satisfactory resolution of legal and insurance Matters:

- 1 Sale of lands at the Antrim Forum site to NI Water in freehold title for £15k;
- 2 Rental of approx 0.18 acres to NI Water for use as a site compound for a period of 6 months for £900;
- 3 Demolition and decommissioning of the pumping station on the Castle Gardens site by NI Water and subsequent acquisition of the site by Antrim Borough Council of 0.10 acres at a premium of £5k;

**CONSIDERATION  
OF ESTIMATES OF  
REVENUE INCOME  
AND  
EXPENDITURE  
AND STRIKING OF  
DISTRICT RATES  
FOR 2009/2010**

**MASSEREENE  
SEWAGE  
PUMPING STATION**



- 4 Demolition of the decommissioned cenotaph;
- 5 Lands at both the new pumping station site and its adjacent area, along with Castle Gardens decommissioned pumping station be appropriately reinstated and landscaped by NI Water in agreement with Officers;
- 6 Payment from NI Water of £60k be accepted by Council in lieu of the provision of additional car parking at the Forum.

**MASSEREENE  
SEWAGE  
PUMPING STATION  
(continued)**

The Director of Development and Leisure undertook to check expected timeframe for reconstruction of Antrim Town Wall to ensure availability of Memorial at Market Square for 2009 Remembrance Day commemorations.

Officers to ensure safeguards are in place which prevents sewage spills into Sixmilewater during inclement weather conditions.

**RESOLVED:** on the proposal of Councillor Burns seconded by Councillor Logue that approval be granted for signing and sealing of Legal Document No. 314 in respect of Agreement for Works and Access for Tesco Store at Main Street, Crumlin.

**SIGNING AND  
SEALING OF  
LEGAL  
DOCUMENT NO  
314**

The following Motion by Alderman Mervyn Rea, seconded by Councillor Stephen Nicholl had been circulated -

*'This Council calls upon the Prime Minister, Gordon Brown MP, to take immediate steps to ensure that members of, and investors in, the Presbyterian Mutual Society are covered by the same financial guarantee scheme as those savers with deposits in UK banks.'*

**MOTION BY  
ALDERMAN REA -  
PRESBYTERIAN  
MUTUAL SOCIETY  
7/11/1**

Alderman Rea and Councillor Nicholl spoke to the Motion, as did other Members, and it was supported unanimously.

**NOTED:** correspondence dated 10 February 2009 from Omagh District Council supporting a similar Motion in relation to the Presbyterian Mutual Society.

The following Motion by Councillor Mel Lucas, seconded by Councillor Adrian Cochrane-Watson had been circulated -

**MOTION BY  
COUNCILLOR  
LUCAS -  
CONSULTATIVE  
GROUP ON THE  
PAST  
RECOMMENDATION  
7/11/1**

*'This council calls upon the Prime Minister to reject the iniquitous proposals put forward by the Consultative Group on the Past because:*

- (i) the £12,000 payment will be made to victims as defined by the 2006 Victims and Survivors Order which put the terrorist killed by his own bomb in the same bracket as an innocent victim;*
- (ii) the "shared memorial" to the conflict will commemorate those who were murdered alongside those who murdered them;*
- (iii) innocent victims are already remembered on 11<sup>th</sup> November. There is therefore no need for a "shared day of reflection" as suggested by the report;*
- (iv) the suggestion that the proposed Legacy Commission bring forward recommendations on "how a line might be drawn" under the past after five years has the potential to result in an effective amnesty for terrorists;*
- (v) we do not believe that "conflict related convictions" should no longer be a bar to employment as the report suggests and*
- (vi) of the proposed role of the Dublin government in the Legacy Commission.*

*Furthermore, this council calls upon Stormont to immediately change the definition of victim contained within the 2006 Victims and Survivors Order as it puts innocent victims in the same category as terrorists.'*

Councillor Lucas and Councillor Cochrane-Watson spoke to the Motion, as did other Members.

Councillor Nicholl proposed, seconded by Alderman Rea an amendment to the Motion as follows:

Insert new wording after furthermore -

*"this Council calls upon the Government to immediately change the definition of victim to ensure that a "victim and survivor" shall not include an individual appearing to be any of the following -*

- a) someone who is or has been physically or psychologically injured as a result of or in consequence of their undertaking a criminal act in a conflict-related incident;*
- b) someone who provides a substantial amount of care on a regular basis for an individual mentioned in paragraph (a);*

or

- c) *someone who has been bereaved as a result of or in consequent of a conflict-related incident where the deceased was undertaking a criminal act in that incident."*

Councillor Ford proposed, seconded by Councillor Burns an alternative amendment to the Motion as follows:

Delete all after "This Council" and insert:

*"... notes the widespread rejection of the 'recognition payments' proposed by the Consultative Group on the Past, but believes that other aspects of the Group's report merits serious consideration to enable Northern Ireland to build a shared future."*

A vote was taken by a show of hands as follows:

<i>Those in favour of Councillor Ford's amendment</i>	- 2
<i>Those against</i>	- 10

<i>Those in favour of Councillor Nicholl's amendment</i>	- 10
<i>Those against</i>	- 1

Councillor Nicholl's amendment became the substantive motion therefore a vote was taken on the motion as amended:

<i>Those in favour of the amended motion</i>	- 10
<i>Those against</i>	- 1

The motion proposed by Councillor Lucas as amended by Councillor Nicholl was therefore carried.

**MOTION BY  
COUNCILLOR  
LUCAS -  
CONSULTATIVE  
GROUP ON THE  
PAST  
RECOMMENDATION  
(continued)**

**NOTED:** NILGA had acknowledged Council's correspondence and were currently in the process of appointing a representative from Antrim Borough Council to the NILGA Committee. Other items raised by Council would be included on NILGA's Executive Agenda for consideration. NILGA representatives were due to meet with Council in due course.

**NILGA**

## **CORRESPONDENCE**

**CORRESPONDENCE:** dated 2 February 2009 from Race Against Multiple Sclerosis advising of 2009 Showcase event in conjunction with New-World-Entertainment to be held in The Beechlawn Hotel, Dunmurry on Monday 23 February 2009 from 8 pm.

**RACE AGAINST  
MULTIPLE  
SCLEROSIS**

**NOTED:** Members to notify Chief Executive's Office if they wish to attend.

**CORRESPONDENCE:** dated 21 January 2009 from Design for Living Partnership (DFL) - comprising Youth Council Northern Ireland, Health Promotion Agency and Action Mental Health - inviting Members to attend a seminar to celebrate 10 years of working together to promote young people's self-esteem and mental well-being.

**DESIGN FOR  
LIVING  
PARTNERSHIP  
(DFL)**

**NOTED:** Mayor expressed an interest in attending the Design for Living Partnership Seminar to be held in Lagan Valley Island, Lisburn on 11 March 2009 - 9.00 am - 1.00 pm.

**NOTED:** Notice of Motion from Armagh City and District Council on Winter Gritting Schedule.

**ARMAGH CITY  
AND DISTRICT  
COUNCIL - NOTICE  
OF MOTION**

**NOTED:** Advance Information of Armed Forces Day - Monday 22 June 2009.

**ARMED FORCES  
DAY**

### **ANY OTHER MATTERS**

**RESOLVED:** on the proposal of Alderman Rea, seconded by Alderman Loughran that a portrait of 'Freeman of the Borough' Tony McCoy, in racing colours, be acquired for display in the Council's Members' Room as he is the only other individual Freeman not to be so displayed.

**TONY McCOY -  
FREEDOM OF THE  
BOROUGH  
PORTRAIT**

Councillor Burns left the Meeting at 3.30 pm.

### **INTO COMMITTEE**

**RESOLVED:** on the proposal of Councillor Kinahan, seconded by Councillor Ritchie that the remainder of business be held 'In Committee'.



## **ARDS BOROUGH COUNCIL**

A meeting of the Council Services Committee was held in the Boardroom, 2 Church Street, Newtownards on Tuesday, 21 October 2008 at 7.00 p.m.

### **PRESENT:-**

**In the Chair:** Councillor Elliot

**Aldermen:** Craig  
Gibson  
McCarthy  
Shannon

<b>Councillors:</b>	Bell	S Hamilton
	Boyle (7.15pm)	McBriar
	Carson	McIlveen
	Drysdale	Oswald
	Fletcher	Smyth
	Gregory	

**In Attendance:** Chief Executive, Director of Development,  
Director of Environmental Services,  
Borough Inspector, Project Officer, General  
Manager, Leisure Ards & Committee  
Administrator

**Apologies:** Councillors Magill, McDowell & Montgomery

### **CONGRATULATIONS**

Members congratulated Councillor McBriar on recently becoming a grandfather.

Noted.

### **DEPUTATION**

#### **East End Residents Association**

The Chairman advised members that eight representatives had arrived from the Resident's Association. It was **AGREED TO RECOMMEND**, on the proposal of Alderman Shannon, seconded by Councillor Bell, **THAT** two representatives be permitted to make the presentation, and the remaining representatives be allowed to sit in the public gallery.

The Chairman welcomed Deborah Cox and Diane Holt to the meeting and invited them to make their presentation.

Ms Cox thanked the members for the opportunity to make the presentation, informing it of the work of the East End Residents Association.

She stated that the association had been established as a tenants association over 30 years before, although due to the rise of home buyers it had changed to a Resident's Association. She added that there had never really been a lot of support within the community, but over the past two years it had received great support from all the community and other agencies as they had seen the great work which had been carried out.

A recent re-imaging survey which had been carried out on the mural at Queen Street/Upper Movilla Street and had been a great success as it had now been replaced with a historical mural of Lt, Col Blair Mayne, the official launch of which took place in May 2008.

She next stated that the association interacted regularly with the Link and the Ards Arena, utilising both facilities and support. Each Wednesday around 30 young people went to the Ards Arena, and on Friday evenings volunteers walked approximately 25-30 young people from the East End to the Link in order for them to play in a dry and safe environment. Those facilities were considered vital however as yet there were no indoor facilities or amenities in the East End for the young people.

She next stated that all committee members and a number of volunteers were vetted to permit them to work with young people and the Association had already obtained charitable status.

She next commented that in April 2007 the Housing Executive had allocated the Association its first premises for a community base. The opening hours were 10.00am to 2.00pm each weekday, and residents could come to discuss any issues or concerns they had. The base was funded by the Ards Development Bureau, Ards Borough Council and Northern Ireland Housing Executive.

She stated that the East End was now a recognised and established Neighbourhood Watch area and the area was so large it required 2 co-ordinators who liaised with the residents and the PSNI.

She added that Committee members and volunteers had shown great commitment and enthusiasm by completing training



courses such as First Aid, Child Protection, OCN Youth Work and OCN Drugs and Alcohol Abuse. All of the courses helped with the daily running of the Association and developed the capacity of the organisation to operate in a professional and legal manner.

She next commented that the Association ran a weekly Womens Group which tackled issues such as health, building confidence and fundraising for different charities.

She stated that a community survey was recently carried out with 900 forms distributed and 302 returned. She then outlined some of the main concerns from the survey as follows:-

- Vandalism 80%
- Graffiti 74%
- Fear of Crime 79%
- Anti-social behaviour 84%
- Policing 75%
- Littering 84%
- Roads and Paths 65%

She next referred to the activities indicated by the community as being desirable:-

- Womens Group 42%
- After School Projects 42%
- Cook/Nutrition classes 48%
- Senior Citizens Group 50%
- Youth Club 52%
- Exercise Classes 56%
- Health Information Days 57%
- Community Projects 57%
- Social Nights 66%
- Youth Club Discos 54%

She next outlined for members a number of youth activities:-

- Three bag-packing events to raise funding for summer activities. The young people opted to fund a bus trip to Junction One and Ballymena for the senior citizens, before choosing a number of outings for themselves.
- As part of the youth sports activities, there were two football teams, a junior girls and boys team for those aged 7-11 and a senior boys team for those aged 11-16, which trained on Sundays and tried to organise friendly matches against other teams. There was also a girl's netball team which trained every Sunday. Training for all activities took place at either Londonderry Park or the Ards Arena.

- The young people had worked alongside the Church Group, SPEAK, carrying out cleanups in the area and giving out flowerpots to the senior citizens.
- An intergenerational Programme, including security lighting and clean up. The project ended with a tea dance where approximately 30 young people were involved.
- A Hip-hop dance academy, which was funded by the Community Safety Partnership, Summer Splash grant, catering for approximately 40 young people.
- All those activities listed acted as diversionary activities and helped in reducing the number who engaged in anti-social behaviour.

Ms Cox next outlined the Associations plans for the future as follows:-

- Opening own premises for the community during the day and community programmes at night
- Employment of its own Community worker
- Running its own activities
- Elderly tea morning
- Parents and Toddlers morning
- Morning with a disability focus
- More established youth programme
- Youth and Elderly programme (intergenerational programme)
- Programme for people with disabilities and non-disabled working together
- A primary and secondary programme involving the wider community
- An unemployment programme
- An Anti-social behaviour programme
- Cross community events
- Womens programme to include over 55s and under 55s and a support group for young women
- Mens club to include over 55s and under 55s and support for young men.
- Stronger links with the wider community development programme and also Council-specific innovations.

Ms Holt added that she represented The Link, and fully supported the work of the Residents Association in its work. She stated that the work was carried out by volunteers, and yet those people showed tremendous commitment. She summed up by adding her support to the need for a community facility in the East End of the town.

(Councillor Boyle entered the meeting at 7.15pm)

The Chairman thanked the representatives of East End Residents Association for their presentation and invited questions from members.

One member asked if the association had faced difficulty in getting the use of facilities such as halls to hold events in.

Ms Cox stated that it had been difficult, as the Association was reliant upon the hall owners. On occasion activities had been arranged and advertised, only for the owners of a hall to cancel a booking or rearrange the date.

The member asked how a new facility would help to enable new projects to be delivered.

Ms Cox stated that a new facility would enable activities such as Mothers and Toddlers groups to be taken forward, also, it would give somewhere for equipment to be stored, in a safe environment.

She added that there was a good team of people who wanted to work for the benefit of the community, and a new facility would further encourage those people in their work.

One member asked what activities were carried out on a regular basis.

Ms Cox stated that a number of activities had been carried out with the elderly residents, as well as the ongoing work with the young people in the area.

Ms Holt added that there were some funding issues with regard to running projects. She also commented that some excellent partnerships had been built up, including with the PSNI.

Ms Cox also commented in response to a further query, that more people were coming into contact with the group on a daily basis, as awareness was raised.

One member asked if any funding had come through the Supporting People programme from DSD.

Ms Holt stated that the group received no mainstream funding.

Another member asked if there was any difficulty in getting volunteers to assist in events.

Ms Cox stated that some of the senior young people were already involved, and more parents were taking part.

Ms Holt stated that a community worker would assist in co-ordinating the volunteers.

Ms Holt also added, in response to a further query, that the South East Regional College was always keen to work with communities and preferred to establish a base within the community, therefore a community centre would greatly assist.

The Chairman again thanked the representatives of East End Residents Association for their presentation.

CG 2618

**REPORT OF THE CHIEF EXECUTIVE'S  
DEPARTMENT** (Appendix I)

Report of the Chief Executive's Department (copy previously circulated) was tabled.

**Page 3-5 Bye-laws Prohibiting the Consumption of Alcohol in Public Places**

One member referred to the number of cases, asking if there had been a decrease in the number of people consuming alcohol in public places.

The Borough Inspector stated that the anecdotal evidence, from both the Anti-Social Behaviour team and the PSNI was that it was more difficult to catch offenders. He stated that there were some problem areas, but he commented that the relocation of the hostel to Frances Street had assisted in some cases.

Another member stated that the problem persisted in Conway Square, on Saturday mornings, and required attention.

The Borough Inspector stated that he was aware of the issue which had been raised, and there had been an effort to address it, including the possibility of Anti-Social Behaviour Orders.

The member stated that the PSNI had to show more pro-activity on the matter.

Another member concurred, stating that the Council had previously asked for zero tolerance from the PSNI. He added that the substantial fines were not necessarily working.

The Borough Inspector stated that Anti-Social Behaviour Orders (ASBO) would allow the cases to be taken to a further stage. He added that the PSNI have given assurances that arrests would be made if ASBOs were breached.

In response to a query, he further added that the cost of an ASBO had still to be ascertained, although he believed it would not be as costly as first anticipated.

One member asked if the Council received any of the monies from fines.

The Borough Inspector stated that the Council would be awarded costs; however, if the person fined was unable to pay, the Council would lose them

Another member asked if the PSNI was taking advantage of the Borough Inspectors Office to build its case for it.

The Borough Inspector stated that the PSNI and the Borough Inspectors Office worked alongside on the particular cases.

**Noted.**

#### **Page 7/8 – CG 202A – Temporary Street Trading Licences**

One member asked if POCVA checks would be carried out for those applying for temporary licences.

The Borough Inspector stated that it was not a requirement for a temporary licence.

In response to a further query, he added that the Christmas fairs would be appropriately policed with regard to unlicensed traders.

It was **AGREED TO RECOMMEND**, on the proposal of Councillor Smyth, seconded by Alderman Shannon, **THAT** the report be adopted.

#### **GOOD RELATIONS REPORT** (Appendix II)

Good Relations Report (copy previously circulated) was tabled.

It was **AGREED TO RECOMMEND**, on the proposal of Alderman McCarthy, seconded by Alderman Shannon, **THAT** the report be adopted.

#### **ENVIRONMENTAL SERVICES REPORTS**

##### **CG 2620 Technical Services** (Appendix III)

Technical Services Report (copy previously circulated) was tabled.

**Page 2 – OS 11299 – Refurbishment of Gillespie Monument  
in Comber Square**

(Councillor Drysdale left the meeting at 7.45pm)

A number of members supported the recommendation.

In response to a query, the Director of Environmental Services stated that Environment & Heritage Service estimated the work would take approximately SIX months and then a more detailed inspection could take place.

**Noted.**

**Page 1 – SP 1195 – Play Area at Ballywalter Road, Millisle**

One member enquired what the equipment had cost.

The Director of Environmental Services stated that it had been purchased with funding from the European Coastal Villages scheme, and had therefore not cost the Council anything. He added that it had been extremely well used, with no vandalism. The normal cost would have been £25,000.

The Director of Development stated that it was very well used by local people and it had been welcomed by the Community Association.

One member enquired what steps were being taken to ensure vandalism did not take place.

The Director of Environmental Services stated that the equipment was very robust and expressed the view that due to the local support, although vandalism could not be stopped, it was unlikely.

**Noted.**

**Page 3 – OS 5447 – Memorial Seat at Kiltonga,  
Newtownards**

One member enquired how the Lions Club seat was different from the other seats which had been vandalised.

The Director of Environmental Services stated that it had been provided by the Lions club, was more ornate, and would have cost approximately three times as much as the other seats.

**Noted.**

It was **AGREED TO RECOMMEND**, on the proposal of Councillor Oswald, seconded by Councillor Gregory, **THAT** the report be adopted.

**CG 2619    Environmental Health (Appendix IV)**

Environmental Health Report (copy previously circulated) was tabled.

**Page 4 – Accidents Reported**

One member enquired if the incidents had happened at one particular place.

The Director of Environmental Services reported that they were from different premises, normally slips, trips or falls.

**Noted.**

**Smoking at Council Premises**

One member enquired if the additional signs had been successful in addressing the issue of people smoking in non-designated areas.

The Director of Environmental Services stated that the reminder email had been important in highlighting concerns, and the signage had also been successful in addressing the problem.

The member referred to access areas to the building, stating that they were also non-smoking areas. He asked if someone, either a member of staff, or a Councillor was smoking in those areas, would they be liable for a £50 fine.

The Chief Executive confirmed that was the case.

**Noted.**

**Page 7 – LA 72 – STEM Project Progress Report**

The Director of Environmental Services reported that the recent STEM audit had been successful, and the staff had been praised by the external auditor for their knowledge of the issues.

It was **AGREED TO RECOMMEND**, on the proposal of Councillor McBriar, seconded by Alderman McCarthy, **THAT** staff be congratulated for their efforts in retaining the STEM accreditation.

It was **AGREED TO RECOMMEND**, on the proposal of Alderman McCarthy, seconded by Alderman Shannon, **THAT** the report be adopted, subject to the above decision, subject to the above decision.

CG 2621 **Building Control** (Appendix V)

Building Control Report (copy previously circulated) was tabled.

**Number of Applications**

One member enquired if there was any downturn in the number of applications.

The Director of Environmental stated that there was evidence that although the number of new-builds had dropped, there were still a significant number of extensions being built.

**NOTED.**

**Page 3 – ST 5186 – Northern Ireland Building Control Group Committee Annual Convention**

It was **AGREED TO RECOMMEND**, on the proposal of Councillor Fletcher, seconded by Councillor Carson, **THAT** the following members be nominated to attend:

**Alderman Ennis**

It was **AGREED TO RECOMMEND**, on the proposal of Alderman Shannon, seconded by Alderman McCarthy, **THAT** the report be adopted, subject to the above decision.

**Arc21 SUPPLEMENTAL AGREEMENT** (Appendix VI)

Report (copy previously circulated) from the Director of Environmental Services was tabled referring members to a report and briefing paper, which was presented to the Arc21 Joint Committee at its last meeting on the 9<sup>th</sup> October 2008. The purpose of the report was to inform members of the need to review and supplement the existing Collaboration Agreement in order to assure the "waste sector" of the cohesion of the Group of 11 Councils, and the commitment of those Councils in the run up to the Residual Waste Tender process which would have a value in excess of £1 billion.

The report and Supplemental Agreement was a product of detailed consideration by the Arc21 Legal advisors in association with Arc21 and Council officers.



The details were contained in the attached document which reflected what was implicit in the original 11 Member Council Terms of Agreement which the Council signed up to on the 1<sup>st</sup> July 2003.

The reason for the review was that potential contractors and the funders of any large future projects would require more specific obligations between the Member Councils, Arc21 and the funder. This had not been necessary to date as the existing contracts had been financed by contractors without major additional input from large commercial funders.

The attached report was adopted by the Arc21 Joint Committee on the 9<sup>th</sup> October 2008, and the Council was asked to consider the report and adopt it as required under the terms of agreement. It was recommended that the Council agreed to adopt the report.

It was **AGREED TO RECOMMEND**, on the proposal of Councillor McBriar, seconded by Councillor Carson, **THAT** the recommendation contained in the report be adopted.

### **Arc21 – ORGANIC WASTE TREATMENT SERVICE CONTRACT** (Appendix VII)

Report (copy previously circulated) from the Director of Environmental Services was tabled stating that members had previously been advised that the process of tendering for the Organic Waste Service Contract commenced in September 2006. Unfortunately there was a legal challenge at the Preferred Bidder stage and there then followed a lengthy High Court action in an effort to resolve the case. This had now been completed and the amended Tender was at the stage where the contract could be awarded.

At the most recent Arc21 Joint Committee meeting on the 9<sup>th</sup> October 2008, the attached confidential report was adopted confirming that all requirements had been met by the successful bidder.

The decision of the Arc21 Joint Committee in December 2007 was that subject to financial close and securing appropriate confirmations from the preferred bidder, NWP, the contract be awarded.

As per the Arc21 Terms of Agreement, the report was being presented to each Member Council for consideration and adoption.

It was recommended that the Council agreed with the decision taken by the Arc21 Joint Committee at its meeting on the 9<sup>th</sup> October 2008 in awarding the Organic Waste Treatment Service Contract to NWP.

One member enquired what difference this would bring in what could be put in brown bins.

The Director of Environmental Services stated that cooked food waste could go in the brown bin from the commencement date of the contract.

The member enquired if food packaging would be able to go in the brown bins.

The Director of Environmental Services stated that the packaging would continue to be disposed of in the grey bins. He added that the kitchen caddies would be rolled out in due course.

It was **AGREED TO RECOMMEND**, on the proposal of Alderman Craig, seconded by Councillor McBriar, **THAT** the recommendation contained in the report be adopted.

CG 2616

**LEISURE SERVICES REPORT** (Appendix VIII)

Leisure Services Report (copy previously circulated) was tabled.

**Page 1/2 – OS 11229 – Woodland Garden – Generic Cancer Support Group**

Members commended the work of the Council officers on the work carried out to date.

**Noted.**

It was **AGREED TO RECOMMEND**, on the proposal of Alderman Shannon, seconded by Alderman McCarthy, **THAT** the report be adopted.

**CONFERENCES**

OS 6939

**Forum for Local Government & the Arts Conference 2008 –  
The Braid Arts Centre, Ballymena Town Hall – 4 November  
2008**

Conference Fee 3125 + Mileage £53 = Total Approximate Cost  
£178.

Topics Include: Arts & Regeneration, Culture & Community in Northern Ireland, Vital Communities

It was **AGREED TO RECOMMEND**, on the proposal of Alderman Shannon, seconded by Councillor McBriar, **THAT** the conference be noted.

### **ANY OTHER NOTIFIED BUSINESS**

#### **Donaghadee Community Centre**

The Project Officer reported to members, that there had been a significant level of vandalism at the site of the new Community Centre in Donaghadee. He informed members that the contractor had asked for permission to "vandal-proof" the tops of the perimeter walls.

One member enquired if the PSNI had been informed.

The Project Officer stated that the PSNI would be advised of the incidents.

The member enquired if there would be any charge to the Council.

The Project Officer stated that the site was the responsibility of the Contractor, including security, and therefore the cost would be met by them.

Another member suggested that a press release could be issued stating the intention to locate the mobile CCTV in the area for security reasons.

It was **AGREED TO RECOMMEND**, on the proposal of Councillor Smyth, seconded by Councillor Carson, **THAT** the contractor be permitted to vandal proof the site as soon as possible.

#### **Arc21 Developing Northern Ireland's Waste Infrastructure – Stormont Hotel – 3 December 2008**

Conference Fee £195 + Mileage £9 = Total Approximate Cost £204

The Chief Executive informed members that places were available for the Arc21 representatives to attend.

It was **AGREED TO RECOMMEND**, on the proposal of Alderman Shannon, seconded by Councillor Bell, **THAT** the

following members be nominated to attend, subject to budget availability:-

**Alderman Gibson**

**Councillor Drysdale**

**Councillor McBriar**

**THAT CONCLUDED THE BUSINESS**  
**(The meeting terminated at 8.20 p.m.)**



## **ARDS BOROUGH COUNCIL**

A meeting of the Council was held in the Boardroom, 2 Church Street, Newtownards on Wednesday, 29 October 2008 at 7.00 p.m.

### **PRESENT:-**

**In the Chair:** The Mayor (Councillor Fletcher)

**Aldermen:** Craig McCarthy (7.09pm)  
Ennis (7.08pm) Shannon (7.11pm)  
Gibson

**Councillors:** Bell McBriar  
Boyle (9.05pm) McDowell  
Carson McIlveen  
Drysedale Montgomery  
Elliott (7.30pm) Oswald  
S Hamilton Smyth  
T Hamilton Williams  
Magill

**In Attendance:** Chief Executive, Director of Corporate Services, Director of Development, Director of Environmental, Director of Leisure Services, Project Officer & Committee Administrator

**Apologies:** Councillor Ferguson  
Aldermen McCarthy & Shannon and  
Councillor Boyle for lateness

### **BIBLE READING & PRAYER**

The Mayor opened the meeting with the reading of a passage of Scripture (John Chapter 15 Verse 9) and followed by a Prayer.

### **MINUTES OF MEETING OF 24 SEPTEMBER 2008**

Minutes of Meeting of 24 September 2008 (copy previously circulated) were tabled.

**RESOLVED:-** (On the proposal of Alderman Gibson, seconded by Alderman Craig)

**THAT** the Minutes be taken as read and signed as a correct record.

**CG 4068      MAYOR'S BUSINESS**

The Mayor stated that he had had a very busy month attending a number of various functions.

**NOTED.**

**DEPUTATION****CG10431      MR LES ROSS & MR GLYNN ROBERTS – PLANNING MATTERS, NEWTOWNARDS**

The Chairman welcomed Mr Les Ross, Planning Consultant and Mr Glynn Roberts, Northern Ireland Independent Retail Traders Association to the meeting and invited them to make their presentation.

(Alderman Ennis entered the meeting at this stage – 7.08pm)

Mr Ross provided members with a PowerPoint presentation detailing the work of the Chamber of Trade, proposed retail developments and the impact of those on Newtownards town centre.

(Alderman McCarthy entered the meeting at this stage – 7.09pm)

**Newtownards Chamber of Trade**

Mr Ross stated that the Chamber of Trade represented the independent traders in the town, of which there were approximately one hundred and thirty, employing some nine hundred people.

He outlined the aims of the Chamber of Trade which were as follows:-

- To Protect Newtownards Town Centre
- To Enhance Newtownards Town Centre

(Alderman Shannon entered the meeting at this stage – 7.11pm)

Mr Ross stated that the Chamber's main aim was to protect and enhance Ards town centre. He commented that, on the surface, work had focused on protecting the town centre against inappropriate development that could cause harm. However the Chamber was working on enhancing the town centre and it wanted to do more in that respect. In other words, he stated the Chamber want to be demonstrably more proactive in making Ards town centre a better retail place.

Continuing he stated that the present the town centre was holding its own, even though for many years the Ards Shopping Centre had had a depressing effect on the opportunities for redevelopment. It was felt the town centre could do better than that, and be truly strong and vibrant.

Continuing, Mr Ross then referred to current planning policy laid out as follows:-

- Out of town shopping centres had been proven to harm town centres
- Current retail policy had weaknesses, but a stronger policy was due. It would seek to protect the primacy of the town centre and avoid out of town shopping centres
- New retail development should take place in the town centre
- Policy would focus on a sequential approach to retail development

He stated that it was well documented out of town shopping centres had a devastating impact on traditional town centres. People were attracted to out of town centres as a result of easy access and parking.

Planning policy sought to protect town centres and emerging policy draft PPS5 sought to tighten planning policy in terms of the primacy of the town centre. Draft PPS5 set out specific guidance on the development of comparison shopping and mixed use retailing. It stated that the primary retail core of town centres would be the first choice location for retailing development. Proposals outside of the town centre must demonstrate that a sequential approach had been adopted. If no town centre sites were available, edge of centre sites had to be considered next, followed by out of centre sites. In other words, retail should be focused in the town centre unless there was no possible option but to move outside the town centre.

However, Mr Ross advised that underlying the policy were practical issues. For example, if town centres were to survive out-of-centre schemes; then new retail development must integrate with the existing town centres. Physical linkage and convenience were hugely important to the shopper, and therefore the retail activity.

Mr Ross then referred to three large out-of-centre proposed retail developments as follows:-



**Ards Shopping Centre**  
165,000 sq ft extension

**Castlebawn Shopping Centre**  
403,000 sq ft – the same scale as Castle Court

**Tesco**  
60,000 sq ft foodstore and household goods  
72,000 sq ft – 6 big-box units

He stated those three proposed retail developments were of great concern to the Chamber.

Firstly, the extension to Ards Shopping Centre which comprised two large additions at each end of the existing centre. The application involved the addition of over 165,000 sq ft of floorspace, bringing the total centre to almost 420,000 sq ft in size.

Castlebawn Shopping Centre was proposed at lands south of the town centre. It proposed over 403,000 sq ft of open class retailing, aiming to attract large national multiples - about the same size as Castle Court Shopping Centre, Belfast.

The Tesco proposal at the former abattoir site at lands south of the town centre comprised a large superstore incorporating comparison retailing and six 'big box' retail units for retailers.

Also, over and above what was proposed, Planning Service had already granted planning permission on the remaining land at Castlebawn (beyond the walls or the abattoir site). There was planning consent for 210,000 sq ft of retailing floorspace for 'bulky goods' retailers, such as Homebase, 'white goods' and furniture shops.

Mr Ross then referred to the anticipated impact of the proposals on Ards Town Centre. He commented that the Chamber believed the proposals would have a devastating impact on the town centre and independent retailers.

Those applications, together with existing approved planning applications, proposed over one million square feet of retail development outside of Ards Town Centre.

A graph was shown highlighting the impact of the proposals on Ards Town Centre and the additional floorspace that would be created in comparison with the existing floorspace in the town centre. Both individually and cumulatively he claimed, it was obvious those proposals would have a massive impact on the town centre and the independent retailers in the town. Given the location of the Tesco and Castlebawn Shopping Centre applications, if those applications were approved, they would

result in the creation of a new and separate shopping centre, just south of the existing centre.

At this point Mr Ross handed over to Mr Glynn Roberts from Northern Ireland Independent Retail Trader Association. Mr Roberts stated that the Association supported the Chamber of Trade and represented over forty five businesses in the Ards Borough, most of which were small traders. Mr Roberts acknowledged that Ards had a great retail centre which while not afraid of competition, recognised that it could not compete with large out of town shopping centres.

Continuing, he indicated that there was a real danger of a net loss of jobs and it was his wish to see the town centre go from strength to strength. He added that many town centre retailers felt under threat and could not compete with retailers such as Tesco. He also referred to the anticipated impact upon suppliers and farmers.

In conclusion Mr Roberts stated that ideally the Chamber wanted to see proposals for significant regeneration within the town centre to meet retail needs and capture leaking expenditure.

Members were then invited to raise any issues they had and the following comments were made:-

- In response to a query regarding the Victoria Square development in Belfast, Mr Roberts advised that he had worked on the project and to date feedback and footfall had been positive. However, given the current economic climate there was concern given the development housed a number of high end retailers.
- Mr Ross referred to the square footage requirements for retail in Ards and advised that a survey had been recently carried out which identified there was a need for approximately 300,000 additional square feet. He acknowledged that while there were a number of vacant units throughout the town, Planning Service had identified the need for additional space.
- A member referred to the Council's concern regarding the integration of Castlebawn with the Ards Town Centre and asked if the proposals included plans for such integration.
- Mr Ross confirmed that the current application contained improved linkage proposals to the town but in his opinion those could be refined further still. He stated that the proposed shopping centre would be twice the size of Ards town centre and would effectively create a new town centre on the south side of Newtownards.
- A member while appreciating traders concerns pointed out that the town did successfully recover from the

opening of Ards Shopping Centre many years ago and suggested that the main problem was a lack of car parking in Ards town centre. He suggested that if Castlebawn provided car parking adjacent to the pedestrian walkway to the town centre that could resolve the issue.

- Mr Roberts expressed concern that Newtownards was in danger of becoming a ghost town and therefore regeneration was vital to its survival. He agreed that car parking was an issue and advised discussions were underway with the Department of Regional Development regarding the matter.

(Councillor Elliott entered the meeting at this stage – 7.30pm)

- In response to a query on what was considered to be a level playing field, Mr Roberts referred to current retail planning policy and the publication of Draft PPS 5. He acknowledged that there were real concerns in Ards and recognised traders desire to safeguard and promote the town centre. He added that while large multiple retailers could buy bulky supplies there was a clear need for a level playing field for local farmers and suppliers.
- It was noted that a Retail Ombudsman had been established to deal with big retail monopolisation.
- Mr Roberts commented that in his opinion his members would be in a position to compete if there was a level playing field as all food supplies were locally sourced. He emphasised the need for a shopping strategy which would encourage a more diverse range of retailing in Ards' town centre.
- A member referred to rates incentives offered by shopping centres in an attempt to encourage retailers to let out shopping units and asked how those would compare to rates in Ards town centre. Mr Ross confirmed that he was aware of larger shopping centres offering incentives to retailers to come and trade with them.
- A member suggested that it might be useful to invite representatives of the Chamber of Trade, Ards and Castlebawn Shopping centres to a round table discussion on the best way forward for Newtownards.
- Mr Ross agreed that would be useful, adding that at this stage the Chamber was seeking a public planning inquiry to properly consider the retail needs and proposals in a comprehensive manner. He added that it was hoped the Council would support such an inquiry.
- Mr Ross informed the committee that a developer had recently submitted plans for 200,000 square feet of retail units and associated multi storey car parking for Ards town centre.

- In response to a query on the merits of master planning as opposed to a public inquiry, Mr Ross explained that the Master Plan process considered the broader issues whereas a planning inquiry considered all current applications.

The Chairman thanked Mr Ross and Mr Roberts for their comments and presentation.

**MINUTES OF MEETING OF SPECIAL COUNCIL  
SERVICES COMMITTEE HELD ON 9 OCTOBER  
2008 (Appendix I)**

Minutes of Meeting of Special Council Services Committee held on 9 October 2008 (copy previously circulated) were tabled.

A member expressed concern given the current economic climate that Councils would be expected to foot the bill for the associated costs of the Review of Public Administration.

It was agreed on the proposal of Councillor Smyth, seconded by Councillor T Hamilton, that the Council writes to the Minister for the Environment and NILGA expressing the view that ratepayers should be not be asked to pay for the Review of Public Administration.

**RESOLVED:-** (On the proposal of Councillor Elliott, seconded by Alderman Shannon)

**THAT** the minutes be adopted, subject to the above decision.

**MINUTES OF MEETING OF EXTERNAL AFFAIRS &  
PLANNING COMMITTEE HELD ON 14 OCTOBER  
2008 (Appendix II)**

Minutes of Meeting of External Affairs & Planning Committee held on 14 October 2008 (copy previously circulated) were tabled.

**RESOLVED:-** (On the proposal of Councillor T Hamilton, seconded by Alderman Shannon)

**THAT** the minutes be adopted.



**MINUTES OF MEETING OF POLICY & RESOURCES  
COMMITTEE HELD ON 16 OCTOBER 2008**

(Appendix III)

Minutes of Meeting of Policy & Resources Committee held on 16 October 2008 (copy previously circulated) were tabled.

**Page 12 – Request for Sightlines at Main Street, Kircubbin**

A member referred to the above and the subsequent decision to convene a site meeting to allow members to familiarise themselves with the location. He advised that he had not received notification of the site meeting until 2pm that afternoon and the meeting had already taken place earlier that morning. He stated that it was not acceptable and not enough notification had been given to members advising them when the meeting was taking place. He added that while he did not wish to make much of the matter, under Standing Orders not enough notice had been given. However he added that he would be content if no decisions had been taken at the site meeting.

The Chief Executive stated that once a notice was placed in the post it was out of the Council's hands and reminded the member that the site meeting was merely a familiarisation exercise to afford members the opportunity to view the location. He confirmed that no decisions had been taken at the meeting and a report would be brought back to members at the November meeting of the Policy & Resources Committee. He added that under Standing Orders the notice had been sent out in time, giving members the required notification.

It was agreed on the proposal of Councillor Carson, seconded by Councillor Oswald, that future notification of any meeting be sent via email as well as the normal paper notification.

**RESOLVED:-** (On the proposal of Alderman Gibson,  
seconded by Alderman Craig)

**THAT** the minutes be adopted, subject to  
the above decision.

**MINUTES OF MEETING OF COUNCIL SERVICES  
COMMITTEE HELD ON 21 OCTOBER 2008**

(Appendix IV)

Minutes of Meeting of Council Services Committee held on 21 October 2008 (copy previously circulated) were tabled.

**RESOLVED:-** (On the proposal of Councillor Elliott,

seconded by Alderman Shannon)

**THAT** the minutes be adopted.

### **TRANSFER OF RIGHTS OF BURIAL**

The following transfer applications were received:-

Name	Transferred to	Cemetery	Section	No
BG 12988	E Wilson (dec'd)	A Wilson	Comber	19 20
BG 12993	R P Mageean (dec'd)	M A Mageean	Whitechurch	M 232
BG 12997	T Speers (dec'd)	M V Speers	Comber	2 158
BG 13001	S Francis (dec'd)	S Francis	Movilla	40 44
BG12972	W Lowry	M McIlmurray	Comber	15 9
BG13013	R McKnight (dec'd)	Ferguson	Comber	8 39&40
BG12978	McKeag	Wm McKeag	Comber	1 132+133
BG12998	Adair	Adair	Kirkistown	16 11+12

**RESOLVED:-** (On the proposal of Councillor Smyth,  
seconded by Alderman Craig)

**THAT** the Transfers be approved.

### **SEALING DOCUMENTS**

**RESOLVED: -** (On the proposal of Alderman Shannon,  
seconded by Councillor Smyth)

**THAT** the Seal of the Council be affixed to  
the following documents:-

Grant of Right of Burial Nos. 010173 -  
010196

Duplicate Grant of Right of Burial Nos.  
7281, 7279 & 7282

Ards Borough Council –to- Quinnell

Donaghadee Community Centre - Contract

## **CONSULTATION DOCUMENTS**

CG 9986

**DARD Consultation on Responsibility and Cost Sharing  
Proposals for Animal Health & Welfare** (Comments to be  
submitted no later than 17 November 2008)

Report (copy previously circulated) was tabled from the Principal Administrative Officer stating that as members would recall, consideration of the above consultation document was referred by the External Affairs & Planning Committee, at its meeting on 14 October 2008, to the Council Meeting on 29 October 2008 to enable the views of the Ulster Farmers' Union and the Northern Ireland Agricultural Producers Association to be sought. It was also resolved to ask DARD for an extension to the consultation period (published closing date for comments was 20 October 2008) to allow the Council to respond, having received the groups' views.

The writer contacted both organisations on 16 October 2008. They had just met with the DARD Permanent Secretary to discuss the content of the consultation document and their engagement in the consultation process.

As a result of the above talks, the consultation period had been extended until 17 November 2008.

It was recommended that the consultation document be referred back to the External Affairs & Planning Committee for consideration at its next meeting on 10 November 2008. However, as the closing date for comment was not until 17 November 2008, it was not guaranteed that the UFU or NIAPA would have completed their final response to the consultation by the date of the meeting.

**RESOLVED:-** (On the proposal of Alderman Shannon,  
seconded by Councillor Carson)

**THAT** the recommendation be adopted.

**DRAFT TIMETABLE 2009**

Draft Timetable of meetings for 2009 (copy previously circulated) was tabled.

**RESOLVED:-** (On the proposal of Alderman Craig,  
seconded by Councillor Elliott)

**THAT** the Timetable for 2009 be adopted.

CG2463B

**ROYAL BRITISH LEGION REMEMBRANCE DAY  
PARADE & CHURCH SERVICE – SUNDAY 9<sup>TH</sup>  
NOVEMBER 2008**

Members were advised that a sheet had been circulated regarding the Remembrance Day parades on Sunday 9<sup>th</sup> November 2008 and they were asked to indicate if they intended to be in attendance.

**NOTED.**

**CONFERENCES, INVITATIONS, ETC.**

ST11072

**CELEBRATE SUCCESS WITH THE PRINCE'S TRUST IN  
NORTHERN IRELAND 2008**

Celebrate Success with the Prince's Trust in Northern Ireland  
2008 - 28 November 2008 - Ramada Hotel, Belfast  
Tickets £1500 per table (10 people or 9 plus 1 celebrity  
ambassador)

To appoint members to attend - Aldermen Gibson & Shannon  
and Councillor Bell already appointed.

The Chief Executive advised that a number of concerns had been raised about the cost of the event and the suggested attendance of ten elected members. He advised that for those already nominated to attend the cost would amount to approximately £600, a sum which was within the higher bracket of the Council's charitable donation limit of £700.

A member referred to the good work being carried out throughout the Borough, made possible by the Prince's Trust adding that the public should be made aware of that. He stated that many young men and women were able to gain skills which got them started on the employment ladder and give them a chance in life. The member stated that he would prefer to simply



give the Trust a donation but was unable to do so and instead the only way to show his support was to attend the event.

Agreeing with those comments, another member referred to the work of the Prince's Trust within the community and its work locally in conjunction with the South-East Regional College. He added that it was encouraging to see what young people could achieve through the Trust and in his opinion it was worthy of support.

A further member stated that he had directly benefited from the work of the Trust with the provision of two buildings through the work of local youth groups.

Councillor Oswald proposed, seconded by Alderman Gibson, that the Mayor or his nominee be appointed to attend.

**RESOLVED:-** (On the proposal of Councillor Oswald, seconded by Alderman Gibson)

**THAT** the Mayor or his nominee be appointed to attend.

ST10696

**CHARTERED INSTITUTE OF HOUSING – ENHANCING KNOWLEDGE OF HOUSING POLICY AND PRACTICE**

Chartered Institute of Housing – Enhancing Knowledge of Housing Policy and Practice: Training Programme for Local Councillors 2008 – Friday 21<sup>st</sup> & Saturday 22<sup>nd</sup> November 2008 – Armagh City Hotel Costs: Conference Fee, Overnight Accommodation and Meals £495 + Mileage say £50 = Total Approximate Cost £545

**RESOLVED:-** (On the proposal of Councillor Carson seconded by Alderman Shannon)

**THAT** the conference be noted.

ST9441

**SOLACE NI CONFERENCE 2008 – 27 NOVEMBER 2008**

SOLACE Northern Ireland Conference 2008 – 27 November 2008 – Lough Erne Golf Resort, Enniskillen – Main Theme 'Strengthening Local Leadership to Promote Community Well-Being' Costs: Conference Fee & Dinner £250 + Accommodation £130 + Mileage say £96 = Total Approximate Cost £476

**RESOLVED:-** (On the proposal of Councillor Carson,  
seconded by Alderman Shannon)

**THAT** the Chief Executive be appointed to  
attend.

CG9713

**LGSC – PROMOTING EQUALITY FOR PEOPLE WITH  
MENTAL HEALTH DISABILITIES**

LGSC – Promoting Equality for People with Mental Health  
Disabilities – Learning for Local Government Conference – 19  
November 2008 – The Long Gallery, Parliament Buildings,  
Stormont Estate – No Charge for Event and Lunch Provided  
Cost: Mileage say £10 approx.

**RESOLVED:-** (On the proposal of Councillor Smyth,  
seconded by Alderman Shannon)

**THAT** Alderman McCarthy & Councillor  
Carson be appointed to attend.

OS4339

**NORTHERN IRELAND COUNCIL FOR VOLUNTARY ACTION  
– ANNUAL CONFERENCE 21 NOVEMBER 2008**

Northern Ireland Council for Voluntary Action – Annual  
Conference 21 November 2008 NICVA, 61 Duncairn Gardens,  
Belfast Cost: Members Free, Non Members £65 + Mileage say  
£10 = Total Costs £75

**RESOLVED:-** (On the proposal of Councillor Carson,  
seconded by Alderman Craig)

**THAT** the conference be noted.

**CORRESPONDENCE**

The following items of Correspondence were tabled:-

CG10238 Letter of Support for Eoghan Quigg, X Factor Finalist from  
Limavady Borough Council

CG1717 British Olympic Association – Letter of thanks re Team GB in  
Beijing 2008

The Crown Estate's Marine News - Autumn 2008

Advice – Citizens Advice Newsletter

International Fund for Ireland – 'A Fund of Goodwill' The Story of the International Fund for Ireland

Help the Aged Senior Benchmark Report 2008

NILGA Press Release (Copy tabled)

NILGA Press Release - Councillor Spratt appointed as Chair of the National Association of Regional Employers (Copy tabled)

**RESOLVED:-** (On the proposal of Alderman McCarthy, seconded by Alderman Shannon)

**THAT** the correspondence be noted.

### **ANY OTHER NOTIFIED BUSINESS**

#### **CG10223 NOTICE OF CONCLUSION OF AUDIT**

The Director of Corporate Services advised that the Council's accounts for the year ended 31 March 2008 had been signed off by the Local Government Auditor and were now available for inspection by the public.

He stated that the accounts were available on the Council's website and a notice had been placed in the local press.

**NOTED.**

#### **DPP 71 DPP CONFERENCE**

DPP Conference – Tuesday 18 November 2008 – Fisher Conference Centre, Armagh City Hotel – To Explore the Challenges facing DPPs in responding to Local Community Needs.

**RESOLVED:-** (On the proposal of Alderman Shannon, seconded by Councillor McBriar)

**THAT** Alderman Craig and Councillors Bell & McDowell be appointed to attend.

#### **ST11081 DRD – REVIEW OF REGIONAL DEVELOPMENT STRATEGY – SUB-REGIONAL WORKSHOPS**

Ards and North Down Borough Council – Friday 21 November 2008 at 9.30am – Venue to be confirmed.

**RESOLVED:-** (On the proposal of Councillor Carson, seconded by Councillor T Hamilton)

**THAT** the Director of Development, Alderman Gibson and Councillors McBriar & Smyth be appointed to attend.

LA33

**SUSTRANS CYCLE NETWORK**

The Director of Leisure Services advised that a community festival would take place on Saturday 8<sup>th</sup> November 2008 between 2pm & 3pm and been organised in conjunction with the completion of the Comber Greenway. It was anticipated that up to two hundred cyclists would be in Comber for the festival and the Mayor had been asked to be in attendance to welcome them.

**RESOLVED:-** (On the proposal of Alderman McCarthy, seconded by Alderman Shannon)

**THAT** the Mayor attends the community festival to held in Comber on 8<sup>th</sup> November 2008.

**INTO COMMITTEE**

It was agreed, on the proposal of Councillor Smyth, seconded by Alderman Shannon, that the Council go *"Into Committee"* at this stage of the meeting.

**Minutes of Meeting of Development Committee held on 21 October 2008 (Appendix V)**

Minutes of Meeting of Development Committee held on 21 October 2008 (copy previously circulated) were tabled.

**Page 5 – Funding for Community Festivals**

Alderman Shannon proposed an amendment, seconded by Councillor Bell, that a review of the scoring and sums of monies awarded by the Council are brought to the November meeting of the Policy & Resources Committee and it be given delegated authority to deal with that one item.

The proposer stated that he had not received details of the scoring criteria and scores awarded, even though he was aware it had been emailed to all elected members. In light of the fact that the matter required further clarification he was suggesting that a report be brought back to the Council for further discussion. He stated that there appeared to be an issue which

needed to be addressed as well as a number of concerns which members had raised and required clarification.

The seconder advised that he had sought further information on the matter but as yet had not received a response from the Department of Culture, Arts and Learning (DCAL). He stated that he had asked to have the results of the scoring exercise provided to him and in the interim suggested that the amounts allocated to the community groups should proceed.

Continuing, the member referred to the process which needed to be followed when dealing with public money and also the clear guidelines laid down by HM Treasury. Those guidelines stated that all applications should be put through a matrix, scored and funding awarded. The member then referred to the details of the scoring criteria and scores awarded which had been emailed to members earlier that day. He stated that he was deeply concerned on reading the information and found them to be very embarrassing. It appeared to be the case that those groups who had low scores, had been awarded funding which did not correspond with the scores. The member stated that he had raised the issue of the results of the matrix not corresponding with the funding awarded and felt those organisations had been deprived. In his opinion the matter was very serious. Therefore, he agreed that a review was needed to consider the amount of funding awarded to those organisations.

The Chief Executive advised that he had been made aware of the issues following the meeting of the Development Committee. However, as far as he was concerned all those involved with the scoring process had done so with a fair viewpoint and, if members wished, he would be happy to review the scoring process.

A member expressed concern specifically with the funding which had been awarded to the Beechfield Residents for a Halloween and Christmas party. He referred to the scores which had been awarded, commenting that in light of that he was opposed to the proposal for a review of the scores. He added that he would be keen to hear how the Beechfield Residents planned to spend the money.

Another member rose stating that he too could not support the proposal as he felt the process had been correctly carried out. He suggested that if an appeal was made by those organisations unhappy with their funding that could be a way forward.

Agreeing that the use of a matrix was fair, one member expressed concern that there now seemed to be an element of doubt over that process. He referred to the proposer's earlier

comments which in his opinion seemed to suggest the process was flawed and asked if the matrix had been previously used.

The Director of Development confirmed that it had previously been used.

Continuing, the member expressed concern that the matrix had been previously used since it now appeared to be flawed.

The member continued that even though it was alleged the matrix was flawed no clear direction was being given on the matter. He added that a review was the only way forward.

A member asked if the Council could legally award the funding while a review of that award process was being carried out. He also asked how the Local Government Auditor would view the matter as rate payers' money was involved.

The Chief Executive advised that from his examination of the process he had some issues with the latter part of the process.

Several members expressed concern that following the review some organisations could have their funding allocation revised down and asked where that would leave the Council.

The Chief Executive stated that if that scenario was to occur a letter would be sent to the organisation concerned seeking claw back.

The proposer reiterated that in his opinion, the results did not tally with the funding awarded.

The Chief Executive stated that he did not have concerns about the matrix and as long as each application was scored objectively he could see no problem. However on looking into the matter further he did have some concerns that some of the scores given did not translate into the amount of funding awarded. He added that there could be a legal issue for the Council if it was challenged by any of the organisations on its funding process

A member referred to the Local Strategy Partnership which regularly awarded funding and based its allocation of funding on a number of criteria, including whether or not a project could proceed or not. She added that frequently many groups took advantage of that situation. Continuing, she referred to the scoring process used for the funding of Community Festivals stating that she had considered the panel to be fair and was unhappy about the term 'discrimination' being used by some members about the process. She stated that such comments were extremely unhelpful and caused a great deal of upset

amongst all those involved. She asked the Director of Development to explain the process to members.

The Director of Development advised that the Council had previously agreed the matrix for this particular scoring exercise, prior to the DCAL monies becoming available. He stated that on this occasion a process had been followed which ultimately had to be accountable both the Council's Internal and External Auditor.

In response to a query, the Chief Executive confirmed that each organisation had applied for differing amounts of funding.

A member stated that for many years she had been involved with the allocation of funding from bodies such as PEACE and the Rural Down Partnership and was something elected members were expected to be part of. She advised that experience had shown that funding was based on each application submitted and based on black and white issues. She stated that she was ashamed with what had taken place over the past two weeks especially as both officers' and elected members' were being criticised as a result. She added that she was sorry for what had taken place to date.

The Chairman expressed the view that he had been placed in an extremely awkward position. He reminded members that he was not there to lay down the law but instead to see fair play and allow everyone a reasonable opportunity to speak. He suggested that if members had nothing further to say on the matter that it be put to a vote.

One member stated that he was not happy about carrying out a review of the process and suggested that instead a review be carried out on future scoring processes. He added that he felt undue pressure was being put on elected members and officers.

Another member commented that he too was also unhappy with what had taken place, adding that he had every confidence in officers. He suggested that the submission of an appeal against the funding awarded may be a solution to the matter.

The proposer stated that he would be referring the matter to DCAL as well as the Local Government Auditor.

(Councillor Boyle entered the meeting at this stage – 9.05pm)

The proposer questioned the claim that the scoring had been carried out objectively, stating that in his opinion direct discrimination had taken place. He added that it appeared to be the case that low scores received a high percentage of funding,

compared to high scores which were awarded a low percentage of funding. Continuing, the member stated that the funding should be awarded but in his view a significant mess up had been made by officers, who had also informed the organisations of the funding awarded prior to it being approved by Council. In light of that he felt the Council should stand over the funding allocated and commence a review of the process immediately.

A member referred to the amendment, stating that it was the most selfish suggestion he had ever heard being made in the Chamber. He referred to the allegations of a 'flawed' process, discrimination and threats of reporting the issue to DCAL made by the proposer, who seemed content for the funding to be paid out regardless. He expressed his disgust at being forced to make a decision on a process alleged to be flawed adding that he felt under threat from a colleague.

Several members stated that they had not yet received a copy of the report detailing the scores and funding awarded, and therefore they felt at a disadvantage to those who had.

A member sought clarification from the Chief Executive to see if the funding could be suspended to allow the alleged flawed process to be investigated and a report brought back to Council in due course.

The Chief Executive advised that the amendment did not include the paying out of and if a review of the process was undertaken, funding would be frozen.

A member stated that he did not feel the debate was going anywhere and suggested that all funding be suspended pending the outcome of an urgent report reviewing the scoring process which had been used.

The proposer stated that he would be happy to add the suspension of all funding to his amendment, with the permission of the Council.

A member sought clarification on that, asking if it was the case that even though the organisations had been made aware of the funding allocated that those funds were going to be suspended.

The Chief Executive confirmed that was the case, adding that it could lead to difficulties legally for the Council as there may be a legitimate expectation on the part of those organisations which had been informed of the awards.

It was agreed on the proposal of Alderman Shannon, seconded by Councillor S Hamilton, with 10 voting For, 7 Against and 4 Abstentions that, a review of the scoring and sums of monies



awarded by the Council are brought to the November meeting of the Policy & Resources Committee and it be given delegated authority to deal with that one item.

Councillor Bell requested a Recorded Vote, the voting was as follows:-

FOR	AGAINST	ABSTENTIONS
<b>Aldermen</b>	<b>Aldermen</b>	<b>Councillors</b>
Gibson	Craig	Boyle
Shannon	Ennis	Carson
	McCarthy	Magill
<b>Councillors</b>		McIlveen
Bell	<b>Councillors</b>	
Drysdale	McBriar	
Elliott	McDowell	
Fletcher	Smyth	
S Hamilton	Williams	
T Hamilton		
Montgomery		
Oswald		

#### Armagh & Down Tourism

The Director of Development referred to a forthcoming meeting of the above at which a number of members had been invited to attend, those being Councillors Bell, Ferguson & McBriar. He stated that a request had been received that a corporate proposal for the future of the organisation be drafted and he wished to advise members that he would not be proposing any corporate changes.

**NOTED.**

#### Castle Espie Expansion

The Director of Development advised that an invitation had been received from Castle Espie inviting members to attend a tour of the new extension on 7 November 2008 between 11am & 1pm.

**NOTED.**

**RESOLVED:-** (On the proposal of Councillor Carson, seconded by Councillor McBriar)

**THAT** the minutes be adopted, subject to the above decision.

(Aldermen Ennis & McCarthy and Councillor McIlveen left the meeting at this stage – 9.30pm)

**Procurement Options for New Leisure Facility on Dairyhall Site (Appendix VI)**

Report dated 17 October 2008 (copy previously circulated) was tabled from the Directors of Corporate & Leisure Services stating that as requested at the Special Council Services outlining the procurement options for the construction and operation of a new leisure facility on the Dairyhall site in Newtownards.

It was recommended that the Council consider Option 4 as being the preferred option for the build and operation of a new leisure facility on the Dairyhall site. Furthermore it was recommended that Strategic Leisure be requested to produce an Economic Appraisal to support any loan sanction application to DOE Local Government Division in order to justify the level of proposed borrowing.

Councillor S Hamilton proposed, seconded by Alderman Shannon, that the recommendation be adopted.

The proposer expressed the view that this was probably one of the biggest decisions the Council would take in its lifetime. He acknowledged the need for a final decision to be taken on the matter in order to commence the procurement process and agreed that the recommendation put forward was the most sensible and straight forward option for the Council.

The seconder referred to the length of time it had taken to reach this decision and agreed the recommendation was clear and the best way forward.

In response to a query the Director of Leisure Services confirmed that Strategic Leisure had provided the Council with a Feasibility Study.

The Director of Corporate Services advised that the figures presented before members had been based on all reports made to date.

In response to a query on how soon negotiations would commence with the Ambulance Service, the Chief Executive advised that initially it would be his intention to liaise with a roads specialist to confirm the proposed access was suitable. He added that on confirmation of that, negotiations would commence with the Ambulance Service. It was noted that one option for the relocation of the Ambulance site.

A member expressed concern that an estimation of £3M had been set aside for the acquisition of the Ambulance site. He

emphasised the need for the project costs to be kept under control and within budget.

The Chief Executive advised that any piece of land could be considered to have a key aspect to it and therefore he was content the proposed acquisition costs had been pitched around the right level.

On request, the Director of Corporate Services guided members through the procurement options, as tabled.

In response to a query on the anticipated impact on the rates, the Director of Corporate Services advised that the Council currently had £7M in its 'treasure chest'. He added that if the abattoir monies came to fruition the borrowing requirement could be halved.

A member stated that while he had not initially been in favour of the Dairy Hall site, he cautiously welcomed the report and recommendation. He acknowledged that projects often did not run to time and figures forecast were based on assumptions.

Both the Director of Corporate Services and Leisure Services reiterated that the projected cost of £23M had been based on figures provided by Strategic Leisure. It was noted that at this stage it was impossible to know exactly how much the facility would cost until the procurement route had been commenced.

A member asked about the time necessary to secure the development given the Review of Public Administration.

The Chief Executive advised that depended on how negotiations went with the Ambulance Service and therefore was hard to judge at present. He stated that while a prohibition could be put on Councils, he was of the opinion there was case to be put to the Government saying there was a clear need for the facility in the community.

A further member stated that while he was happy with what he had heard, he did have some concerns about possible planning issues which may arise.

The Director of Corporate Services stated that economic appraisal was key and there was a requirement to satisfy Local Government Division that it would not place any undue pressure on ratepayers.

In summing up the proposer thanked members for their comments on what was a major decision for the Council and one which would affect the entire Borough.

**RESOLVED:-** (On the proposal of Councillor S Hamilton,  
seconded by Alderman Shannon)

**THAT** the recommendation be adopted.

(Councillor Smyth left the meeting at this stage – 10.27pm)

**CG7971B     DRAFT GUIDE TO SECTION 75 STATUTORY DUTIES**  
(Appendix VII)

Report dated 27 October 2008 (copy previously circulated) was tabled from the Project Officer referring to the Draft Guide to Section 75 Statutory Duties.

The Project Officer advised that a new process had been put forward and examined by a team of Equality Officers. On completion of that there appeared to be a number of issues stemming from the new process and where it would require a higher level of resource. He added that a consultation was being carried out on the matter, with responses to be submitted by 9 November 2008.

**RESOLVED:-** (On the proposal of Alderman Shannon,  
seconded by Alderman Craig)

**THAT** the recommendation be adopted.

**THAT CONCLUDED THE BUSINESS**  
(The meeting terminated at 10.30 p.m.)



**BALLYMENA BOROUGH COUNCIL**

**REPORT OF ENVIRONMENTAL SERVICES COMMITTEE MEETING**

**Held on Monday, 17<sup>th</sup> November, 2008 at 7.30 p.m.**

**In the Committee Room, "Ardeevin", 80 Galgorm Road, Ballymena**

**In the Chair:**

Cr. J. E. N. Armstrong

**Present:**

Ald. J. Alexander  
R. Gillespie  
S. J. Hanna  
P. J. McAvoy  
W. R. McNeilly  
H. Nicholl (from 8.45 p.m.)  
Crs. Mrs. E. Adger  
J. Carson (to 8.47 p.m.)  
R. J. Cherry  
M. Clarke (to 9.12 p.m.)  
J. Currie, M.B.E., B.Ed. (Hons.), S.D.A.  
Ms. M. Digney (to 8.50 p.m.)  
P. R. W. Frew  
S. Gaston  
J. Henry (to 8.30 p.m.)  
M. T. Mills  
J. E. McKernan (to 9.12 p.m.)  
Mrs. D. Nelson  
T. Nicholl, M.B.E.  
D. O'Loan  
R. Stirling  
D. A. Tweed (to 8.25 p.m.)

**In Attendance:**

Mr. M. Watterson,  
Director of Building Control Services  
Ms. N. McCall,  
Deputy Chief Environmental Health Officer;  
Mrs. D. Carey,  
Senior Environmental Health Officer;  
Miss R. Spence,  
Lead Committee Administrator.

**Also in Attendance:**

Mr. P. Hanly, }  
Director; } Geothermal Energy Ltd.  
Ms. N. Dunne, } to 8.15 p.m.  
Corporate Finance Manager; }  
  
Mr. T. Waugh, }  
Action Renewables Assoc. } to 8.15 p.m.

**Press:**

One member of the press was in attendance to 9.23 p.m.

80

**NOTICE OF MEETING**

The Notice of Meeting was read.

80:

**SYMPATHY**

Mr. M. Watterson made sympathetic reference to the death of the son of Mrs. M. Penny (Training Officer).

The Chairman also expressed sympathy, on behalf of the Committee, to Cr. R. J. Cherry on the recent death of his uncle.

On behalf of the D.U.P., Cr. M. T. Mills expressed sympathy to Mrs. M. Penny and Cr. R. J. Cherry on their bereavements. Cr. J. Currie, on behalf of the U.U.P., Cr. D. O'Loan, on behalf of S.D.L.P., Cr. Ms. M. Digney, Sinn Féin, Cr. D. Tweed, on behalf of the U.U.C.P., and Cr. J. McKernan wished to be associated with these sentiments.

Cr. R. J. Cherry thanked Members for their kind words.

80:

**APOLOGIES**

Apologies were received from Cr. W. Wilkinson and Ald. H. Nicholl, who would be late.

80:

**DECLARATIONS OF INTEREST**

Members and Officers were invited to declare any pecuniary and non-pecuniary interests (including gifts and hospitality) they may have in respect of items on this Agenda.

No declarations were forthcoming.

**Noted.**

80:

**GEOHERMAL ENERGY**

(Min. No. 695 - Monthly Meeting - 10/08)

The Chairman welcomed representatives from Geothermal Energy Ltd. and Action Renewables to the Meeting.

Mr. P. Hanly provided a background to Geothermal Energy Ltd. advising that it was the first company in Ireland to enter into the deep geothermal energy market and the first Irish business to carry out privately funded exploration studies in Ireland. It intended to provide the full heat energy requirements primarily of large commercial heat users and secondly of residential customers within a feasible radius of each geothermal plant. The company's strategy was to be the market leader in low temperature hydro geothermal energy systems in the U.K. and Ireland and to develop in excess of 20 deep geothermal plants in the next 10 years.

Mr. Hanly explained that geothermal resources could be defined as natural heat generated below the surface of the earth's crust. Geothermal energy was an abundant, massively untapped form of renewable energy which was sustainable for millennia. With the aid of a diagram, Mr.

Hanly explained how this energy was harnessed.

A report commissioned by Action Renewables Association and carried out by S.L.R. in 2008 established the possibility for deep geothermal resources. The report identified a number of key locations in Northern Ireland where there was potential for deep hydro geothermal resources and these locations had been matched with key commercial and residential customer markets profile. Ballymena had been highlighted as a prospective target for the development of a deep geothermal plant and the rollout of a district heating network. Geothermal energy could provide all base load heat demand and the peak load could be supplied by other indigenous heat energy resources in the area, to include biomass and residual heat from local industrial processes.

With regard to benefits, Mr. Hanly informed Members that geothermal energy was completely carbon neutral and was highly efficient if properly distributed. Heat loss only amounted to approximately 0.3 of a degree celsius for every kilometre travelled. Unlike wind and solar energy, geothermal systems were unaffected by the changing weather conditions and could operate almost 100% of the time. It was also a most inconspicuous process of harnessing a renewable energy and, as an indigenous energy source, reduced the reliance on sometimes potentially volatile international relations and on inherent price unpredictability of fossil fuels.

He advised that Ballymena could potentially be a pilot project for Northern Ireland and there was also the potential to generate employment in the area. He outlined the steps of the project which initially would include establishing a partnership with Council; carrying out a feasibility study of the geology of Ballymena and an energy audit of the town; developing and carrying out an exploration programme; and consultation with and education of potential energy users.

The Chairman thanked Mr. Hanly for his presentation, following which Members asked questions and were provided with clarification on the following issues -

- The company had approached a number of people/organisations, however, Ballymena Borough Council was the first body with which the company had met. He indicated that whichever body took up the opportunity first, would benefit from the pilot project in its area and PR for the town.
- It was now an opportune time to utilise this energy source due to the fact that fossil fuels were now more expensive and also advancements in technology.
- Simplicity of heat exchange process.
- Costs involved and end-price to customer.
- Possibility of digging up roads.
- Job creation - team of approximately 10 persons when plant was completed and operational, however, more during development/construction phase.
- Size of plant - could be buried underground and a feature made of well-heads, e.g. in a park.
- Geological factors associated with Ballymena.
- Large users of geothermal energy in Europe - Germany, Paris, Hungary, etc.
- Project would be completely financed by Geothermal Energy Ltd. and, if this Council was a major heat user in the town, the company would provide a discount should the project proceed and a plant become operational in the town in the future.

Mr. Watterson sought and received clarification that the company was not seeking any finance from Council towards the project but, would ask Council to sell the proposal to others. He questioned if there would be any liability on Council by way of selling/promoting this project to others. He also questioned if Council would receive any remuneration if it provided land on which to build such a plant in future.

Mr. Hanly advised that the company would expect to pay for any ground, probably on a long-term lease basis and he confirmed that there would be no liability on Council's part and would only expect Council to support the project if it was fully behind the concept. He stated that, if Council



was interested, the company could facilitate a visit by some Members to view an operational plant in Germany.

With regard to the invite, Cr. P. R. W. Frew questioned if this would include business leaders within the town, or only Councillors. Mr. Hanly advised that he would allow Council to make that judgement. Cr. Frew felt that it would be particularly advantageous to have Mr. A. Donnelly attend.

The Chairman thanked the representatives for attending and they left the Meeting at 8.15 p.m.

Cr. M. T. Mills believed that this matter should be progressed through the Economic Development Partnership and include Dr. H. Johnston, Council's E.M.S./Energy Officer.

Cr. R. Stirling proposed a cautious exploration of the project as presented.

Cr. R. J. Cherry referred to the geothermal plants operational in Europe and advised that Council Officers could investigate their success.

Following discussion, it was agreed to proceed with caution.

**REVIEW OF PUBLIC ADMINISTRATION  
ESTABLISHMENT OF TRANSITION COMMITTEE**  
(Min. No. 798 - Special Meeting - 13/11/08)

80

Mr. M. Watterson referred to the Special Meeting of Council held on 13<sup>th</sup> November, 2008 and drew attention to the second part of the Resolution relating to the above. He sought clarification as to whether or not Council had decided to write to the D.O.E. asking that a further one seat be allocated to Ballymena Borough Council on the Transition Committee or seeking additional seats.

Cr. P. R. W. Frew advised that he had seconded the proposal and it had been to seek additional seats, and not limit the request to one seat. Cr. Mrs. D. Nelson concurred with Cr. Frew as the population which this Council covered was considerably larger than Larne and Carrickfergus Borough Councils.

Mr. M. Watterson reiterated that guidance from the Department (Mr. Ian Maye) stipulated that there should be an equal number of Members from each Council on the transition committees and that there should be no dominant Council.

Given the debate at the Special Meeting, Cr. D. O'Loan understood how there had been a lack of clarity over this issue. He felt that it would be preferable to seek one additional seat, keeping the membership within the overall maximum of 16 which had been stipulated for the committees. He proposed that Council should write to the D.O.E. seeking one additional seat. Ald. P. J. McAvoy seconded the proposal.

Following further discussion, it was

**Recommended:** That Council writes to the Department of the Environment regarding the possibility of being allocated one additional seat on the Transition Committee.

Cr. P. R. W. Frew and Ald. J. Alexander wished to be recorded against this recommendation.

807

**REPORT OF THE BUILDING CONTROL DEPARTMENT**

The Report of the Building Control Department for the period 1<sup>st</sup> to 31<sup>st</sup> October, 2008 had been previously circulated to Members.

1. **Building Regulations and Related Functions**

Mr. M. Watterson drew attention to the statistical information contained in the Report.

**Noted.**

2. **Road/Street Naming and Postal Numbering**

**Irish Street Name Request**

**(Min. No. 650 - Environmental Services Cttee. - 9/08)**

Mr. Watterson reported that, at the Environmental Services Committee Meeting held on 15<sup>th</sup> September 2008, Members had been reminded that the legal opinion on Council's position had been circulated for comment.

Following Members' request, the legal opinion had been again circulated on 13<sup>th</sup> October 2008 and, to date, no written responses had been received. In the absence of any further relevant considerations, Mr. Watterson advised that it was his intention to move to formation of a policy incorporating the advice given in the legal opinion.

Cr. Mrs. D. Nelson asked if it would be possible to have the legal opinion provided in a language which would be clearer to those not associated with the legal profession. She questioned if this policy would be included in the draft corporate strategy.

Mr. Watterson advised that there was no requirement to include this in the corporate strategy document. Cr. Mrs. D. Nelson indicated that, if possible, she would prefer to defer this issue until the new Chief Executive commenced.

In response to Ald. R. Gillespie's request for clarification of the legal opinion, Mr. Watterson explained that, under the Miscellaneous Provisions Order, there was a requirement to consider any requests for street naming to be in a language other than English and what should be considered by Council in making its decision. The appropriate section of the Miscellaneous Provisions Order had been included in the brief to the Q.C. of which Members had had sight. Council's present policy on street naming did not include erection of street names in any other language.

Cr. P. R. W. Frew advised that the D.U.P. would issue a full response to Mr. Watterson on this issue prior to the December Monthly Meeting.

Cr. R. Stirling referred to a section of the legal opinion which appeared to conclude that the cost to Council would be modest, however, he advised that the supposition was that residents within the Ballymena area would not seek street names to be erected in Ulster Scots. He felt that this was inaccurate and would anticipate that it was likely that requests would be received for street names to be erected in the Ulster Scots language. As such he presumed that this would necessitate an economic appraisal given the likely costs involved.

Mr. Watterson asked Cr. Stirling to submit the comments in writing to him and he would convey these to the Q.C. for response. He advised that he could only deal in fact and only two requests for street names to be erected in another language had been received. No decisions could be made relating to costs associated with future requests as these would have to be measured against Council's complete expenditure and be proportionately judged.

Cr. Ms. M. Digney asked that this matter be progressed as one of the requests had been received over two years ago.

To avoid further costs related to legal opinion, Cr. J. Currie asked Mr. Watterson to formulate a revised policy on the basis of the legal opinion received and present same to a future appropriate Meeting to be carefully considered.

On the proposal of Cr. J. Currie, seconded by Cr. R. Stirling it was

**Recommended:** That a revised policy be formulated incorporating the advice provided in the legal opinion and brought back to a future appropriate Meeting for consideration.

4. **Entertainment Licences**

Members noted the Entertainment Licence applications listed in the Report.

## 5. Correspondence for Noting

### 5.1 Application for Liquor Licences

The Application as listed in the Report was tabled and noted.

### 5.2 The Private Streets (Northern Ireland) Order 1980

Development at Craignamaddy Heights, Cargan, Stage 1 – Adoption of Streets.

Development at Craignamaddy Heights, Cargan, Stage 2 – Adoption of Streets.

Cr. Ms. M. Digney welcomed the adoption of these streets.

**Noted.**

Ald. R. Gillespie wished to be recorded against any matter included within the Building Control Report not in keeping with observance of the Lord's Day.

**Recommended:**

That

(a) the Report of the Building Control Department for the period 1<sup>st</sup> to 31<sup>st</sup> October, 2008 be approved and adopted, and

(b) the relevant Schedules for the period 1<sup>st</sup> to 31<sup>st</sup> October, 2008 be adopted.

808

## **N.I.H.E. CORPORATE AND BUSINESS PLANS FOR 2008/2009 - 2010/2011** (Min. No. 751(e) - Monthly Meeting - 11/08)

Referred from November Monthly Meeting.

It was noted that a letter from N.I.H.E. together with outline topic list for Corporate and Business Plans 2009 onwards had been previously circulated to Members at the November Monthly Meeting.

**Tabled and previously circulated:** Corporate Plan Summary 2008-2011 - (*Full plan accessible on [www.nihe.gov.uk/index/sp\\_home/plans/corporate\\_plans.htm](http://www.nihe.gov.uk/index/sp_home/plans/corporate_plans.htm)*). Council's comments, if any, requested by 26<sup>th</sup> November, 2008.

It was agreed that no comments would be made.

806

## **REVIEW OF PUBLIC ADMINISTRATION** **ESTABLISHMENT OF TRANSITION COMMITTEE** (Contd.) (Min. No. 798 - Special Meeting - 13/11/08)

Mr. M. Watterson reminded Members that it had been agreed at the Special Meeting of Council held on 13<sup>th</sup> November, 2008 that the composition of the Transition Committee based on the 5-member model should be on the prescription of the following -

2 D.U.P.

1 U.U.C.P.  
1 U.U.P.  
1 S.D.L.P.

As a point of information, Mr. Watterson informed Members that Larne Borough Council, in nominating to the committee, had included a Member from each Party, however, there was one T.U.V. Member and two Independents on the Council and those three Members had come together and nominated one of the Independent Members to be represented on the committee.

Nominations were received as follows -

<u>Nominee</u>	<u>Proposer</u>	<u>Seconder</u>
Cr. M. T. Mills	Cr. P. R. W. Frew	Ald. S. J. Hanna
Cr. T. Nicholl	Cr. P. R. W. Frew	Ald. S. J. Hanna
Cr. J. Currie	Ald. W. R. McNeilly	Cr. R. J. Cherry
Ald. J. Alexander	Cr. S. Gaston	Ald. R. Gillespie
Ald. P. J. McAvoy	Cr. D. O'Loan	Cr. Mrs. D. Nelson

It was therefore

Recommended: That this Council's representatives on the Transition Committee be as follows -

Cr. M. T. Mills - D.U.P.  
Cr. T. Nicholl - D.U.P.  
Ald. J. Alexander - U.U.C.P.  
Cr. J. Currie - U.U.P.  
Ald. P. J. McAvoy - S.D.L.P.

It was noted that executive powers had been granted to this Committee to proceed to process this matter.

80

**FLOODING INCIDENT DURING SUMMER** (Additional Item)  
(Min. No. 605 - Monthly Meeting - 9/08)

Mr. M. Watterson advised that Cr. D. O'Loan had recently sought an update on progress with regard to assessing management of the flooding incident which had occurred in August, 2008 and consideration of issues arising therefrom. He stated that it was the intention of Officers to endeavour to meet over the next two/three weeks with other agencies involved during the flooding incident to ascertain what could be learned from the experience and what action required to be taken to ease the situation for those affected should it recur in the future.

Cr. D. O'Loan welcomed this approach.

Noted.

**CORRESPONDENCE**

81

(a) Correspondence for Noting - See Appendix. See also additional item highlighted under (b).

Vacant School - Larne Road, Ballymena  
(Min. No. 646 - Environmental Services Cttee. - 9/08)

Letter from Monsignor Connolly apologising for the delay in replying to Council's letter of 7<sup>th</sup> October regarding above. He advised that the former St. Mary's Primary School building was almost demolished and, at the time of Council's letter, it had been at a stage when it would have been difficult to restore. He states that it was a pity that the opportunity for use was missed, however, the P.S.N.I. and Fire Authority had been pushing for demolition due to ongoing vandalism and fires.

Cr. M. Clarke advised that the former Headmaster of St. Mary's Primary School had been very keen for the building to be utilised in the community. Cr. Clarke pointed out that the school had now been completely demolished and he was extremely critical and disappointed that this action had been taken rather than endeavours made to use the building for community purposes.

Mr. Watterson understood Cr. Clarke's disappointment, however, as the building had now been demolished, nothing further could be done.

#### Translink - Ballymena to Coleraine Track

Letter dated 12<sup>th</sup> November, 2008 from Translink providing an update on the significant engineering work to extend the life of the track between Ballymena and Coleraine - Circulated.

Cr. Mrs. E. Adger asked that Council writes to Translink requesting that it upgrade the Station as she felt that it was in an unsightly condition. She believed it did not portray a good image to those visiting the town and would not encourage people to use the railway system.

Ald. S. J. Hanna concurred with Cr. Mrs. Adger's view. He also pointed out that he had been informed of an incident where the toilets had been locked and a member of the public had had to obtain a key from the office prior to being able to use the toilets. He felt that this was most unsatisfactory.

Ald. R. Gillespie advised that contractors were currently working at the Station and he was of the understanding that a considerable amount of money was being spent.

Ald. J. Alexander advised that he had attended a recent meeting of the Northern Corridor Railways Group and a commitment had been given that Ballymena Station would be one of the first in the Province to obtain an upgrade. He also pointed out that car parking was a problem at the Station. He drew attention to a green area to the rear of Princes Street which he felt may be able to be utilised as car parking for the Station.

Mr. Watterson suggested that all issues raised could be submitted to Translink but also representatives could be invited to a future Meeting to address Council and advise of Translink's plans for the station.

Agreed.

#### (b) Proposed Waiting Restrictions - Sand Road, Galgorm (Min. No. 583(a) - Public Sector Liaison Cttee. - 8/08)

Tabled: Letter dated 29<sup>th</sup> October, 2008 from Roads Service advising that work had now been completed on the new pedestrian crossing at Galgorm. Although alterations to the layby in front of the Spar had provided for easier parking arrangements, some motorists were choosing to park on Sand Road on the immediate exit from Galgorm roundabout. Visibility when exiting this roundabout into Sand Road was somewhat restricted so any parking at this location was considered to be a road safety issue. It was therefore proposed to introduce

double yellow lines on Sand Road from the roundabout to the entrance into Maine Park (both sides of Sand Road). A site plan was enclosed and Council's comments were requested by 28<sup>th</sup> November, 2008 - plan circulated.

Ald. J. Alexander advised that he would be opposed to introducing double yellow lines on the west side of Sand Road (the side nearer to Maine Park). He pointed out that quite a number of elderly people used the road on which to park to access the Post Office. He suggested that Roads Service should be asked to provide a lay-by with two disabled parking spaces on the west side of the Sand Road, which could also be used by buses.

Cr. M. T. Mills mainly agreed with Ald. Alexander's suggestion although felt that Roads Service should be measured in its approach.

It was agreed to write to Roads Service along the lines suggested by Ald. Alexander.

#### Additional Items

(c) 70% Seminar - Stormont Hotel, Belfast - 20<sup>th</sup> November, 2008

Tabled: Seminar being organised by Bryson Group on the benefits of a 70% recycling target for Northern Ireland - Programme circulated.

It was noted that there was no Seminar fee. It was agreed that the following Members would attend -

Ald. H. Nicholl  
Ald. J. Alexander  
Cr. J. Currie (if available).

(d) N.I.L.G.A. Seminar - Initiating Change - Building Strong Local Government  
28<sup>th</sup> November, 2008 - Glenavon Hotel, Cookstown

Tabled: Letter dated 28<sup>th</sup> October, 2008 from N.I.L.G.A. advising that it had decided to open the full N.I.L.G.A. meeting to every Councillor and Chief Executive or Senior Manager from each Council. The purpose of the above Seminar was to provide information regarding the proposals for implementing R.P.A. - no Seminar fee.

Ald. J. Alexander, Ald. H. Nicholl and Ald. S. J. Hanna indicated their intention to attend the Seminar.

#### TABLED QUESTIONS

No Tabled Questions had been received, however, the following spontaneous queries were raised -

- (a) Cr. Mrs. D. Nelson referred to a section of footpath on the Galgorm Road between Grange Road and Cambridge Avenue where there was undeveloped land adjacent to the footpath and overhanging branches required to be trimmed.

It was agreed to write to Roads Service accordingly.

- (b) Ald. J. Alexander asked that dog fouling bins be provided at Sentry Hill and Tullygarley Road. Cr. J. E. N. Armstrong drew attention to dog fouling on the Old Cullybackey Road.

Mrs. N. McCall agreed to take these comments back to the Department.

## **REPORT OF THE ENVIRONMENTAL HEALTH DEPARTMENT**

The Report of the Environmental Health Department for the month of October, 2008 had been previously circulated to Members.

### **1. Health and Safety**

#### **1.1 Health and Safety Service Audit**

Mrs. N. McCall drew attention to the Report which detailed findings of an audit of the Department's health and safety regulatory service conducted on 16<sup>th</sup> July, 2008 by auditors from Northern Group Systems.

Council noted the findings of the health and safety service audit and, in particular, the excellent scoring achieved in both the essential elements and good practice elements of the assessment framework.

#### **1.2 Firework Safety Campaign 2008**

It was reported that, during the month of October, the Department had taken part in a Firework Safety Roadshow which had been jointly coordinated with the P.S.N.I. and the N.I. Fire and Rescue Service. The aim of the Roadshow had been to reduce injuries relating to fireworks during the five weeks across the Halloween 2008 period.

Approximately 1800 post primary school pupils had attended the seminars and appeared to listen to the commonsense firework safety message. Positive feedback had also been received from school teachers involved. The Environmental Health Department was very pleased with the clear success of this concerted campaign and would expect that the success would encourage other agencies to be more involved with future initiatives.

Ald. J. Alexander congratulated all staff involved.

### **Noted.**

### **2. Food**

#### **2.1 Eat Safe Award Presentations**

It was reported that, in September, 2008, another two premises had attained the Eat Safe Award for excellence in food hygiene. The award winners had been -

Moby Chip, Cullybackey  
Dunclug Primary School, Ballymena

It was noted that this brought the total to 34 of those premises in the Borough achieving the Eat Safe Award.

### **3. Licensing**

#### **3.1 Renewal of Society's Lottery**



**Recommended:** That a Renewal of a Society's Lottery be issued to the organisation listed in the Report.

### 3.2 Applications for Temporary Street Trading Licences

Due to the fact that the application related to the Christmas Switch-On event and the short turn-around, licences had already been issued.

**Recommended:** That retrospective approval be granted to the issuing of temporary Street Trading Licences to the persons listed in the Report.

## 4. Environmental Health - General

### 4.1 Best Kept Bonfire Competition Results 2008

Mrs. N. McCall reported that judging of Ballymena Borough Council's annual Best Kept Bonfire Competition for traditional bonfire sites had been completed in September. This year's competition had been very successful and Council had been pleased to see a continued reduction in the number of tyres burnt and the strict control of the organisers over the nature of the other materials used on many sites this year.

Five sites within the Borough had been selected to receive awards this year, i.e. Ahoghill, Ballee, Ballykeel II, Broughshane and Doury Road. Broughshane had attained first place with Ahoghill, Ballee and Ballykeel II being awarded joint second. Best improved site had been awarded to the Doury Road. The Environmental Health Department wished to take the opportunity to congratulate all sites involved on the success of festival events which had been held in conjunction with their bonfires and to thank both the community representatives and bonfire organisers whose efforts and cooperation were much appreciated.

Cr. P. R. W. Frew congratulated all those involved, especially with regard to the Broughshane site where there had been a tremendous effort made. He believed that Council should encourage this progress and assist Mrs. McCall in any way possible in her efforts to try to have further improvements in the Borough next year.

Ald. R. Gillespie also congratulated all those involved and, in particular, Ahoghill for adding to the other awards which the village had attained this year. He believed the village was progressing from strength to strength. He expressed thanks to Council staff and especially Mr. N. Devine, Borough Warden, and also wished to thank other agencies involved with the bonfires, e.g. Roads Service, N.I. Fire and Rescue Service, etc.

Cr. Mrs. E. Adger concurred with the congratulatory remarks made and referred specifically to Ballee and Ballykeel II. Cr. Mrs. D. Nelson supported Cr. Mrs. Adger's comments. She was pleased that one committee had been formed and hoped that it would grow in strength.

## 5. Waste

### 5.1 arc21 Supplemental Agreement

It was reported that, at the arc21 Joint Committee Meeting held on 30<sup>th</sup> October, 2008, a report on the arc21 Joint Committee Supplemental Agreement had been approved. It was a condition that such matters be referred back to the constituent Councils for their agreement.

It had recently been deemed necessary to review and supplement the Collaboration

Agreement under which arc21 had been established, in order to assure the waste sector of the cohesion of the Group and the robustness of the commitment of constituent Councils in the run up to the Residual Waste tender. The Supplemental Agreement was attached as Appendix I to the Environmental Health Report and it was

**Recommended:** That Council approves the Supplemental Agreement to the Collaboration Agreement.

## 5.2 arc21 Organic Waste Treatment Service Contract

Mrs. McCall reported that, at the arc21 Joint Committee Meeting held on 9<sup>th</sup> October, 2008, a report seeking to award the Organic Waste Treatment Service contract to New World Products (N.W.P.) had been approved. It was a condition that such matters be referred back to the constituent Councils for their agreement. This contract was for the processing of brown bin garden waste and green waste collected at Civic Amenity Sites (type 1), together with food waste (type 2).

At present, this Council had arrangements for treatment of brown bin garden waste and green waste from the Civic Amenity Site (type 1) with Greenacre in Crumlin until the end of March, 2009. It was recommended that Council endorses the arc21 decision to award the contract to New World Products, however, the Environmental Health Report highlighted a number of contractual issues which had been identified in the September 2006 Organic Waste Treatment Service Contract Tender Report and were revisited for clarity. Mrs. McCall advised that copies of the Tender Report were available should any Member wish to peruse same.

The price for type 1 material was £35.64 and the type 2 price was £45.81. The contract allowed up to 2 years for arc21 to achieve planning permission on all three sites and then required the contractor to have completed construction of all new facilities in their bid by the end of 18 months from the granting of the last of the 3 arc21 planning permissions. Once the start-up period had ended and the service adjustment date had been reached, the contractual commitment on Councils was to supply all their source segregated organic waste to the contract with a minimum commitment of 80% of the Council figure in the contract.

Ballymena Borough Council would be able to make use of the contract on 1<sup>st</sup> April, 2009, when the current contract with Greenacre was terminated.

It was

**Recommended:** That Council endorses the decision of arc21 to award the Organic Waste Treatment Service contract to New World Products (N.W.P.).

## 5.3 arc21 Residual Waste Project - Official Journal of European Union - General Procurement Process

Prior to the release of tender documents for the procurement of new waste treatment facilities for residual waste, a number of measures were required in order to ensure that the project was being conducted in line with best practice. At the arc21 Joint Committee Meeting held on 4<sup>th</sup> September, 2008, an update on the Residual Waste Project had been presented for approval, together with a copy of the Official Journal of European Union Notice.

Mrs. McCall informed Members that arc21 had approved the requisite documents and these had been published during September in both the Official Journal and in the local press. The

evaluation of the pre-qualification questionnaire response would take place during November, following which the next stage of the procurement process would involve the issuing of invitations to submit outline solutions.

**Recommended:**

That Council approves the publication of the project in the Official Journal of the European Union.

#### 5.4 arc21 Residual Waste Project - Stakeholder Engagement

At the arc21 Joint Committee Meeting held on 30<sup>th</sup> October, 2008, a report had been approved which had appraised Members on stakeholder engagement/communication issues and sought the Joint Committee's endorsement of the establishment of a small pool of Members to act as arc21 spokespersons in appropriate circumstances.

In view of the escalating coverage in respect of the current position, it had been considered prudent to establish, as a matter of priority, a small pool of Joint Committee Members who could act as formal representatives for arc21 in media interviews. Accordingly and, in conjunction with the Chairman and Deputy Chairman, five Members had been approached and had indicated their willingness to serve on the pool, one of which had been Ald. H. Nicholl. Arrangements were being made to provide media training to pool Members.

**Recommended:** That Council endorses the establishment of a small pool of Joint Committee Members who could act as formal representatives for arc21 in media interviews, as agreed by the arc21 Joint Committee.

#### 5.5 arc21 Resource Assessment - Organisation Review Report

At the Joint Committee Meeting held on 9<sup>th</sup> October, 2008, a report had been approved on the review and resource assessment within arc21 following the recommendation made in the Gateway Review 2, to ensure that arc21 remained fit for purpose in relation to the Residual Waste Project.

Mrs. McCall explained that the Capacity Review Report had recommended that additional staff were required to be recruited as a matter of priority to support the project.

**Recommended:** That Council approves and adopts the recommendations contained within the capacity review and resource assessment report as approved by the arc21 Joint Committee.

#### 5.6 arc21 Joint Committee Standing Orders - Amendment

It was reported that, at the arc21 Joint Committee Meeting held on 4<sup>th</sup> September, 2008, a report seeking approval to amend the Joint Committee Standing Orders to appoint substitute members had been approved. The Environmental Health Report contained a copy of the amendment to the Standing Orders.

Mrs. N. McCall explained that a substitute member would only be eligible to vote when the main member was absent.

It was

**Recommended:**

That Council approves the amendment to the arc21 Joint Committee Standing Orders to appoint substitute members.

6. **Staffing**6.1 **Authorisation of Officers**

Mrs. N. McCall advised that it had become necessary to update authorisation of Officers, as detailed in Appendix III of the Environmental Health Report, due to changes in legislation and staffing within the Department.

**Noted and Agreed.**7. **Correspondence for Noting**

The following correspondence was tabled -

- Minutes of arc21 Joint Committee Meetings held in Down District Council and Larne Borough Council offices respectively on 4<sup>th</sup> September and 9<sup>th</sup> October, 2008 (copies available in Members' Room).

81:

**RESERVED MATTERS**

On the proposal of Ald. S. J. Hanna, seconded by Ald. H. Nicholl it was

**Recommended:**

That the Committee goes into "Reserved Matters".

In accordance with Council policy, Members of the press were not in attendance for this section of the Meeting.

81:

**REPORT OF THE ENVIRONMENTAL HEALTH DEPARTMENT  
FOR THE MONTH OF OCTOBER, 2008 (Contd.)****Planning Consultation - G/2007/1168/F**

**Closure and restoration of Ballymacvea Landfill Site (to include retention and completion of leachate treatment system, gas extraction system, gas flare, monitoring infrastructure and site office) at Island Road, Kells for Ballymena Borough Council**

**Tabled and circulated:** Report prepared by Environmental Health Department advising that Council and the individual Department had received separate consultation requests from Planning Service in relation to the above application.

Mrs. N. McCall advised that a draft response, prepared by the Environmental Health Department, was attached as Appendix IV to the Report, and it was recommended that Council notes this considered response to Planning Service by the Department and considers submitting a similar response.

On the proposal of Cr. D. O'Loan, seconded by Ald. J. Alexander it was

**Recommended:**

That Council endorses the response prepared by the Environmental Health Department as outlined in Appendix IV of the Report.

It was further

**Recommended:**

That the Report of the Environmental Health Department for the month of October, 2008 be approved and adopted.

The Meeting terminated at 9.25 p.m.

Confirmed this 1<sup>st</sup> day of DECEMBER, 2008

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Acting Town Clerk  
and Chief Executive



**BALLYMENA BOROUGH COUNCIL****MINUTES OF MONTHLY MEETING OF COUNCIL****Held on Monday, 1<sup>st</sup> December, 2008 at 7.30 p.m.****In the Committee Room, "Ardeevin", 80 Galgorm Road, Ballymena****In the Chair:**

Cr. M. T. Mills

**Present:**

Ald. J. Alexander  
 R. Gillespie  
 S. J. Hanna  
 P. J. McAvoy  
 W. R. McNeilly  
 H. Nicholl

Crs. Mrs. E. Adger  
 J. E. N. Armstrong  
 J. Carson  
 R. J. Cherry, M.B.E.  
 M. Clarke  
 J. Currie, M.B.E., B.Ed.(Hons.), S.D.A.  
 Ms. M. Digney  
 P. R.W. Frew (from 7.50 p.m.)  
 J. Henry  
 J. McKernan  
 T. Nicholl, M.B.E.  
 D. O'Loan, M.L.A.  
 D. A. Tweed (to 8.25 p.m.)

**In Attendance:**

Mr. R. McBride,  
 Acting Town Clerk & Chief Executive;  
 Mrs. A. Donaghy,  
 Incoming Town Clerk and Chief Executive;  
 Miss R. Spence,  
 Lead Committee Administrator.

**Press:**

One representative of the Press was in attendance to  
 9.27 p.m.

**NOTICE OF MEETING**

857

The Notice of Meeting was read.

**WELCOME**

858

The Mayor welcomed Mrs. A. Donaghy to the Meeting and advised that she would be commencing employment as Council's new Chief Executive on 5<sup>th</sup> January, 2009.

Mrs. Donaghy thanked the Mayor for his kind words of welcome and advised that she was looking forward to taking up post and working with elected Members and staff to forward the



priorities of Ballymena.

859

### APOLOGIES

An apology was received from Cr. R. Stirling and also from Cr. P. R. W. Frew, who would be late.

860

### DECLARATIONS OF INTEREST

Members and Officers were invited to declare any pecuniary and non-pecuniary interests, including gifts and hospitality, which they may have in respect of items on this Agenda.

No declarations were forthcoming.

Noted.

861

### ACCOUNTS

The Accounts for the month were presented.

On the proposal of Ald. P. J. McAvoy, seconded by Cr. J. Henry, it was

Resolved: That the following payments be approved.

General Revenue	- Wages	£248,477.22
	- Salaries	487,405.42
	- Suppliers	1,192,986.71
Short-term Loans	-	1,000,000.00
Long-term Loans	-	-
Northern Group Systems	- Salaries	117,491.04
	- Suppliers	38,250.20
Group Building Control -	Salaries	21,055.41
	- Suppliers	9,285.88
<b>Total</b>		<b>£3,114,951.88</b>

862

### GRAVE TRANSFERS

Tabled and circulated: Details of Grave Transfers.

Noted.

**MINUTES OF COUNCIL MEETINGS**

- (a) The Minutes of the Monthly Meeting of Council held on Monday, 3<sup>rd</sup> November, 2008 having been previously circulated to each Member, were taken as read and confirmed on the proposal of Cr. M. T. Mills, seconded by Ald. S. J. Hanna with the following comments -

Page 9 - Minute No. 751(g) - Regional Development Strategy

Cr. T. Nicholl referred to the sub-regional workshop which had been due to be held on 13<sup>th</sup> November, and pointed out that he had not been informed of a venue. He questioned if this meeting had taken place.

Mr. R. McBride agreed to provide those interested Members with an update.

Page 19 - Minute No. 753(e) - Anti-Social Behaviour

Cr. Mrs. E. Adger advised that she had drew attention to anti-social behaviour taking place on waste ground at Knockeen Crescent, Ballykeel and she sought an update on action taken.

Mr. McBride agreed to provide an update at the December Development and Leisure Services Committee Meeting.

On the proposal of Cr. M. T. Mills, seconded by Ald. S. J. Hanna, it was

**Resolved:** That the Monthly Meeting of Council held on 3<sup>rd</sup> November, 2008, incorporating the above comments, be confirmed and adopted.

- (b) The Minutes of a Special Meeting of Council held on Thursday, 13<sup>th</sup> November, 2008 having been previously circulated to each Member, were taken as read and confirmed on the proposal of Cr. M. T. Mills, seconded by Cr. Mrs. E. Adger.

On the proposal of Cr. M. T. Mills, seconded by Cr. Mrs. E. Adger, it was

**Resolved:** That the Special Meeting of Council held on 13<sup>th</sup> November, 2008, be confirmed and adopted.

**REPORTS OF COMMITTEES**

The Reports of the following Committees, having been previously circulated to each Member, were taken as read and confirmed -

- (a) Public Sector Liaison Committee Meeting held on 6<sup>th</sup> November, 2008 on the proposal of Ald. P. J. McAvoy, seconded by Ald. W. R. McNeilly.

On the proposal of Ald. P. J. McAvoy, seconded by Ald. W. R. McNeilly, it was

**Resolved:** That the Public Sector Liaison Committee Meeting held on 6<sup>th</sup> November, 2008 be approved and adopted.

- (b) Development and Leisure Services Committee Meeting held on 10<sup>th</sup> November, 2008 on the proposal of Cr. R. J. Cherry, seconded by Ald. H. Nicholl with the following comments -

Page 4 - Minute No. 782 - Projects Update

Ald. P. J. McAvoy referred to the issue of Dunclogh Play Area and pointed out that a very successful meeting had taken place in the Des Allen Suite, Showgrounds, including representatives from the community group with a satisfactory outcome. Mr. McBride advised that he intended to report on progress at the December Meeting of the Development and Leisure Services Committee.

Page 5 - Minute No. 783 - I.F.A. Ground Criteria Report - Request for Funding

Ald. R. Gillespie advised that he had been approached by some Ahoghill footballers who had asked if they would be eligible to apply for this Intermediate Ground Improvement Programme funding which had been developed by the I.F.A.

Mr. McBride agreed to bring details to the December Development and Leisure Services Committee Meeting for clarification.

Page 6 - Minute No. 788(i) - Harryville Community Centre

Cr. Mrs. E. Adger expressed thanks to Officers for the removal of items from the Community Centre which had been there since the flooding incident.

Page 6 - Minute No. 788(ii) - C.C.T.V. Cameras at Galgorm

Cr. J. Carson advised that there had been another incident of vandalism at the weekend at Galgorm and, whilst he realised this was in the hands of the P.S.N.I., he re-emphasised the need for additional C.C.T.V. cameras to be erected in the area.

On the proposal of Cr. R. J. Cherry, seconded by Ald. H. Nicholl, it was

**Resolved:** That the Development and Leisure Services Committee Meeting held on 10<sup>th</sup> November, 2008, incorporating the above comments, be approved and adopted.

- (c) Environmental Services Committee Meeting held on 17<sup>th</sup> November, 2008 on the proposal of Cr. J. E. N. Armstrong, seconded by Cr. R. J. Cherry.

On the proposal of Cr. J. E. N. Armstrong, seconded by Cr. R. J. Cherry, it was

**Resolved:** That the Environmental Services Committee Meeting held on 17<sup>th</sup> November, 2008, be approved and adopted.

- (d) Special Meeting of Public Sector Liaison Committee held on 18<sup>th</sup> November, 2008 on the proposal of Ald. P. J. McAvoy, seconded by Cr. J. McKernan with the following amendment/comments -

Page 1 - Minute No. 815 - Apologies

Cr. Mrs. E. Adger asked that her name be added to the list of apologies.

Page 6 - Minute No. 818(4) - Area Plan

The Mayor referred to comments which he had made at the above Meeting regarding the delay in the draft Area Plan and the implications for Ballymena. He sought clarification of the impediments currently being encountered in relation to the Area Plan process and what action was being taken to resolve these problems. He also questioned if Planning Service was now operating within an open timeframe and when it was likely that the process would be back on course in order to expedite objectives. He asked that Council Officers pursue this

issue and report back.

Mr. R. McBride advised that no notification had yet been received regarding recommencement of the process and he suggested writing to Planning Service to seek an update.

**Agreed.**

On the proposal of Ald. P. J. McAvoy, seconded by Cr. Mrs. E. Adger, it was

**Resolved:** That the Special Meeting of the Public Sector Liaison Committee Meeting held on 18<sup>th</sup> November, 2008, incorporating the above amendment/comments, be approved and adopted.

- (e) Cultural Services Committee Meeting held on 19<sup>th</sup> November, 2008 on the proposal of Cr. Mrs. E. Adger, seconded by Ald. S. J. Hanna.

On the proposal of Cr. Mrs. E. Adger, seconded by Ald. S. J. Hanna, it was

**Resolved:** That the Cultural Services Committee Meeting held on 19<sup>th</sup> November, 2008, be approved and adopted.

The following Report was circulated tonight -

- (f) Finance, Estate & I.C.T. Committee Meeting held on 24<sup>th</sup> November, 2008 on the proposal of Cr. T. Nicholl, seconded by Cr. J. Carson.

On the proposal of Cr. T. Nicholl, seconded by Cr. Mrs. E. Adger, it was

**Resolved:** That the Finance, Estate & I.C.T. Committee Meeting held on 24<sup>th</sup> November, 2008, be approved and adopted.

**BUSINESS ARISING OUT OF FOREGOING AND PREVIOUS MINUTES**

865

- (a) Review of Public Administration  
(Min. No. 806 - Environmental Services Cttee. - 11/08)

Mr. R. McBride advised that the Chief Executives of the three partner Councils would be meeting next week in relation to the above and he would inform Members at the earliest convenience as to when the first meeting of the newly formed Transition Committee would take place.

Noted.

- (b) Social Security Agency - Strategic Business Review - Launch of Public Consultation  
(Additional Item)  
(Min. No. 713(a)(ii)(j) - Monthly Meeting - 10/07)

Tabled: Letter dated 27<sup>th</sup> November, 2008 from Social Security Agency advising that a number of change options for a new service delivery model had been subjected to an economic appraisal in order to identify a preferred option and the Agency was now proceeding to public consultation on the preferred option. Council's comments requested by 29<sup>th</sup> January, 2009. Details circulated.

Mr. R. McBride agreed that a draft response would be prepared and brought to a future Meeting of Council for approval.

- (c) Publication of Draft PPS21 'Sustainable Development in the Countryside'  
(Additional Item)  
(Min. No. 112(h) - Monthly Meeting - 2/08)

Tabled: Letter dated 26<sup>th</sup> November, 2008 from Chief Executive, Planning Service, advising of the launch of the new rural planning policy which would replace the more restrictive draft PPS14. Deferred applications would now be reassessed under draft PPS21 and returned to Council at the earliest opportunity. The letter outlined how the reassessment would be handled. New applications being submitted and those currently being processed would be subject to the provision of draft PPS21 and an opinion would be presented to Council in the normal manner. Consultation document available on [www.planningni.gov.uk](http://www.planningni.gov.uk) and the consultation period would end 31<sup>st</sup> March, 2009. Letter; Explanation of policy differences between draft PPS21 and draft PPS14; together with a series of Questions and Answers about the handling of applications - Circulated.

Mr. R. McBride suggested that a workshop be held with a view to preparing a response from Council to the consultation.

Agreed.

**COUNCIL MEETINGS/COMMITTEES/SUB-COMMITTEES**

86

**(a) Revised Schedule of Meetings for December, 2008**

Tabled and previously circulated: Revised Schedule of Meetings for December, 2008.

Noted.

**(b) Schedule of Meetings for January, 2009**

Tabled and previously circulated: Schedule of Meetings for January, 2009.

It was noted that the following additional Meeting should be added to the above Schedule -

*Community Development Sub-Committee Meeting to be held on 20<sup>th</sup> January, 2009 at 4.30 p.m. in the Committee Room.*

Noted.

**(c) Health Matters Sub-Committee Meeting held on 12<sup>th</sup> November, 2008**

Tabled and previously circulated: Health Matters Sub-Committee Meeting held on 12<sup>th</sup> November, 2008.

Mr. R. McBride advised that it was intended to prepare a response to Consultation document "The Future of Health and Social Care Services in the Northern Trust - Modernising Health and Social Care Services, from the comments made by Members at the Sub-Committee Meeting. He advised that the response had to be submitted prior to 19<sup>th</sup> December, 2008 and he asked if any Members had any specific or additional comments they wished to be included in Council's response.

It was agreed that the comments made by Members at the Sub-Committee Meeting should form the basis of Council's response to the consultation.

On the proposal of Ald. H. Nicholl, seconded Ald. S. J. Hanna it was

**Resolved:** That the Minutes of the Health Matters Sub-Committee Meeting held on 12<sup>th</sup> November, 2008, incorporating the above comments, be approved and adopted - See Appendix I.

Cr. J. Currie apologised that he had been unable to attend the above Sub-Committee Meeting. He referred to an issue which he had raised at the November Development and Leisure Committee Meeting regarding the Pharmaceutical Society of N.I. whose Members felt they were being treated differently from their counterparts in the rest of the U.K. He drew attention to a Court date which had been set for January, 2009 and asked that Council writes to the Minister for Health regarding this issue requesting that efforts be made to resolve it without the need to go to Court.

Mr. McBride advised that a paper was currently being prepared to be brought to the December Meeting of the Personnel, Policy & Operational Services Committee Meeting in order that Council could make an informed decision as to how it wished to proceed with this matter.

Cr. J. Currie accepted this course of action, however, emphasised the urgency of the matter, given that the Court date was set for January, 2009.

867

### N.I.L.G.A. ISSUES

(a) New Contact Details

Details of N.I.L.G.A.'s new address -

Unit 5B, Castlereagh Business Park, 478 Castlereagh Road, Belfast, BT5 6QA.

Noted.

(b) Northern Ireland Local Government Awards

Tabled and previously circulated: Press Release dated 20<sup>th</sup> November, 2008 entitled Northern Ireland Local Government Awards - 90 Entries in the First Year.

Noted.

### CORRESPONDENCE

The following correspondence was tabled and noted -

- (a) (i) Consultative Correspondence - See Appendix II. See also additional items highlighted under 2.10 and 2.11.
- (ii) Correspondence for Noting - See Appendix III. See also additional items highlighted under (k) to (n).

#### Romanian Population in Ballymena

Letter dated 24<sup>th</sup> November, 2008 from the Ambassador of the Embassy of Romania advising that Romania had held Parliamentary Elections on 30<sup>th</sup> November and a polling station had been set up at 4 Broughshane Road, Ballymena for those Romanian citizens living in Ballymena to vote in the Elections. The Ambassador expressed sincere appreciation for the kind and valuable co-operation which the Romanians living in Ballymena had received from the Mayor and Council.

Cr. J. E. N. Armstrong spoke in support of this process and felt that people from other Eastern European countries, currently resident in the Borough, should be encouraged in this respect.

Mr. McBride suggested that Council's Community Relations Unit could investigate the size of populations of those residing in the Borough from the various Eastern European countries and report back to Council.

The Deputy Mayor supported Cr. Armstrong's comments and felt that the Romanian community had been very proactive in this respect. He was of the understanding that the percentage turnout for the Election had been greater than the average percentage turnout in Romania.

- (b) Letter dated 31<sup>st</sup> October, 2008 from the Food Standards Agency and D.A.R.D., giving details of a **Consultation on Changes to B.S.E. Testing** which proposed to raise the minimum age for B.S.E. testing for cattle slaughtered for human consumption and fallen cattle to over 48 months, along with associated amendments to the Transmissible Spongiform Encephalopathies Regulations (N.I.) 2006. Responses were requested by 3<sup>rd</sup> December, 2008. Details circulated.

Cr. J. Currie felt that Council should welcome this proposal which he believed would be of great benefit to farmers and hoped that it would be implemented as soon as possible.

Ald. W. R. McNeilly also welcomed this change.

Agreed.

- (c) Letter dated 27<sup>th</sup> October, 2008 from the Department of Regional Development, Equality Unit giving **Advance Notice of Consultations and Policies Screened Out by the Department for Regional Development**. The letter advised that separate consultation documents would be issued, and invited Council to indicate if it would be interested in receiving any of these proposals - List circulated.
- (d) Letter dated 13<sup>th</sup> November, 2008 from Roads Service, Northern Division, advising that it proposed to reserve a **disabled parking space at 7 Granville Drive, Ballymena** and enclosing a plan detailing the proposed space. Comments, if any, to be forwarded to Roads Service. Plan circulated.

On the proposal of Cr. D. O'Loan, seconded by Cr. D. Tweed it was

Resolved: That Council approves the proposal to reserve an on-street disabled parking space outside no. 7 Granville Drive, Ballymena.

- (e) Letter dated 13<sup>th</sup> November, 2008 from the **Association of Municipal Authorities of Ireland** giving details of the A.M.A.I. Spring Seminar 2009, to be held on 13<sup>th</sup> and 14<sup>th</sup> February, 2009 at the Clanree Hotel, Letterkenny, Co. Donegal - Details circulated.

On the proposal of Ald. H. Nicholl, seconded by Ald. R. Gillespie it was

Resolved: That the correspondence be marked 'Noted'.

- (f) Letter dated 21<sup>st</sup> October, 2008 from British Medical Association N.I. advising that it had produced a joint paper with the Irish Medical Association "Care of Older People on the Island of Ireland". The B.M.A. also launched a policy document on **"Improving the Care of Older People in Northern Ireland"** which set out 11 recommendations on how care of older people could be improved to create better health outcomes which would enable them to maintain or recover an independent lifestyle. Council's support for these recommendations was requested - Summary of recommendations circulated.

Ald. H. Nicholl welcomed any recommendations to improve the care of older people in Northern Ireland, however, stressed that actions on the ground should be the main focus. As a member of the Carers' Association, Ald. Nicholl advised that one of the issues which he had highlighted at the last Health Matters Sub-Committee Meeting had been the need for more respite beds to enable carers to receive a break and he reiterated the importance of this service. He felt that Council should support the recommendations, with an emphasis on more respite beds being made available to support carers.



Cr. Ms. M. Digney fully supported Ald. Nicholl's comments.

Cr. J. E. N. Armstrong suggested inviting representatives from the B.M.A. (N.I.) to a future Health Matters Sub-Committee Meeting. Mr. McBride referred to a number of roadshows which were being organised to begin in early 2009 and he agreed to obtain details of same and circulate these to Members.

869

### **TABLED QUESTIONS**

No Tabled Questions had been received however, the following spontaneous queries were raised -

- (a) Ald. S. J. Hanna advised that Newtowncrommelin had not been accessible the previous morning due to the adverse weather conditions and residents had been unable to drive their cars. He explained the difficulties which he had encountered with Roads Service early in the morning when endeavouring to have the road to Newtowncrommelin and the village itself gritted. He indicated that this situation had also occurred last year. At 10.00 a.m., with the aid of an M.L.A., the road in Newtowncrommelin had been gritted, however, he was dissatisfied with the fact that these roads were not included on the gritting route and asked Council to write to Roads Service to urge it to reconsider including the roads given the increased development in the area. He pointed out that emergency services would not have been able to access Newtowncrommelin had there been an emergency.

Cr. D. O'Loan thanked Ald. Hanna for his exceptional efforts in this regard and agreed that Roads Service should be asked to undertake another traffic count, to include buses, and reconsider including these roads in the gritting schedule.

Cr. Ms. M. Digney strongly supported this suggestion.

#### **Agreed.**

- (b) Cr. D. O'Loan referred to the Task Group which had been formed to prepare a submission for Ballymena in relation to the relocation of public sector jobs and he sought an update on progress. He stressed the urgency of this matter.

Mr. McBride advised that Officers had drafted a brief to cover immediate work which required to be carried out and he indicated that it was now necessary to convene a meeting of the Task Group.

It was agreed that a meeting of the Economic Development Task Group be arranged for Thursday, 18<sup>th</sup> December, 2008 at 4.30 p.m. in the Ante Room, "Ardeevin".

- (c) In answer to Cr. D. O'Loan's query regarding Sentry Hill, Mr. R. McBride advised that he had spoken to a resident who lived in the vicinity of Sentry Hill and she had agreed to forward a letter outlining the concerns of some residents in the area. Mr. McBride stated that he had offered to facilitate a meeting with interested Councillors, residents and himself and the resident had been agreeable to this course of action. He advised that he would inform interested Members in due course of details of the meeting.
- (d) Ald. S. J. Hanna drew attention to the car park opposite K.F.C. and questioned why there was a chain blocking the entrance as this car park was useful on Saturdays, especially when the Saturday market was operational. Cr. M. Clarke reminded Members that he had made

reference to a problem with litter in the car park and youths congregating and racing cars a number of months ago. Council had contacted the owner at that stage with a view to having the car park closed in the evenings only in an effort to combat this problem.

Mr. McBride advised that this car park was privately owned. He agreed to initially establish the facts and report back to Council prior to deciding on a way forward.

### **CLOSED COUNCIL**

87

In accordance with Council policy, members of the Press were not in attendance for this section of the Meeting.

### **TABLED QUESTIONS (Contd.)**

- (e) Cr. J. Currie referred to a letter received from Antrim Borough Council seeking this Council's support for the continued development of Belfast International Airport. He asked Council to support the development of the International Airport, advising that this would be particularly attractive from an economic investment point of view.

The Mayor concurred with Cr. Currie's view.

It was agreed to respond to Antrim Borough Council offering support.

**TENDER**

871

**Provision of Employment Agency Services**

**Tabled:** Report from Personnel and Services Manager reminding Members that, at the Monthly Meeting of Council held on 7<sup>th</sup> August, 2006, the tender submitted for the above contract, from Diamond Recruitment Group, had been accepted for a period of two years, from 1<sup>st</sup> September, 2006, with an option to renew the contract for a further two years.

Taking into consideration, not only the excellent service that had been provided over the past two years, but also the back-up and support arrangements, their commitment, reliability and costs, Mr. Gordon recommended that the Council exercises its option and renews the contract for a further two years, with retrospection from 1<sup>st</sup> September, 2008.

**Resolved:** That the contract with Diamond Recruitment Group for provision of Employment Agency Services be renewed for a further two year period with retrospection from 1<sup>st</sup> September, 2008.

872

**SEALING**

It was

**Resolved:** That the following documents be signed and sealed -

Former Gracehill Primary School  
N.E.E.L.B. -to- Ballymena Borough Council  
Deed of Priorities.

**SEASON'S GREETINGS**

The Mayor wished all those present a Happy Christmas and a prosperous New Year.

**BALLYMENA BOROUGH COUNCIL**

---

**Monthly Meeting - 1<sup>st</sup> December, 2008**

---

**Consultative Correspondence - Tabled for Information**

Items in this section will be available for Members' information at the Monthly Meeting on 1<sup>st</sup> December, 2008 and for one month after the Meeting in the Members' Room.

1. **Government Reports, Circulars, Legislation, etc.**

1.1 Northern Health and Social Services Board

Press Release dated 30<sup>th</sup> October, 2008 entitled "Launch of 'Listening to Children' Booklet".

2. **Reports of Various Bodies**

2.1 T.V. Licensing

Annual Review 2007/2008.

2.2 Extra Care for Elderly People Ltd.

Annual Report 2007/2008.

2.3 Workers' Educational Association

Annual Report 2007-2008.

2.4 Northern Ireland Housing Council

Members' Report to Local Council (for the period August - October 2008).

2.5 Help the Aged

SeniorLine Benchmark Report 2008.

2.6 Northern Ireland Housing Executive

The Northern Ireland House Condition Survey 2006.

2.7 Northern Ireland Fire and Rescue Service

N.I.F.R.S. Road Safety Strategy 2008-2013.

2.8 Chartered Institute of Housing

Report entitled 'Developer Contributions in Social and Affordable Housing: Key Principles' - October, 2008.

2.9 Building and Social Housing Foundation  
Report entitled - Home from Home: Addressing the Issues of Migrant Workers' Housing.

2.10 Advice N.I.  
Annual Report 2008.

2.11 Criminal Justice System N.I.  
Report: Criminal Justice in a Shared Future: Making Progress.

### 3. Minutes of Various Bodies

3.1 Northern Health and Social Services Council  
Minutes of Meeting held on 8<sup>th</sup> October, 2008.

### 4. Miscellaneous Matters

4.1 C.C.E.A.  
Learning for Life and Work - Employability Fest '08 publication.

4.2 Youth Action Northern Ireland  
Area Based Youth Work Strategies - Report and Resource Pack.

4.3 The Somme Association  
Booklet entitled "90 Facts About World War One".

4.4 Inclusive Mobility and Transport Advisory Committee  
Baywatch Campaign (N.I.) - Providing Accessible Parking - A Good Practice Guide.

4.5 Social Care Institute for Excellence -

- Annual Review 2007/08 - Working Together, Informing Change.
- S.C.I.E. Line Newsletter - October, 2008.
- S.C.I.E. Publications and Resources List - October, 2008.

Appendix IIIBALLYMENA BOROUGH COUNCILMonthly Meeting - 1<sup>st</sup> December, 2008Correspondence for Noting - Tabled for Information

Items in this section will be available for Members' information at the Monthly Meeting on 1<sup>st</sup> December, 2008.

(a) Strategic Flood Map (N.I.) Rivers and Sea

Letter dated 10<sup>th</sup> November, 2008 from the Rivers Agency advising of the publication of the Strategic Flood Map (N.I.) Rivers and Sea. Copies of the document were available from the Rivers Agency website at [www.riversagencycni.gov.uk](http://www.riversagencycni.gov.uk)

(b) Consultation on Fine Default in Northern Ireland  
(Min. No. 604(j) - Monthly Meeting - 9/08)

Letter dated 10<sup>th</sup> November, 2008 from N.I.O., Criminal Justice Policy Division acknowledging Council's response to the above consultation and advising that Government's response would be published in due course once all comments had been considered.

(c) Consultation on Additional Dental Services  
(Min. No. 600(g) - Monthly Meeting - 9/08)

Letter dated 28<sup>th</sup> October, 2008 from the Director of Dental Health, Western Health and Social Services Board, acknowledging Council's response to the above consultation and attaching a collation of the responses received.

(d) Community Recognition Award - Dr. J. McKelvey, Snr.  
(Min. No. 683 - Public Sector Liaison Cttee. - 10/08)

Letter dated 10<sup>th</sup> November, 2008 from the McKelvey Family, extending sincere thanks to Council and all those involved for the organisation of such a memorable and enjoyable day held on 29<sup>th</sup> October, 2008.

(e) R.I.R. Homecoming Parade  
(Min. No. 640 - Development & Leisure Services Cttee. - 9/08)

- Letter dated 4<sup>th</sup> November, 2008 from the Colonel, Regimental Headquarters, The Royal Irish Regiment, thanking Council most sincerely for the reception for the Royal Irish Regiment held at The Braid on 31<sup>st</sup> October, 2008. The letter also noted the warmth, enthusiasm and support of all those who turned out to welcome those returning from operations and thanked Council for its unswerving and sustained support to the Regiment both on and off operations.
- Letter dated 4<sup>th</sup> November, 2008 from the Lieutenant Colonel, 2<sup>nd</sup> Battalion, The Royal

Irish Regiment, thanking Council and the people of Ballymena for their enormous generosity and exceptional expression of support at the R.I.R. Homecoming Parade on 31<sup>st</sup> October, 2008. The letter also expressed thanks for the reception held in the Braid.

(f) Flooding Incident in the Ballymena Area  
(Min. No. 695(a)(ii)(f) - Monthly Meeting - 10/08)

Letter dated 12<sup>th</sup> November, 2008 from the Rivers Agency in response to enquiries from Council seeking information in relation to the recent flooding incident in the Ballymena area. The letter indicated that further investigations and consultations had been carried out by the Rivers Agency which had identified a reason for the flooding in the Toome Road/Queen Street area. Various parties had been contacted in order to resolve the issues. With regard to the enquiry regarding dredging the river at the Toome Road, the letter outlined that this was an environmental issue, however, Rivers Agency would undertake maintenance as soon as feasible to reduce any large berms or shoals, thus maintaining a clear channel along the centre line of river. The Agency did not believe that the silting was a significant contributory factor to the flooding at that location - Circulated.

(g) Consultation on the Codes of Practice for the Control of Salmonella in Animal Feeds

Letter dated 7<sup>th</sup> November, 2008 from D.E.F.R.A. advising of proposed revised Codes of Practice for the transport, storage and production of animal feeds. Document available on [www.defra.gov.uk/corporate/consult/cop-salmonella/index.htm](http://www.defra.gov.uk/corporate/consult/cop-salmonella/index.htm)

(h) Resolution - Early Meeting of Executive  
(Min. No. 800 - Special Meeting - 17/11/08)

- Letter dated 18<sup>th</sup> November, 2008 from the Prime Minister's Office thanking Council for its recent letter and advising that it had been forwarded to the Northern Ireland Office for a direct reply.
- Letter dated 21<sup>st</sup> November, 2008 from Office of First Minister and Deputy First Minister thanking Council for its letter of 17<sup>th</sup> November regarding the Resolution passed by Council supporting an early meeting of the Executive. The letter stated that Council's correspondence was currently under consideration.

**(i) Shellfish Waters Directive - Proposals for Additional Designations**

Letter dated 7<sup>th</sup> November, 2008 from the Department of the Environment advising of the above proposals for additional designations. Document could be accessed on [www.doeni.gov.uk/shellfish\\_water.htm](http://www.doeni.gov.uk/shellfish_water.htm).

**(j) Northern Ireland Transport Holding Company  
Equality Impact Assessment of the Procurement Policy**

Letter dated 24<sup>th</sup> October, 2008 from the Northern Ireland Transport Holding Company advising of preliminary findings of the Equality Impact Assessment of the Procurement Policy. The detailed report of the E.Q.I.A. could be accessed from [www.translink.co.uk](http://www.translink.co.uk)

**(k) Belfast Health and Social Care Trust  
Overarching E.Q.I.A. - Strategic Response to Comprehensive Spending Review 2008-11**

Letter dated 20<sup>th</sup> November, 2008 from Belfast Health and Social Care Trust advising that it had undertaken an Overarching E.Q.I.A. which contained information on the Trust's Reform, Modernisation and Efficiency Programme focusig on resource utilisatio performance improvement and effective service delivery. Document can be accessed on [www.belfasttrust.hscni.net](http://www.belfasttrust.hscni.net).

**(l) Firmus Energy - New DVD Launched on Switching to Natural Gas**

Letter dated 24<sup>th</sup> November, 2008 from General Manager, Firmus Energy advising that had launched a DVD (complimentary copy enclosed) to show people how easy it would b to install natural gas and pointing out that Firmus Energy could help cover the cost of installation by providing customers with up to £900.00 cashback once they switched to natural gas - Circulated.

**(m) Romanian Population in Ballymena**

Letter dated 24<sup>th</sup> November, 2008 from the Ambassador of the Embassy of Romania advising that Romania had held Parliamentary Elections on 30<sup>th</sup> November and a pollin station had been set up at 4 Broughshane Road, Ballymena for those Romanian citizens living in Ballymena to vote in the Elections. The Ambassador expressed sincere appreciation for the kind and valuable co-operation which the Romanians living in Ballymena had received from the Mayor and Council.

**(n) Training Facilities in Leisure Centre**

Letter dated 24<sup>th</sup> November, 2008 from resident of Porglenone expressing thanks to Council for the use of the training facilities provided at the Seven Towers Leisure Centre which, as a pensioner, he was privileged to use on a regular basis. He elaborated on his participation in various Triathlon events and wished to encourage Council that its policy of "Fitness for the over-sixties" was much appreciated and really had community benefi

The Meeting terminated at 8.35 p.m.



Confirmed this 5<sup>th</sup> day of JANUARY, 2009

\_\_\_\_\_  
Mayor.

\_\_\_\_\_  
Town Clerk &  
Chief Executive.



## Health and Environmental Services Committee

Wednesday, 5th November, 2008

### MEETING OF HEALTH AND ENVIRONMENTAL SERVICES COMMITTEE

Members present: Councillor Mullaghan (Chairman); and  
Councillors Adamson, Austin, W. Browne, Campbell,  
Hendron, N. Kelly, Kirkpatrick, Kyle, Mhic Giolla Mhin,  
O'Neill, O'Reilly, Rodgers and Rodway.

In attendance: Mr. W. Francey, Director of Health and  
Environmental Services;  
Mr. S. Skimin, Head of Cleansing Services;  
Mr. T. Walker, Head of Waste Management;  
Mrs. S. Wylie, Head of Environmental Health;  
Mr. D. Rogan, Building Control Manager;  
Mr. M. McBride, Business Support Manager; and  
Mr. H. Downey, Committee Administrator.

#### Apologies

Apologies for inability to attend were reported from the High Sheriff (Councillor McKenzie) and Councillor Cush.

#### Minutes

The minutes of the meeting of 8th October were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 3rd November.

#### Directorate

##### Update on Fatal Accident at Dargan Road Landfill Site

(Mr. C. Quigley, Director of Legal Services, attended in connection with this item.)

The Director of Health and Environmental Services reminded the Committee that, on 4th September, 2006, a fatal accident had occurred at the former Dargan Road Landfill Site. He outlined the circumstances surrounding the incident and reported that, following the conclusion of a formal investigation by the Health and Safety Executive for Northern Ireland, a prosecution upon indictment had been initiated against the Council.

The Director of Legal Services explained the nature of the charges which had been brought against the Council by the Health and Safety Executive, outlined the legal process involved and highlighted the potential outcome for the Council. He explained that he was in the process of briefing the Party Group Leaders and confirmed that the Committee would be kept fully informed in relation to the matter.

After discussion, the Committee noted the information which had been provided and agreed that all requests for information relating to the case be referred directly to the Council's Corporate Communications Section.

#### **Balloon Releases at Council Events**

The Committee was advised that correspondence had been received recently from the Marine Conservation Society highlighting the environmental implications arising from balloon releases and requesting that the Council implement measures to ban the practice. The Director of Health and Environmental Services reported that, whilst the benefits to be derived from using balloon releases in promotional and fund-raising campaigns were recognised, opinions on the extent of their environmental impact differed greatly. He pointed out that the Society had outlined evidence which indicated that, in addition to creating litter, balloons were potentially lethal to wildlife and had advocated the use of alternative methods for those involved in entertainment, marketing or promotional activities.

He informed the Members that research within the Council had indicated that, whilst balloon releases had in the past been used, environmental concerns had led to a cessation of the practice. He explained that, whilst Departments now wished to formalise the arrangement, concerns had been expressed in relation to the practicalities of enforcing a ban on balloon releases by third parties at events such as charity functions and wedding receptions where notification was often received at short notice. Accordingly, he recommended that a voluntary ban be introduced on balloon releases at Council-organised events.

The Committee adopted the recommendation.

#### **Environmental Health**

##### **Review of Scientific Unit**

The Committee considered the undernoted report:

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

The purpose of this review was to ascertain the appropriate staffing requirements within the Scientific Unit as well as to re-examine the roles and responsibilities and grading of the posts.

The Business Improvement Section (BIS) carried out the review following approval at the June Health and Environmental Services Committee and by the Council's Vetting Panel on 26 June 2008.

BIS has taken into consideration the increased workload on the Unit resulting from the development of the North Foreshore, closure of Dargan Road Landfill Site, increased monitoring at the Duncrue Industrial Estate and the impact of new licence conditions imposed on the Council.

These factors have impacted on the volume and complexity of work for the Scientific Unit and recommendations from this review are made to ensure that the Council has the capacity to achieve compliance with environmental legislative obligations.

### **Key Issues**

#### **1. CONTEXT**

Given the increased workload and legal requirements mentioned above, this review of the Scientific Unit was carried out to ensure that it has the appropriate levels of staff to provide professional services in-house. Moreover, it should ensure that Belfast City Council can meet new licensing legislation and regulations at the Dargan Road Landfill Site, North Foreshore and Duncrue Industrial Estate.

Within the context of the Corporate Plan, 2008 – 2011, the Council is committed to taking better care of Belfast's environment to provide a cleaner, greener, healthier city now and for the future. The environmental monitoring undertaken at these locations plays a key role in the delivery of this promise. The Council is also currently involved in the construction of an electricity generating plant on the North Foreshore which will be fuelled by landfill gas. This highlights the Council's commitment to act sustainably through the effective and efficient use of resources.

Failure to meet the conditions of the Landfill Waste Management Licence and other regulatory requirements could result in enforcement action being taken against the Council, including the possibility of large fines being imposed and a notice of closure being placed on the landfill site and North Foreshore prohibiting any further development until remedial actions are introduced.

#### **2. OPERATIONAL**

The Scientific Unit carries out monitoring, analysis and gas system control work at the North Foreshore for the following purposes:

- To ensure that the Council leased property in Duncrue Industrial Estate is protected from dangerous levels of landfill gas;
- To monitor the emissions and discharges from the now closed landfill site as required by the Northern Ireland Environment Agency (NIEA).

- To manage the gas control plant and flaring process and future electricity generation plant (to be operational by April 2009).

This work and any increases in workload are explained in more detail below.

#### Monitoring at the Duncrue Industrial Estate

The Duncrue Industrial Estate is of significant importance to the Council as lettings from the 100 plus units generate in excess of £1 million per annum. The Scientific Unit staff monitor the gas control system and the inside of industrial units for gas, encompassing approximately 60 gas wells and 100 plus industrial units. This work is carried out by the Scientific Officer with assistance from the Technical Assistant.

A new gas control system is being installed. However, although it is predicted that there will be additional workload on staff managing the new gas control system at Duncrue Industrial Estate, it is not anticipated that the increased workload would on its own justify the creation of additional staff.

#### Monitoring at the Dargan Road Landfill Site and North Foreshore

- a. Landfill gas monitoring. Now that the landfill site is closed (March 2007) and is being capped and reinstated, the NIEA is imposing new licence conditions on the Council. The number of gas wells to be monitored has increased from 110 to 223 and the frequency of monitoring has increased from a quarterly to a monthly basis. An additional 12 gas control wells have also been installed at the new Waste Transfer Station. This significantly increases the monitoring workload.

In addition, the new site licence now also requires the Council to report gas levels and any breach of trigger levels within 42 days of the monitoring period to the NIEA. This represents a large increase in the data handling and reporting workload on the Scientific Unit's staff.

- b. Leachate and ground water monitoring. The newly imposed licence conditions require an increase in the number of locations where leachate and ground water are monitored from 45 to 64. Water quality samples must now be taken quarterly at these 64 locations. Water quality must be monitored at all surface water and marine water

locations on a monthly basis. Up to 259 parameters will be monitored at water monitoring locations on a quarterly basis, 10 parameters must be monitored monthly. This will result in a large increase in the amount of data handled by the Scientific Unit staff.

- c. Electricity Generation. The Council is currently constructing an electricity generation plant at the North Foreshore which will be fuelled by gas from the gas field. The introduction of this electricity generation plant will require staff to manage the flow of gas to the plant and this will require greater levels of onsite balancing and adjusting of the gas flow than was required for the flaring of gas.

Additional areas of work undertaken  
by the Scientific Unit

In addition to the aforementioned increases in monitoring and sampling, the Scientific Unit is also involved in new monitoring regimes. These include: recording of rainfall data at the landfill; monitoring capping materials for contamination; monitoring of gas at the Waste Transfer Station; and monitoring water quality at 'discharge consent' locations.

The scientific staff are also considered as a resource across the Environmental Health Service and the Scientific Officer provides monitoring services to the housing, health and safety and food safety sections. Staff also provide advice to other Council Services on issues relating to legionnaires disease and swimming pool safety.

**3. STRUCTURAL**

The Scientific Unit is currently made up of a Unit Manager, 1 Scientific Officer, 1 Scientific Officer (Landfill), 1 Monitoring Assistant and 1 Technical Assistant.

Having considered the levels of increased workload and operational responsibility on the Scientific Unit as previously detailed, BIS is recommending that an additional Scientific Officer (Landfill) post is created and that the revised structure for the Scientific Unit is adopted.

This additional resource will help to ensure that the Scientific Unit is best placed to fulfil the conditions and regulatory requirements of the Waste Management Licence relating to the North Foreshore.

### **Enhanced Roles and Responsibilities**

There is also a need for the appropriate configuration of roles and responsibilities within the Scientific Unit and the structure to ensure that the increased workload can be accommodated effectively, as detailed below.

**Scientific Officer (Landfill) existing.** In addition to the monitoring workload on this post increasing significantly, this post has also received additional responsibilities. BIS recommends therefore that the post is re-graded from Salary Scale SO1 to Salary Scale SO2 and that the revised job description for the Scientific Officer (Landfill) is adopted.

**Monitoring Assistant.** The role of this post has also grown considerably, having greater responsibility for monitoring and collection of samples. BIS recommends that the post is re-graded from Salary Scale 4 to Salary Scale 5, and that the revised job description for the post is adopted.

**Scientific Officer.** This post has also received additional responsibilities and following an assessment of these, BIS recommends that the post is re-graded from Salary Scale SO1 to Salary Scale SO2 and that the revised job description for the Scientific Officer is adopted.

### **BIS Recommendations**

There are significant implications for the Council if the above issues are not addressed as soon as possible.

Business Improvement Section (BIS) has developed the recommendations outlined below to address the key issues identified. These recommendations are based on objective analysis of the information gathered.

- An additional post of Scientific Officer (Landfill) is created.
- The post of Scientific Officer (Landfill) is re-graded from salary scale SO1 to SO2.
- The revised job description for Scientific Officer (Landfill) is adopted.
- The post of Monitoring Assistant is re-graded from salary scale 4 to scale 5.



- The revised job description for Monitoring Assistant is adopted.
- The post of Scientific Officer is re-graded from salary scale SO1 to SO2.
- The revised job description for Scientific Officer is adopted.
- The revised structure for Scientific Unit is adopted
- That BIS evaluate the effectiveness of the recommendations made in this report after an appropriate timescale

The additional costs of the BIS recommendations amounts to £35,309 with £32,978 of these costs relates to monitoring of the landfill site and £2,331 relates to the monitoring of Duncrue Industrial Estate.

#### **Resource Implications**

##### **Financial**

The monitoring costs for the Landfill Site, including the £32,978 of costs relating to the additional Scientific Officer (Landfill) post and the re-grading of the Monitoring Officer, have been included in the Closure Plan estimates prepared by Waste Management and will be met from the Council's Dargan Road Landfill Closure Fund.

Additional costs of £2,331 associated with the re-grading of the Scientific Officer post carrying out monitoring duties at Duncrue Industrial Estate will be met from an increase to the monetary value of the service level agreement with the Asset Management Unit.

Furthermore, electricity generation from the North Foreshore will yield a profit of £28.7 million (£1.44 million p.a.) for Belfast City Council over a 20 year period<sup>1</sup>. Also lettings in the Duncrue Industrial Estate generate in excess of £1 million per annum.

##### **Human Resource**

It is anticipated that the recommendations will result in no contractual changes and there will be no Human Resource issues to be considered.

The implementation of these recommendations will be managed in line with existing BCC policies and processes.

---

<sup>1</sup> Deloitte report, Landfill Gas Electricity Generation Options Assessment, Dec 2007

**Recommendations**

The Committee is asked to agree the BIS recommendations for the Scientific Unit as a management side position.

Members are asked that, if no written objections are received, the Service can proceed directly to implementation stage without further referral back to Committee."

The Committee adopted the recommendations.

**George Best Belfast City Airport Forum**

(Mrs. S. Toland, Environmental Health Manager, attended in connection with this item.)

The Committee was reminded that, at its meeting on 8th October, it had deferred consideration of a report seeking the nomination of a Member to the George Best Belfast City Airport Forum to enable clarification to be obtained in relation to the procedure for the appointment of the Forum's Chairman and Deputy Chairman.

The Head of Environmental Health informed the Members that the Airport Forum, which had been in existence since 1993, was comprised of representatives from residents' groups, the Northern Ireland General Consumer Council, the Department for Regional Development, airline operators and an Elected Member each from Belfast City Council and North Down Borough Council. The Council was represented on the Forum by Councillor Newton, whilst the Environmental Health Manager acted in an observer capacity.

She reported that, in 2006, the publication by the Department for Regional Development of guidelines for use by airport consultative committees in determining the future role, composition and proceedings of forums, together with recommendations of the Examination in Public Panel, had led to an overall review of the Airport Forum. She explained that the Examination in Public had supported the need for a stronger relationship to be developed between the Forum and the aforementioned Councils, with an enhanced role being envisaged for each Council. In addition, the Forum Review Group, which had been established to review the membership of the Forum and its terms of reference, had, along with agreeing changes in community representation, recommended that the number of Elected Members from each Council be increased to two and that an additional officer be nominated to act as observer to the Forum. As a result, the Chairman of the Airport Forum had written to the Council seeking nominees.

The Head of Environmental Health informed the Committee that the George Best Belfast City Airport Forum's constitution required that its Chairman and Deputy Chairman be independent of any organisation represented on the Forum. She outlined the process for the selection of the candidates and pointed out that they should possess:

- previous experience of membership or chairmanship of public bodies;

- an awareness of matters relating to the economic importance to Northern Ireland; and
- a public profile within Northern Ireland which attracts a high level of respect across the community.

During discussion, a Member expressed the view that the Chairman and the Deputy Chairman should be appointed using a public appointments process and that expressions of interest should be sought by way of public advertisement. Clarification was sought also as to whether it was appropriate for nominations to be made through the Health and Environmental Services and Development Committees, as was being recommended, rather than using the established process for appointments to Outside Bodies.

In response, the Environmental Health Manager explained that the Forum had, during discussions, indicated that it wished the Elected Members to be appointed from the Development and the Health and Environmental Services Committees, given their relevance to the work of the Airport. She undertook to make the Airport Forum aware of the Committee's views that the appointments of the Chairman and the Deputy Chairman should be made by way of a public appointments process.

After further discussion, the Committee agreed to defer consideration of the matter to enable clarification to be obtained in relation to the process for the appointment of Members to the Airport Forum.

**George Best Belfast City Airport – Council  
Response to Planning Agreement**

(Mrs. S. Toland, Environmental Health Manager, attended in connection with this item.)

The Committee considered the undernoted report:

**"Relevant Background Information**

The Committee will be aware through previous reports (January 2005, May 2006, February 2007, April 2008 and June 2008) of the review of the Planning Agreement at the George Best Belfast City Airport (GBBCA) and the evidence presented at the Examination in Public (EIP) in June 2006. The Department of the Environment's Planning Service has now concluded its review of the current Planning Agreement and has written to the Council's Chief Executive on 17h October 2008 stating that it has now 'agreed and executed a modified Planning Agreement' (PA).

The Planning Service states in its correspondence that 'in reaching a decision on the modified agreement careful consideration was given to the comments received throughout the review process and those submitted in response to the consultation'.

Whilst some of the comments made by Belfast City Council appear to have been taken on board, it is proposed that the Council should seek further clarification from the Planning Service on a number of points raised in the Council's response but not addressed in the final Agreement.

#### Key Issues

Summarised below are the main aspects of the final Planning Agreement, dated 14th October 2008 and, for comparison, the principal recommendations made by the Examination in Public Panel:

#### 1. New Planning Agreement 2008

##### Seats for Sale

Operators using the airport are not permitted to offer for sale on scheduled flights more than 2 million seats from the Aerodrome in any 12-month period.

##### Operating hours – the following definitions apply:

Permitted hours:	6.30am - 9.30pm local time
Prohibited hours:	9.31pm - 6.29am local time
Extended hours:	9.31pm - 11:59pm local time

Note: extended hours are only to be used in exceptional circumstances for delayed aircraft. However, no restriction shall apply to diverted aircraft at any time.

##### Aircraft Movements:

No more than 48,000 Air Traffic Movements in any 12-month period are permitted.

##### Noise Contour Monitoring

The Company shall maintain a noise control monitoring system. This is to include the generation of annual noise contours from data relating to air transport movements during a specified 3 month period (with an indicative control contour being agreed between the Company and the Department of the Environment in line with the recommendations of the EIP). Annual noise contours will be produced at 57, 60 and 63 dBA Leq (16 hrs).

##### Noise Monitoring

The Company shall install and operate an integrated noise and track keeping system as quickly as reasonably possible and in any event by 31st December 2008.

### Approaches

To maintain a bias in favour of approaches and climb-outs by aircraft over Belfast Lough. To use all reasonable endeavours to maximise the use by aircraft of approaches and climb-outs over Belfast Lough.

## **2. Principal Recommendations of Examination in Public Panel 2006, of significance to BCC**

### Operating hours

The Panel's report recommended that:

- The operating hours should remain as they are for the time being;
- A community charge be levied in respect of all post 9.30pm delayed flights and that this should be paid into a Community Fund which could be used to fund local community projects aimed at enhancing the natural and built environment in the area affected by the airport, including the provision of recreational, leisure and educational facilities. An enhanced role was suggested for Belfast and North Down Councils in terms of the management and administration of the fund and in monitoring the post 9.30pm delays.

### Airport Forum

Revised arrangements were suggested for the Airport Forum with an increased role for both North Down Borough and Belfast City Councils. Revisions have now been made and are included in a separate report.

### Air Transport Movements (ATMs)

The Panel recommended that the restriction on Aircraft Movements should not be amended but the definition of Air Transport Movements should be clarified, to include all operations at the airport (except diverted aircraft) including both landing and take-off.

### Noise

The report recommended appropriate noise monitoring systems should be introduced, noise levels should be monitored over a wider area and the airport operator should install and operate an integrated noise and track-keeping system as soon as possible. An enhanced role was suggested for Belfast and North Down Councils in terms of the scrutiny role over the noise management systems.

**Seats for Sale**

The limit relating to seats for sale should be increased from 1.5 million to 2.0 million provided a proper forecasting and scrutiny system is set up and the airport operator commits to installing a noise monitoring and track-keeping system.

**Approaches**

The report recommended that a bias in favour of approaches and climb outs over Belfast Lough should remain as it is for the time being pending further discussions.

The publication of the findings of the Examination in Public Panel were broadly in accordance with the views of the Council as presented at the Examination in Public. However, the final Planning Agreement does not fully reflect all the EIP recommendations.

**3. Summary of BCC Response to Consultation July 2008**

The detailed response made by the Council in July, 2008 suggested the following (comments in brackets reflect the difference between what BCC recommended and what is reflected in the final Planning Agreement (PA)):

- i. ATM's should be retained at their current limit of 45,000 in any 12 months (not reflected in final PA as ATMs raised to 48,000);
- ii. The seats for sale should only increase to 2m provided a scrutiny and monitoring process is clearly defined within the planning agreement (the scrutiny and monitoring process is not defined in the final agreement);
- iii. The obligation relating to a bias of flights over the Lough for both approaches and landings and take-offs and climb outs from the airport should be strengthened further (this is now reflected in the final PA);
- iv. The restrictions relating to hours of operation can be supported if the scrutiny and management roles are clearly defined within the planning agreement (reflected to some extent however the concern remains over the management and scrutiny of noise monitoring which is still not addressed);

- v. The Council supports the Noise Contour monitoring as defined in Part 4 of the new Planning Agreement however it would again reiterate the need to have an appropriate scrutiny and management process clearly defined within this new Planning Agreement (this is not referred to either in the final PA or the explanatory document).
- vi. In the draft planning agreement the issue of a community fund was considered to be outside its scope (the Council made the comment that it supported the EIP recommendation that an independent monitoring process is agreed with relevant parties and is written into the new Planning Agreement).

It is on points i, ii, iv, v and vi that the Council should seek additional clarification from the Planning Service.

#### Resource Implications

The Council was cited in the EIP recommendations as having a role in evaluating and auditing both the noise monitoring systems and the administration of the community fund (although the latter is not included in the final Planning Agreement). The suggested response does not argue that either role should be a responsibility of the Council. If the Council was expected to undertake additional duties, this would have resource implications and a source of funding to support such an enhanced regulatory role would need to be forthcoming. The documentation suggests that the Department of Regional Development Airports Division already has a regulatory role as does the Planning Service, in terms of monitoring compliance with this Planning Agreement and it is suggested that one of these bodies would be best placed to perform these additional functions.

#### Recommendations

It is recommended that:

- (i) The Committee responds to the final planning agreement by seeking clarification from the Planning Service on how the points listed above and in the Council response of July 2008 were taken into account;
- (ii) The Committee draws the attention of the Planning Service particularly to its concerns regarding noise monitoring and asks why the issue of an appropriate scrutiny and management process has not been clearly defined within either the Planning Agreement or the accompanying Explanatory Document;

- (iii) The Committee again draws the Planning Service's attention to the recommendations within the EIP relating to changes that should be effected within this revised Planning Agreement, and in particular that the independent panel advised that as all of the issues raised were interdependent they should be adopted in their entirety (Paragraph 2.2.2 and 7.1.1 EIP June 2006). It is also recommended that attention should be drawn to the recommendations of the EIP in respect of a levy against late night flights and the administration of a potential community fund."

During discussion, several Members expressed concern at the failure by the Planning Service to take into account many of the points which had been highlighted within the Council's response to the draft Planning Agreement.

The Committee adopted the recommendations and agreed that the Planning Service be requested to clarify how issues surrounding the scrutiny and management of noise and the setting of noise contours, for which no timeframe had been provided, would be resolved.

#### Appointment of Association of Port Health Authorities

The Head of Environmental Health informed the Members that the Council was a corporate member of the Association of Port Health Authorities which sought to deliver consistent and effective port health services across the United Kingdom. The Association liaised with government, trade and international bodies and contributed significantly to policy development at both national and international level. It played also an important role, through its technical committees, in keeping its members up-to-date with all legislation and guidance.

She explained that the Council had, through nominated Members and officers, played a major role in the governance of the Association and pointed out that Councillor Adamson served currently on its Executive Board. She reported that the position of Vice-President of the Association was vacant currently and that the Council had been invited to nominate an Elected Member for consideration for appointment to this position at the Executive Board Meeting which was scheduled to take place on 10th December. She outlined the duties associated with the role and pointed out that the appointment would require attendance at approximately four meetings in London per year, together with a number of events. The cost to the Council would be in the region of £1,500. Accordingly, she recommended that the Committee nominate a Member to be considered for election to the post of Vice-President of the Association of Port Health Authorities.

After discussion, Councillor Adamson was proposed by Councillor Rodgers and seconded by Councillor Kyle, while Councillor Mullaghan was proposed by Councillor N. Kelly and seconded by Councillor O'Reilly.



On a vote by show of hands, six Members voted for Councillor Adamson and six for Councillor Mullaghan. There being an equality of votes, the Chairman exercised his second and casting vote in his own favour and, accordingly, Councillor Mullaghan was nominated for consideration for appointment to the post of Vice-President of the Association of Port Health Authorities.

**Local Authority Pollution Prevention and  
Control Function Audit Report**

The Head of Environmental Health informed the Committee that Councils, in conjunction with the Industrial Pollution and Radiochemical Inspectorate, delivered Pollution Prevention and Control functions in order to control emissions arising from industrial processes. She reported that, as was the case with a number of the functions which were undertaken by the Environmental Health Service, a variety of quality control methods were used to ensure that services provided by Councils were effective and efficient. One such method involved the conducting of inter-authority auditing, whereby one Council or Group Environmental Health Service assessed the activities of another against an agreed standard.

She explained that, as part of an initiative which had been piloted in 2008 by the Chief Environmental Health Officers' Group, one Council from each of the four Environmental Health Group areas, together with Belfast City Council, had been selected for audit on the basis that they were responsible for a reasonable range and number of regulated industrial processes. The Councils were then audited against a number of agreed standards, based upon the most recent audit of industrial pollution work in Great Britain. She informed the Members that the Pollution Prevention and Control auditing process had been designed to reflect compliance with regulatory service requirements and actions which were representative of best practice in the delivery of these functions and had involved discussions with lead officers, together with an examination of premises files and other documentation. An extensive questionnaire, which covered all aspects relating to the provision of the Industrial Pollution Prevention and Control function, had been completed also. An audit report had been published subsequently which had indicated that the function was being carried out by the Council's Environmental Protection Unit to a consistently high standard and that the specialism of the officers concerned had contributed to the development of a strong commitment to service quality. She advised that a number of recommendations and subsequent improvements had been made in relation to the updating of risk assessments, the reviewing of pro-formas and in relation to notice documentation and recording procedures.

Noted.

**Review of the Council's Industrial  
Pollution Enforcement Policy**

The Committee was reminded that, for a number of years, Local Authorities had been responsible for the control of pollution arising from the operation of industrial processes. The Head of Environmental Health explained that, prior to the introduction of the Industrial Pollution Control (Northern Ireland) Order 1997 and, subsequently, the Pollution Prevention and Control Regulations (Northern Ireland) 2003, the Council had

undertaken primarily a reactive role in dealing with pollution caused by industrial processes. However, as a result of this legislation, operators of designated industrial processes with a potential to pollute air, land or water were required to apply for a permit which would impose conditions on the operation of the process in order to ensure a high level of environmental protection. She reported that, to date, approximately 83 premises in the City had obtained permits from the Council under the terms of the legislation. These related primarily to petrol stations, the storage and processing of coal and cement, timber storage and manufacture, the treatment of animal and vegetable matter and the coating of vehicles. She added that, during 2007/2008, the Council had collected approximately £30,000 in fees arising from the issuing of permits for prescribed processes.

The Head of Environmental Health informed the Members that, in 2004, the Council had adopted a general enforcement policy, similar to that which had been published in 1998 by the Cabinet Office and the Local Government Association, in order to address all environmental issues and enforcement functions across the City. She explained that, in the following year, it had been realised that a more detailed policy to deal specifically with industrial pollution control was required which would advise operators of installations of the decision framework to be applied in determining which powers, if any, would be used to enforce the requirements of the legislation. The policy had set out also the principles under which the Council would seek to carry out its powers and duties efficiently under the legislation in a way in which was clear to businesses. She explained that the phased replacement of the Industrial Pollution Control (Northern Ireland) Order 1997 by the Pollution Prevention and Control Regulations (Northern Ireland) 2003 had necessitated the updating of this policy. She outlined the main changes which had been made and, accordingly, recommended that the Committee approve the revised Industrial Pollution Enforcement Policy, a copy of which was available on the Modern.gov Intranet site.

The Committee adopted the recommendation.

**Tender for the Collection and Analysis of  
Samples from Dargan Road Landfill Site**

The Head of Environmental Health informed the Committee that the Environmental Protection Unit provided monitoring and sampling services at the North Foreshore in order to ensure that the Council complied with relevant legislation and its duty of care in respect of landfill gas and other discharges through leachate. The Unit undertook also a regular programme of sampling for a range of parameters at the Dargan Road Landfill Site. The samples were collected on a monthly, quarterly and annual basis and forwarded to a specialised laboratory for detailed analysis for a number of indicator parameters. The resultant trends were monitored subsequently to determine their compliance with the requisite legislation.

She reported that the current contract for the analysis of the samples was due to expire and, accordingly, she sought the Committee's approval for the commencement of a tendering exercise for the provision of that service. The tenders would be evaluated on the basis of 70% quality and 30% cost and would take into consideration cost, service delivery, experience, ability to work in partnership and technical capability and capacity.

The contract would be awarded initially for a period of one year, with an option to extend for a further year, subject to satisfactory performance, and would cost in the region of £45,000 per annum, provision for which had been made within the Waste Closure Plan.

The Committee granted the approval sought.

#### **Suzy Lamplugh Trust National Personal Safety Awards**

The Head of Environmental Health informed the Committee that the Suzy Lamplugh Trust organised annually a Personal Safety Awards Scheme which sought to encourage individuals and organisations throughout the United Kingdom to improve personal safety awareness. She explained that the categories within the Awards Scheme included Safer Communities, Safer Schools, Safer Workplaces and Personal Safety Champion and stated that the winners in each category would be announced at the Trust's Annual Fundraising and Awards Dinner which would be held on 15th November in London.

She reported that the Community Safety Wardens had been nominated in the Safer Community category by an officer from the Community Safety Team and that the Council had been informed that they had been one of two nominations which had been shortlisted for an award. She advised that winners in each category would be listed in Suzy Lamplugh Trust Publications and on the organisation's website, be entitled to access discounted training rates for one year from the Trust and use the Trust's logo on its publications. The cost associated with attendance at the awards ceremony would be approximately £285 per person.

The Committee agreed that it be represented at the Suzy Lamplugh Trust National Personal Safety Awards by the Chairman (or his nominee) and a Community Safety Warden.

#### **Building Control**

##### **Naming of Streets**

The Committee approved the undernoted applications for the naming of streets in the City which did not conflict with existing approved street names and to which the Royal Mail had offered no objections:

<b><u>Proposed Name</u></b>	<b><u>Location</u></b>	<b><u>Applicant</u></b>
Flax Mews	Off Flax Street BT14	Flax Housing Association Limited
Rosehead	Off Ardilea Street BT14	North and West Housing Group
Rosehead Drive	Off Ardilea Street BT14	North and West Housing Group
Wolfhill Link	Off Ligoniel Road BT14	V W P Architects

**Application for the Erection of a  
Dual-Language Street Sign**

The Building Control Manager reported that the undernoted application to erect an additional street nameplate in a language other than English had been received by the Council:

<u>Street Name</u>	<u>Proposed Second Street Name</u>	<u>Language</u>
Ardmonagh Parade, BT11	Paráid Ard na Móna	Irish

He explained that, in accordance with Council policy, a survey had been conducted which had ascertained that in excess of 66.6% of the residents of the street had been in favour of the above-mentioned second street nameplate. Accordingly, he recommended that the erection of the nameplate be authorised.

The Committee adopted the recommendation.

**Extension of Vacant Property Rating Project**

The Committee was reminded that, at its meeting on 8th October, it had been advised that the Building Control Service, together with three other Councils, had undertaken on behalf of the Land and Property Services agency a survey which had indicated that 51% of those properties which had been reported as being vacant had, in fact, been occupied. Arising from the survey, the Agency had requested all twenty-six Councils in Northern Ireland to undertake inspections of those premises which had been reported as being vacant. In relation to Belfast, it had estimated that there were in excess of 10,000 domestic and 2,000 non-domestic unoccupied properties which were comprised of newly-registered properties and those which had been reported previously as being vacant. Accordingly, the Committee had agreed that the Building Control Service undertake until 30th November, on behalf of the Land and Property Services agency, the inspection of those premises in the City which were listed as being vacant and had authorised the Head of Building Control to negotiate with the Agency to extend the agreement beyond that date on the same cost recovery basis.

The Building Control Manager reported that the Agency had confirmed subsequently that all of the Councils could undertake until the end of the current financial year inspections of those premises which had been reported as being vacant. He explained that the Service had deployed fourteen officers on both a full-time and part-time basis to carry out these inspections and had recruited an additional forty casual members of staff. He pointed out that, to date, approximately 2,000 properties had been inspected of which approximately 42% had been shown to be occupied, the details of which had been forwarded to the Land and Property Services agency. He reported that the Service would seek to process as many of these properties as possible before 30th November, which represented the cut-off date for the calculation of the estimated Penny Rate Product. Accordingly, he recommended that the Committee grant approval to the Building Control Service to undertake on behalf of the Land and Property Services agency the inspection of those premises which were listed as being vacant, until:

- (i) the list of premises was exhausted; or
- (ii) the end of the current financial year; or
- (iii) difficulties in identifying the premises rendered the exercise no longer viable financially.

The Committee granted the approval sought.

### Cleansing Services

#### Street Cleansing Index

The Committee considered the undernoted report:

#### "Relevant Background Information"

The figures presented in this report cover the second quarter of the financial year i.e. the period from July 2008 to September 2008. Monitoring figures were measured by Cleansing Services Quality Officers. Enforcement, and Education and Awareness information was supplied by the Customer Support Service, and the Community Awareness Section within Cleansing Services, who were responsible for these functions over the period concerned.

The monthly monitoring programme consists of a random 5% sample of streets throughout the city being inspected and graded. From the grading, a Street Cleanliness Index is calculated and plotted for the various areas of the city, and the city as a whole.

The index range is from 1 to 100, with a Cleanliness Index of 67 being regarded as an acceptable standard by Tidy NI. The results show the trends on a month to month basis. To alleviate the influence of spurious results on the overall index, the results are averaged over the last 4 surveys. Spurious results may occur for reasons such as adverse weather conditions, seasonal problems etc.

#### Key Issues

The overall city wide cleanliness index for this quarter is 72. This is the same as the previous quarter's cleanliness index of 72. The index for the same period in the previous year was 69.

The breakdown by individual area is as follows:

#### North

The North Cleanliness Indices for July 2008 to September 2008 were 72, 70 and 69 respectively. This represents an increase for

July (up 4), August (up 2) and September (up 2), by comparison to those figures for the same period in the previous financial year viz. 68, 68 and 67 respectively.

These figures represent a good level of cleanliness for the area.

#### South

The South Cleanliness Indices for July 2008 to September 2008 were 74, 75 and 77 respectively. This represents a similar score for July and an increase for August (up 8), and September (up 8) by comparison to those figures for the same period in the previous financial year viz. 74, 67 and 69 respectively.

The area is maintaining a consistently very good level of cleanliness.

#### East

The East Cleanliness Indices for July 2008 to September 2008 were 75, 76 and 73 respectively. This represents an increase for July (up 5), August (up 1), and September (up 5), by comparison to those figures for the same period in the previous financial year viz. 70, 75 and 68 respectively. The area is maintaining a consistently very good level of cleanliness.

#### West

The West Cleanliness Indices for July 2008 to September 2008 were 71, 72 and 67 respectively. This represents an increase for July (up 4) and August (up 5), and a similar score for September, by comparison to those figures for the same period in the previous financial year viz. 67, 67 and 67 respectively.

These figures represent a consistently good level of cleanliness for the area.

#### Central

The Central Cleanliness Indices for July 2008 to September 2008 were 74, 70 and 68 respectively. This represents an increase for July (up 6), and a decrease for August (down 4) and September (down 5), by comparison to those figures for the same period in the previous financial year viz. 68, 74 and 73 respectively.

Changes in the levels of litter have contributed to the reduction in scores over this period e.g. in August, Smoking related litter rose by 9% and Fast Food related litter rose by 21%. In September,

Confectionary related litter rose by 26%, Smoking related litter rose by 39% and 'Other' related litter (e.g. papers, elastic bands, cardboard etc) rose by 23%.

These figures however still represent a good level of cleanliness for the area.

#### Complaints/Enquiries

There were 1315 complaints/enquiries regarding street cleansing during the quarter (by comparison to 1165 last quarter).

There were 7 Corporate Complaints (7 Stage One, 0 Stage Two and 0 Stage Three) during the quarter – none of which related to street cleansing.

#### Enforcement

There were 432 Fixed Penalty Notices issued under the Litter (NI) Order 1994, and 78 summonses issued. In addition 136 Article 20 Notices were issued requesting information.

#### Community & Education Projects

During the last quarter, the Community Awareness Team organised 26 cleanups involving 760 volunteers.

The team has attended a number of summer scheme activities during the quarter involving 533 participants. The team also attended the Biodiversity day at Belfast Zoo, Queens Freshers day and the Garden gourmet event in Botanic gardens.

#### Resource Implications

There are no financial, human resources, asset or other implications in this report.

#### Recommendation

The Committee is requested to note the contents of the report."

The Committee adopted the recommendation.

#### Anti-Litter Campaign Update

(Ms. □. Greene, Community Awareness Manager, attended in connection with this item.)

The Community Awareness Manager reminded the Committee that the Council had, for a number of years, organised a campaign in order to increase public and media awareness of litter-related issues. She reported that the campaign had been highly

successful and, importantly, had resulted in a 19% reduction in the number of people admitting to engaging in littering. She explained that the next phase of the campaign, which would be based around the logo "Litter get a Grip", had just commenced and that it would seek to target specifically the most problematic litterers, namely, 18-35 year olds, smokers and those persons who chewed gum. She pointed out that there had been a high recognition in previous phases of the anti-litter campaign of the effectiveness of television and outdoor advertising as a means of communicating the anti-litter message. As a result, two advertisements each of thirty seconds in length focusing on cigarette litter and chewing gum would be aired at regular intervals on UTV. She added that outdoor advertisements at bus-stops and phone-boxes, targeting cigarette, gum and fast-food litter would be used also as part of the campaign, together with press releases and the distribution in the City centre of small receptacles for the disposal of cigarettes and chewing gum. The new campaign would be communicated also by the Community Awareness Team through communities, schools, the general public and businesses.

After discussion, during which the Members commended the work of the Community Awareness Team, the Committee noted the information which had been provided.

#### **Waste Management**

##### **arc21 Supplemental Agreement**

The Committee was reminded that, at its meeting on 6th August, it had been advised that, prior to the commencement of the project for the procurement of the infrastructure required for the treatment of residual waste, it had been considered necessary for arc21 to incorporate within its existing Terms of Agreement a number of express legal terms as part of a supplemental agreement in order to clarify the rights and obligations of participant Councils. The Head of Waste Management outlined the main elements of the supplemental agreement, which had been drafted by arc21's legal advisors under the guidance of the Council's Director of Legal Services. He reported that the document had on 25th September been agreed by the arc21 Joint Committee and had been referred to each of the constituents Councils for their approval.

After discussion, the Committee adopted the arc21 supplemental agreement, a copy of which was available on the Modern.gov Intranet site.

##### **Award of arc21 Organic Waste Treatment Service Contract**

The Committee considered the undernoted report:

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

This report has been prepared in relation to the award of the arc21 Organic Waste Treatment Service Contract and follows on from the Joint Committee consideration and approval of contract award at its recent meeting on 9 October.



Members may recall the arc21 Organic Waste Treatment Service Contract Tender Report was brought to the September 2006 meeting of the Joint Committee which was followed by a further Addendum Tender Report presented to the December 2007 Joint Committee meeting, on foot of the Judgement of Deeny J in the Queens Bench Division of the High Court of Justice.

The decision of the Joint Committee at its December 2007 meeting was that, *'subject to financial close and securing appropriate confirmations from NWP, the tender is awarded to NWP'* and that *"the recommendations are then considered as soon as possible by each Council in accordance with the requirements of the arc21 Terms of Agreement"*.

This decision was communicated forthwith to all bidders together with the relevant advantages of the winning bid in comparison to their offers, as required under The Public Services Contracts Regulations 1993 (the governing Regulations, being those extant at the time of dispatch of the Contract Notice). None of the bidders requested any further information.

Subsequent to the decision of the Joint Committee, appropriate confirmations have been received, financial close has been achieved and the final details of the contract documentation agreed. The Council's Legal Services Department is currently completing the administrative task of drawing together the appropriate bundles of documents and preparing the schedules for signature and this work is now almost complete and ready for arc21 to sign the documents.

Accordingly, following approval of the arc21 Joint Committee and its referral to the constituent councils, it is proposed that the Council approves the Joint Committee decision to award the Organic Waste Treatment Service Contract to Natural World Products Ltd (NWP).

The following contractual issues were highlighted in the September 2006 Organic Waste Treatment Service Contract Tender Report to the arc21 Joint Committee and are revisited for clarity:

**'3     Contractual Issues**

**3.1     Tender Documents**

*The main elements of the tender documents are as follows:*

**3.1.1   Service Delivery Plan**

*The specification was designed as an output specification requiring Tenderers to demonstrate through a Service Delivery Plan, how the Client's requirements would be met.*

*The documents specified the minimum requirements to be included in each section of the Service Delivery Plan and the fact that the Plan would be incorporated as a binding contractual requirement in any tender accepted.*

### **3.1.2 Specification**

#### **Organic Waste Treatment Service Contract Summary**

##### **Objective:**

- 1. To provide an Organic Waste Treatment Service to assist arc21 in meeting recycling targets and the requirement to divert materials from landfill.**

##### **Elements include:**

- Feedstock material delivered from kerbside collections, primarily commingled (Type 2). Material in a separate stream collected at Civic Amenity Sites (Type 1) will also be presented. Materials will comprise single stream and commingled source segregated organic kitchen and garden waste.**
- Individual Councils deliver kerbside collected waste and Civic Amenity waste to the Contractor's facilities.**
- Compliant bid to utilise the three offered Council sites located within Antrim, Belfast and Down**
- Option to include alternative bids subject to the inclusion of a compliant bid.**
- Contractor may offer start up arrangements to process material in advance of the permanent facilities becoming operational.**
- Planning risk with arc21, the Contractor having to comply with reasonably foreseeable planning conditions and with contractual arrangements in place for termination without fault and compensation of agreed costs in the event of planning refusal.**
- Permitting risk with Contractor.**
- Council sites offered are included as a catalogue with the tender documents, provided without prejudice.**
- Recognized Quality Standard specified for output material to ensure landfill diversion and sale of outputs.**
- Contractor to market outputs.**

### **3.1.3 Conditions of Contract / Pricing Mechanism**

- **Single service contract for all facilities.**
- **Gate fee contract to provide capacity from the processing facilities.**
- **Gate fee banded by tonnage for input materials.**
- **Year on year price indexation arrangement.**
- **Profit sharing mechanism should the market value of outputs rise dramatically.**
- **Minimum tonnage guaranteed by the Client (80% of projections).**
- **Minimum feedstock quality guaranteed by the Client (Maximum 10% contamination in any one load – Maximum 5% overall annual average).**
- **Projected tonnages and material streams as per arc21 Waste Management Plan and agreed with each Council.**
- **First three years tonnages to be agreed with the successful contractor to allow Council roll-out of brown bins to match treatment capacity coming on-line.**
- **Exclusivity clause requiring all relevant organic kitchen and garden waste feedstock to be committed to the contract.**
- **Contract duration of fifteen years, with optional extensions of one-year blocks subject to six months advanced notice being given.**
- **Cost of a bond to the value of £100,000 to be included as an option to be taken up at the Client's discretion.**

### **3.1.4 Other Issues**

- **Where a Council delivers less than their guaranteed tonnage resulting in arc21 failing to deliver the guaranteed tonnage to the Contractor, then the Council will be expected to make a payment at the prevailing rate...'**

### Rates and Prices

The Organic Waste Treatment Service Contract allows for annual indexation (RPI04) of the gate fees to enable the contractor to recover inflationary increases in its operating costs over the life of the contract. The first indexation was due at October 2007 and the second is due at October 2008. This makes the Type 1 October 2008 price £34.74 (up from £31.75 in 2006) and the Type 2 October 2008 price £44.69 (up from £40.85 in 2006).

The contract did not allow for construction indexation as contractors were required to absorb planning delay (up to a 2 year long-stop) and obviously their own construction time was at their own risk (but with a contractual requirement to complete construction within 18 months of planning permission being granted).

The contract did not contemplate any other construction cost escalation as a legal challenge was not foreseen. As matters have turned out however, there has been 14 months of delay and construction cost escalation that was not contemplated by the contract. arc21 have a duty to act fairly and reasonably in the administration of the contract and accordingly have taken expert legal and financial advice on this issue. This has resulted in a one off increase of £0.90 in the price of Type 1 and £1.12 in the price of Type 2 being deemed fair and reasonable in the circumstances and makes the final October 2008 contract Type 1 price £35.64 and Type 2 price £45.81.

### Tonnage and Start-up

The contract allows for up to 2 years for arc21 to achieve planning permissions on all three sites (treatment plant, Antrim transfer and Down transfer) and then requires the contractor to have completed construction of all the new facilities in their bid by the end of 18 months from the granting of the last of the three arc21 planning permissions.

The date on which service commences is the date on which the contractor receives the first material from arc21 for processing after all the arc21 member councils have approved the award. The service adjustment date is the date on which all the new facilities in the bid are fully operational. The start-up period is then the period between the service commencement date and the service adjustment date.

On the basis that achievement of planning permission on all three sites takes between 6 months and 2 years from present day, the start-up period will last between 2 and 3 ½ years (i.e. 18 months after grant of the last planning permission).

During the start-up period, the tonnage is to be progressively agreed between arc21 and the contractor as progress with planning permissions and construction programmes becomes clear with a presumption that the contractor will make available as much capacity in excess of 40,000 tonnes as it can, based on planning permissions and its construction programme and that councils will endeavour to fill the available capacity, based on expiry of their current commitments and roll-out of brown bins and food waste collections.

Once the start-up period has ended and the service adjustment date has been reached, the contractual commitment on councils is to supply all their source segregated organic waste to the contract with a minimum commitment of 80% of the council figure in the contract.

#### Key Issues

Regarding the award of the Organic Waste Treatment Services Contract, arc21 has now received appropriate confirmations and financial close has been achieved and the final details of the contract documentation agreed. The Council's Legal Services Department is currently completing the administrative tasks and preparing the schedules for signature and this work is now almost complete.

Accordingly, the Joint Committee confirmed its decision to award the tender to NWP and that the recommendations contained within the arc21 Joint Committee report are then considered as soon as possible by each Council in accordance with the requirements of the arc21 Terms of Agreement and that in so doing each council resolve to:

- Agree the award of the contract to NWP and inter alia,
  - Deliver source segregated organic waste to the contract and pay arc21 at the appropriate rate per tonne,
  - Provide source segregated organic waste exclusively to the contract,
  - During the start-up period, to endeavour to fill the available capacity, subject to expiry of current commitments and appropriate roll-out of brown bins and food waste collections,
  - After start-up, to provide a minimum of 80% of projected tonnage and

- o To provide source segregated organic waste with no more than 10% contamination in any one load and no more than 5% overall annual average contamination.

#### Resource Implications

Members will be aware that a report was approved by Committee to include kitchen waste within the brown bins, in accordance with the Council's Waste Plan. The award of the above contract provides a treatment facility which can appropriately treat both co-mingled kerbside collected waste (Type 2) and Recycling Centre waste (Type 1), both of which count significantly towards meeting the Council's obligations under the Northern Ireland Landfill Allowances (NILAS) Regulations due to their high organic content. The cost to the Council of treating these wastes is likely to be in the region of £690,000 for 2009/10.

This compares with a figure of £888,000 should this material be directed to landfill, and this figure would increase further to approximately £1 million pounds in 2010/11 with the increase in the landfill tax escalator.

Members will be aware that as part of the Council's Waste Disposal Financial Strategy, allowance has been made in previous years' revenue estimates to limit the impact on the ratepayers of the enormous step increases in waste disposal cost which were forecast to be incurred between 2006-2010. In the interim period, the additional financial provision has been used by the Council to fund non-recurring projects across the Council. As the actual increased waste disposal costs are incurred, such as the commencement of the Organic Waste Treatment Service Contract, the funding previously used for these projects is transferred to the operational waste disposal costs without additional impact on the ratepayer.

#### Recommendations

The Committee is requested to adopt the confirmed decision of the arc 21 Joint Committee and to agree the award of the Organic Waste Treatment Services Contract to NWP and inter alia:

- To deliver source segregated organic waste to the contract and pay arc 21 at the appropriate rate per tonne
- To provide source separated organic waste exclusively to the contract
- During the start up period, to endeavour to fill the available capacity subject to expiry of current commitments and appropriate roll out of brown bins and food waste collections

- After start up, to provide a minimum of 80% of projected tonnage
- To provide source segregated organic waste with no more than 10% contamination in any one load and no more than 5% overall annual average contamination."

The Committee adopted the recommendations.

#### Review of Operation Clean-up

The Committee considered the undernoted report:

##### "Relevant Background Information

Operation Clean Up is a Community Safety multi-agency partnership initiative between the Council, the Northern Ireland Office's (NIO) Community Safety Unit, the Police Service of Northern Ireland (PSNI), the Driver & Vehicle Licensing Northern Ireland (DVLNI, now DVA) and the Fire & Rescue Service. The scheme commenced in November 2004 and sought to (a) reduce and prevent criminal and antisocial behaviour by removing 'runaround' cars from public roads and (b) reduce the number of unlicensed (and potentially uninsured) vehicles on the road. 'Runaround' cars are usually low value vehicles which are untaxed (for more than three months), uninsured and are also disproportionately involved in traffic accidents and criminal activities.

Approval was initially granted by the Committee in May 2004 to support the initiative through the provision of land at Duncrue for the construction of a vehicle storage compound and to make a financial contribution to running costs if required.

The main funders of the scheme were the NIO, the PSNI and the Council. The Council's contribution was (i) the provision of a site at Duncrue for the vehicle storage compound and (ii) administration of the 'Management of the Vehicle Storage Compound' contract and disposal of the unclaimed vehicles.

The scheme was officially due to finish on 30 April 2007. As it was seen to be effective however the partnership agreed that the scheme should continue, albeit the NIO stated that funding would be reduced. Although the scheme was partly self-financing it could not be sustained at its prevailing level without considerable additional funds. At the 12 March 2007 meeting, and following receipt advice from the Council's Legal Services Department, the partnership agreed that the scheme should reduce its hours of operation while funding options were investigated by the Police Retraining & Rehabilitation Trust (PRRT).

The PRRT study sought to identify possible partners and funding mechanisms for the continuation and further development of the scheme but, without considerable funding from the individual partners and a guarantee of a steady number of vehicles it was recognised as not being feasible.

In further discussions with the partners another option was identified using the national contract of the Driver & Vehicle Agency (DVA) which could be used to remove untaxed vehicles from public access areas. The DVA has a contract with NCP Ltd to identify, clamp and remove untaxed vehicles. As there is considerable under-utilised capacity in the scheme it was agreed by the partnership that the PSNI and the Council could use the scheme. Instead of the PSNI arranging pickup of untaxed/runaround vehicles they would notify NCP who would clamp the vehicles or remove them immediately. NCP have three compounds for the storage of vehicles in NI which they manage in a similar manner to the Council vehicle compound at Duncrue.

To test this proposal a two week pilot (Operation Evader) was carried out in the Belfast area during which 320 vehicles were clamped or lifted. The PSNI identified untaxed vehicles and reported them to DVA and NCP. During the pilot the vehicles were either dealt with that day, or immediately thereafter if they were detected after 6 pm. The trial was a success and could be considered as a template of good practice with no major problems being experienced and no assaults on the police or NCP staff.

#### Key Issues

The current Operation Clean Up scheme was due to finish on 30 April 2007. As the partnership was eager for it to continue however it was operated at a reduced level to permit an investigation to be conducted into other possible funding mechanisms. The NIO indicated that they might provide reduced funding over the next three years. This funding would not permit the scheme to operate at the level it had achieved between 2004 and 2007.

Between 1 November 2004 and 30 April 2007 Operation Clean Up removed 6357 runaround vehicles, 4085 of which were destroyed. These were vehicles which had been associated with creeper burglaries, vehicle arson, filling station drive offs and hit-and-run collisions. During this time, the number of abandoned vehicles which the Council dealt with dropped from approximately 1500 to 250 vehicles per year. Removing the vehicles earlier meant that fewer vehicles were being abandoned after they had served their purpose. This indicated that many abandoned vehicles which the Council had previously addressed were runaround vehicles before their abandonment.



The Operation Clean Up scheme is widely recognised as good practice and it received an International Community Policing Award in 2005 and a NI Best Practice Award in 2008.

Since Operation Cleanup started, the DVA has established a national contract for dealing with untaxed vehicles which resulted in NCP Ltd being given authority to clamp and remove vehicles from public access areas. In NI, this contract has spare capacity and could be extended to deal with all reports of untaxed vehicles from the police. This would include runaround vehicles and vehicles which have been abandoned but are still capable of being driven on the public road. It would therefore be able to deal with all vehicles currently being lifted under Operation Clean Up. It is therefore proposed that the partnership will continue to run Operation Cleanup until the end of the 2008 calendar year and thereafter the Council would sign up to Operation Evader. At this time, the NIO Community Safety Unit will stand down from the Steering Group as no further funding is required for this scheme.

A schedule for Operation Evader will be established to ensure the scheme works in each of the police districts in NI on a rotational basis for one week per cycle. From initial discussions within the partnership and based on the premise that there are two police districts within Belfast, the Council would be scheduled to have NCP clamping and removing cars for two weeks in every eight week cycle.

NCP have three compounds in NI which negates the need for the Operation Cleanup compound at Duncrue. Upon cessation of Operation Cleanup at the end of the calendar year, this would permit the Council to consider other options for the site.

The partnership remains committed to overseeing the new clamping and removal scheme and is eager to maintain regular contact with the Council on the new scheme. The organisations within the partnership have asked the Council's Waste Management Service to continue to chair it on a regular basis.

#### **Resource Implications**

There are no financial resource implications for the Council. The vehicles will be lifted by DVA under their national contract at no charge to the Council or PSNI.

A Steering Group, made up of representatives from each of the partnership organisations, will continue to meet but it will be reduced to a six monthly basis. The Council has been asked to continue to chair this group.

The vehicle compound at Duncrue will no longer be required for Operation Cleanup and will therefore become available to the Council for other purposes.

**Recommendations**

The Committee is recommended to terminate Operation Cleanup on 31 December 2008 and to endorse supporting the DVA scheme (Operation Evader) from 1 January 2009.

The Committee is also asked to approve the Council's commitment to the new scheme in its role as Chair of the new partnership."

After discussion, the Committee adopted the recommendations.

**Upgrade of the Fire Alarm System  
at Duncrue Complex**

The Head of Waste Management reminded the Committee that the Duncrue Complex was the main operational base for several of the Council's services. He reported that the current fire alarm system had been installed in 1976 and pointed out that, whilst some areas of the Complex had been upgraded subsequently to include an automatic detection system, this had not been implemented over the entire site. He explained that this system operated by fitting detectors which activated the fire alarm system upon detecting smoke or heat. He pointed out that, although the installation of such a system was not a legal requirement, it was a normal feature in similar-sized sites and would reduce the health and safety risk to staff. Accordingly, he sought the Committee's approval for the commencement of a tendering exercise for the upgrade of the fire alarm system at the Duncrue Complex. The tender would be evaluated on the basis of 70% cost and 30% quality and would take into consideration cost, experience, ability to work in partnership, financial capacity and technical capability. The cost of upgrading the system would be in the region of £60,000 and would be met from within the Waste Management Service's budget.

The Committee granted the approval sought.

**Development of Clara Street  
Civic Amenity Site**

The Committee was reminded that, in 2003, the Council had initiated a programme for the development and upgrade of a number of Civic Amenity Sites, together with the construction of three modern Recycling Centres at Alexandra Park, Blackstaff Way and Palmerston Road. The Head of Waste Management explained that the new facilities had been developed by the Council in order to meet new national and EC targets by changing the emphasis from places where the public could dispose simply of their household waste into centres primarily for recycling and the diversion of waste from landfill.

He informed the Members that, in February, 2004, as the new Recycling Centres were being developed, a review of operational requirements at Civic Amenity Sites which had been conducted simultaneously by the Business Improvement Section had made a number of recommendations. As a result, some of the Sites had been designated for temporary or longer term use, whilst others had either been closed and transferred to the Cleansing Services Section for use as mustering stations or referred to the Development Department's Estates Unit. The Business Improvement Section had recommended that the Clara Street Civic Amenity Site should continue to operate but that it would need to be updated considerably. He made the point that the upgrading of the Ormeau and Palmerston Road Recycling Centres had necessitated the Clara Street Civic Amenity Site remaining open to receive general waste. To facilitate this increased use by the public, it had been proposed that the Site would be upgraded in two phases. Phase one had included a new internal layout and the installation of compactors to increase handling capacity, whilst Phase two would involve considerable construction work which would require planning permission. A planning application had been submitted but, due to the changing nature of land use in the Clara Street area, the Planning Service was now seeking specific environmental studies to be conducted prior to completing its consideration of the application.

The Head of Waste Management reported further that the Ormeau and the Palmerston Road Recycling Centres had now been completed and were both fully operational. He explained that the upgrade of the Clara Street Civic Amenity Site had been included within the current year's Capital Programme as a "project not yet committed". Under the Council's Gateway Review process, an economic appraisal was, therefore, required in order to explore the various options and determine which represented the best value-for-money option for this site. He pointed out that the appraisal would be undertaken by way of a quotation process which would be conducted in conjunction with the Council's Project Management Unit and would cost in the region of £10,000.

The Committee noted the information which had been provided.

**The Landfill Allowances Scheme  
(Amendment) Regulations 2008**

The Committee considered the undernoted report:

**"Relevant Background Information"**

The aim of the EC Landfill Directive is to harmonise landfill management and improve environmental controls within the European Community through the establishment of a series of targets and using 1995 as the base year for their calculation. The targets are binding and established specific limits for Member States on the amount of Biodegradable Municipal Waste (BMW) which they can send to landfill. The UK sought a four year derogation meaning the target years are 2009/10, 2012/13 and 2019/20. In 2003, the Government introduced the '*Waste Emissions Trading (WET) Act*' which allocated limits on the tonnage of BMW which councils could send to landfill per annum on a council-by-council basis in England and Wales through the

establishment of the landfill allowance trading scheme (LATS). Should a council breach its allocation a civil financial penalty of £200 per tonne could apply for every tonne over a council's BMW 'allowance' unless they could demonstrate they had used 'best endeavours' to prevent this breach.

On 1 April 2005, the Northern Ireland Landfill Allowances Scheme (NILAS) Regulations were introduced using the same mechanism as established under the WET Act to translate the EC Landfill Directive targets into annual allowances for each council in Northern Ireland. The NILAS allowances are the local equivalent to LATS and through collaboration and the joint procurement of new waste treatment and disposal facilities the three waste management groups assist their constituent councils in meeting these NILAS targets.

Shortly after the Regulations were introduced, the NILAS Implementation Steering Group was established to maximise the possibility of Northern Ireland meeting the EC Landfill Directive targets. The group is a partnership between councils and central government and comprises of representatives from the waste management groups, officers from the Department of the Environment's (DOE) Planning & Environmental Policy Group and the NI Environment Agency.

As part of the Steering Group's work programme a review of NILAS was scheduled for completion by the end of the third year of NILAS operation. This was completed in April 2008 and considered the results arising from a recently completed waste compositional study for Northern Ireland, commissioned by the DOE in 2007. The study was developed to be comprehensive, representative and robust and included such factors as seasonality, population density and socio-economic variation. It concluded that the percentage of BMW within Northern Ireland Municipal Solid Waste (MSW) is 64%.

Currently, Regulation 12 of NILAS states that the percentage of BMW in MSW is 71% based on a waste compositional study completed in 2000. The results from the recent study suggest this figure does not reflect present circumstances and accordingly should be amended.

#### Key Issues

The DOE proposes to revise the NILAS Regulations to amend the assumed proportion of BMW in MSW to 64% as the new figure more accurately reflects the waste composition of MSW in Northern Ireland. The DOE propose that this new percentage will come into effect on 1 April 2009.

This change will be helpful to the Council in meeting its targets and should be welcomed.

**Resource Implications**

None

**Recommendation**

The Committee is requested to note the report and confirm its support for the proposed changes to the Regulations. "

The Committee adopted the recommendation.

**Loo of the Year Awards**

The Head of Waste Management informed the Committee that the British Toilet Association represented the interests of public toilet providers, suppliers and users and acted as a catalyst for change in the pursuit of standards of excellence in all areas of public toilet provision and management. The Association organised annually a national Loo of the Year Awards competition which sought to raise awareness of the issues and to encourage the highest possible standards in all types of public toilets. He explained that this year's awards ceremony would be held in Birmingham on 5th December and pointed out that the Council had attained considerable success in recent years. He indicated that the Council had improved on last year's results and had achieved seven five-star, five four-star and one three-star awards. He stressed that this success reflected the importance which the Council had placed on public toilet provision in recent years and pointed out that it had a continuing programme for the upgrading and installation of facilities. The cost of attendance at the awards ceremony would be in the region of £250 per person.

The Committee agreed that it be represented at the Loo of the Year Awards ceremony by the Chairman and the Head of Waste Management (or their nominees).

Chairman



## **Council**

### **MONTHLY MEETING OF BELFAST CITY COUNCIL**

Held in Adelaide Exchange on Monday, 1st December, 2008  
at the hour of 6.00 o'clock p.m., pursuant to Notice.

**Members present:** The Right Honourable the Lord Mayor  
(Councillor Hartley) (Chairman);  
the Deputy Lord Mayor (Councillor D. Browne);  
the High Sheriff (Councillor McKenzie); and  
Councillors Adamson, Austin, M. Browne, Campbell,  
Convery, Cunningham, Cush, D. Dodds, N. Dodds,  
Ekin, Empey, Hendron, Jones, B. Kelly, N. Kelly,  
Kirkpatrick, Kyle, Lavery, Long, Maginness, C. Maskey,  
P. Maskey, McCann, McCarthy, McCausland,  
McGimpsey, Mhic Giolla Mhin, Moore, Mullaghan,  
O'Neill, O'Reilly, Patterson, Rodway, Stalford,  
Stoker and Wilson

#### **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 for inability to attend were reported from Councillors Attwood, W. Browne, Crozier, Humphrey, McClenaghan, McCoubrey, McMillen, Newton, Rodgers and Smyth.

#### **Expression of Sympathy**

The Right Honourable the Lord Mayor (Councillor Hartley) expressed his regret at the recent death of the mother of Councillor McClenaghan and, on behalf of the Council, extended to the family circle his condolences and deepest sympathy.

#### **Minutes**

Moved by the Right Honourable the Lord Mayor (Councillor Hartley),  
Seconded by Councillor P. Maskey and

Resolved – That the minutes of the proceedings of the Special Meeting of the Council of 30th October and the Monthly Meeting of the Council of 3rd November be taken as read and signed as correct.

**Strategic Policy and Resources Committee**

Moved by Councillor D. Dodds,  
Seconded by Councillor Stalford and

Resolved – That the minutes of the proceedings of the Strategic Policy and Resources Committee of 14th and 21st November be approved and adopted.

**Representation on Outside Bodies**

**George Best Belfast City Airport Forum**

The Chief Executive informed the Council that the Strategic Policy and Resources Committee, at its meeting on 21st November, had agreed that the Council nominate as its additional representative on the George Best Belfast City Airport Forum a Member of the Social Democratic and Labour Party Grouping. The Party Group Leader had advised that it wished to nominate Councillor Mullaghan to the aforementioned Body.

The Committee approved the appointment.

**Belfast District Policing Partnership –  
North Belfast Sub-Group**

The Council was advised that notification had been received from the Ulster Unionist Party Grouping indicating that it wished to replace Councillor D. Browne with Councillor Adamson on the Membership of the Belfast District Policing Partnership, North Belfast Sub-Group.

The Council approved the aforementioned change.

**Parks and Leisure Committee**

Moved by Councillor Stoker,  
Seconded by Councillor M. Browne,

That the minutes of the proceedings of the Parks and Leisure Committee of 6th, 13th and 17th November be approved and adopted.

**Request for Matter to be Taken Back  
for Further Consideration**

**Strength and Conditioning Suite  
at Andersonstown Leisure Centre**

At the request of Councillor McCann and with the consent of the Council, the Chairman (Councillor Stoker) agreed that the minute under the heading "Strength and Conditioning Suite at Andersonstown Leisure Centre" be taken back to the Committee for further consideration.



Amendment

Beechmount Leisure Centre

Moved by Councillor McCann,  
Seconded by Councillor P. Maskey,

That the decision of 13th November under the heading "Beechmount Leisure Centre" be amended to provide that the Beechmount Leisure Centre remain open until a final position in respect of the sale and transfer of the centre to the Department of Education has been determined.

A division on the amendment was demanded.

A poll having been taken on the amendment, there voted for it twelve Members, viz., the Right Honourable the Lord Mayor (Councillor Hartley); and Councillors Austin, M. Browne, Cunningham, Cush, Lavery, C. Maskey, P. Maskey, McCann, Mhic Giolla Mhín, Moore and O'Neill; and against it twenty Members, viz., the Deputy Lord Mayor (Councillor D. Browne); the High Sheriff (Councillor McKenzie); and Councillors Adamson, Campbell, D. Dodds, N. Dodds, Ekin, Empey, Hendron, Jones, Kirkpatrick, Kyle, Long, McCausland, McGimpsey, Patterson, Rodway, Stalford, Stoker and Wilson. Seven Members, Councillors Convery, B. Kelly, N. Kelly, Maginness, McCarthy, Mullaghan and O'Reilly, did not vote.

The amendment was accordingly declared lost.

Adoption of Minutes

The original proposal relevant to the minutes of the Parks and Leisure Committee was thereupon put to the meeting and passed in the following form:

That the minutes of the proceedings of the Parks and Leisure Committee of 6th, 13th and 17th November be and they are hereby approved and adopted, subject to the omission of the minute under the heading "Strength and Conditioning Suite at Andersonstown Leisure Centre" which, at the request of Councillor McCann, was taken back to the Committee for further consideration.

Development Committee

Moved by Councillor M. Browne,  
Seconded by Councillor C. Maskey,

That the minutes of the proceedings of the Development Committee of 11th and 12th November be approved and adopted.

**Request for Matter to be Taken Back  
for Further Consideration**

**Annual Events Programme  
for 2009/2010 – Sail Training**

The Chairman (Councillor M. Browne), at the request of Councillor McCarthy and with the consent of the Council, agreed that the minute under the heading "Annual Events Programme for 2009/2010" insofar as it related to that portion of the minute in respect of the allocation of funding to Sail Training be taken back to the Committee for further consideration.

**Transfer of the Management of the Former  
Laganside Corporation's Assets**

At the request of Councillor Stoker and with the consent of the Council, the Chairman (Councillor M. Browne) agreed that the minute under the heading "Transfer of the Management of the Former Laganside Corporation's Assets" be taken back to the Committee for further consideration.

**Adoption of Minutes**

Subject to the foregoing omissions, the minutes of the proceedings of the Development Committee of 11th and 12th November were approved and adopted.

**Health and Environmental Services Committee**

Moved by Councillor Mullaghan,  
Seconded by Councillor O'Neill and

Resolved - That the minutes of the proceedings of the Health and Environmental Services Committee of 5th November be approved and adopted.

**Licensing Committee**

Moved by Councillor Kirkpatrick,  
Seconded by Councillor Moore and

Resolved – That the minutes of the proceedings of the Licensing Committee of 4th, 17th and 19th November, omitting matters in respect of which the Council has delegated its powers to the Committee, be approved and adopted.

**Town Planning Committee**

Moved by Councillor Lavery,  
Seconded by Councillor McCarthy and

Resolved – That the minutes of the proceedings of the Town Planning Committee of 6th and 20th November, omitting matters in respect of which the Council has delegated its powers to the Committee, be approved and adopted.

Chairman



**Jean Stewart**

---

**From:** Helen McClean  
**Sent:** 20 July 2009 16:35  
**To:** Jean Stewart  
**Subject:** arc21 supplemental agreement mins 17 Nov 2008  
**Importance:** High

**ES.81/08      Supplemental Agreement Report**

The Committee was informed that following discussions at the Arc 21 Steering Committee (Council Officers) and the Arc 21 Joint Committee (Elected Members), it had been deemed necessary to review and supplement the Arc 21 Collaboration Agreement in order to assure the waste sector of the cohesion of the Group and the robustness of the commitment of Constituent Councils in the run up to the Residual Waste tender. This was being undertaken in the interests of receiving sufficient competition and ultimately delivery of a Best Value solution.

In this connection, Members had been circulated with copy Supplemental Agreement which was a product of detailed consideration by the legal team in association with Arc 21 and the Council Officers.

Arising from a dedicated meeting on 23 September 2008, to which Officers and legal advisors were invited, and subsequent amendment, the circulated document had been agreed. At the Arc 21 Joint Committee meeting on 9 October 2008, Members adopted the recommendations as follows:-

1. Approves the Final Supplemental Agreement, and
2. Agree to it being circulated to Member Councils for consideration/approval

The Director recommended that Council consider and approve the Supplemental Agreement.

It was Proposed by Alderman McKinney, Seconded by Councillor J McClurg, & AGREED to recommend accordingly.

**Jean Stewart**

---

**From:** Helen McClean  
**Sent:** 17 July 2009 12:08  
**To:** Jean Stewart  
**Attachments:** APPD Report Joint Committee.doc

Jean,

As promised, report and appendix re arc21 Supp Agreement. I have no access to mins of 'In Cmt' items but have asked that they send me the relevant extract, will send up asap!

Helen

**EXTRACT FROM REPORT TO ENV SERVICES COMMITTEE, 17 NOV 2008**

## **7. Supplemental Agreement Report**

Following discussions at the arc21 Steering Committee (Council Officers) and the arc21 Joint Committee (elected Members) it has been deemed necessary to review and supplement the arc21 Collaboration Agreement in order to assure the waste sector of the cohesion of the Group and the robustness of the commitment of Constituent Councils in the run up to the Residual Waste tender. This is being undertaken in the interests of receiving sufficient competition and ultimately delivery of a Best Value solution.

The attached Supplemental Agreement is a product of detailed consideration by our legal team in association with arc21 and the council officers.

Arising from a dedicated meeting on the 23<sup>rd</sup> September, to which officers and legal advisors were invited, and subsequent amendment, the attached Agreement has been agreed. At the arc21 Joint Committee meeting on 9<sup>th</sup> October members adopted the recommendations as listed below:-

1. approves the Final Supplemental Agreement; and
2. agree to it being circulated to Member Councils for consideration/approval.

All constituent councils are now being asked to consider and approve the Supplemental Agreement.

### **Recommendation**

**I would recommend that council consider and approve this Supplemental Agreement.**

**Helen McClean**  
**Office Manager (Environmental Services)**

Tel: 028 9335 8000  
Fax: 028 9336 9891  
Email: [hmclean@carrickfergus.org](mailto:hmclean@carrickfergus.org)  
Web: [www.carrickfergus.org](http://www.carrickfergus.org)

20/07/2009



1 December 2008

**MINUTES** of the Meeting of the Carrickfergus Borough Council held in the Council Chamber, Town Hall, Carrickfergus, on **MONDAY**, the **FIRST** day of **DECEMBER** 2008, at the hour of **7.00** o'clock pm pursuant to the Town Clerk's summons calling the Meeting, the following Members were present:

**Alderman P McKinney, Mayor Presiding**

**Aldermen:**      W Ashe                      M M Beattie              D W Hilditch

**Councillors:**    R Beggs                      C J Brown              T Clements  
                         M S Cosgrove              I E Day                  S C Dickson  
                         (from 7.01pm)              (from 7.01pm)  
                         E Ferguson                  W S Hamilton              J McClurg  
                         L McClurg                      J L Neeson

Apologies for non-attendance were received on behalf of Councillors D Ferguson and Marsden.

The following Officials were in attendance:-

Mr A Cardwell	Town Clerk & Chief Executive
Miss A Beacom	Senior Committee Clerk
Mrs J Hargie	Department of the Environment Planning Service

C.350/08  
(C.317/08)

**SCRIPTURE READING AND PRAYER**

**COUNCILLORS COSGROVE AND DAY ENTERED THE MEETING AT THIS STAGE.**

The Mayor's Chaplain, Rev Aian Ferguson wished the Mayor and Council all good wishes for a blessed Christmas and the year 2009. He then opened the meeting with a Scripture Reading and Prayer.

C.351/08  
(C.348/08)

**OBITUARIES**

The Mayor referred to the recent death of Mr Michael Horner, son of Mr George Horner, President of the Carrickfergus Branch of the Royal British Legion.

Also Constable Brian O'Hara, community policeman had recently lost his brother, Mr Patrick Joseph O'Hara in a road traffic accident.



1 December 2008

Reference was again made to the four PSNI officers who had died so tragically in a recent road accident. Whilst Council had already paid tribute to the Constables in question, more Members were in attendance at this meeting and the Mayor requested that Council again remember the bereaved families of Constables Declan Greene and Kenneth Irvine from Kilkeel, Constable James Magee from Newcastle and Constable Kevin Gorman from Drumaness, near Ballynahinch.

Members stood in silence for a few moments as a mark of respect and it was agreed that the Chief Executive forward condolences to the families concerned.

C.352/08  
(C.319/08)

### MINUTES

The Town Clerk reported that each Member of Council had been furnished with a copy of the Minutes of the Council meeting held on 3 November 2008, and these were taken as read and signed as a correct record by the Mayor on the Proposal of Councillor Clements, Seconded by Councillor J McClurg.

### COMMITTEE MINUTES

The Town Clerk reported that each Member of Council had been furnished with a copy of the Minutes of Committee meetings held on 10 and 17 November 2008.

C.353/08  
(C.320/08)

#### Development Services Committee

The Minutes of the meeting of the Development Services Committee held on 10 November 2008, were confirmed and adopted as Resolutions of the Council on the Proposal of Alderman Ashe, Seconded by Alderman Hilditch.

C.354/08  
(C.321/08)

#### Building Services Committee

The Minutes of the meeting of the Building Services Committee held on 10 November 2008, were confirmed and adopted as Resolutions of the Council on the Proposal of Councillor L McClurg, Seconded by Councillor E Ferguson.

1 December 2008

C.355/08  
(C.322/08)

**Chief Executive's Office**

The Minutes of the meeting of the Chief Executive's Office held on 17 November 2008, were confirmed and adopted as Resolutions of the Council on the Proposal of Councillor J McClurg, Seconded by Councillor L McClurg.

C.356/08  
(C.323/08)

**Support Services Committee**

The Minutes of the meeting of the Support Services Committee held on 17 November 2008, were confirmed and adopted as Resolutions of the Council on the Proposal of Councillor Beggs, Seconded by Councillor Brown.

C.357/08  
(C.324/08)

**Environmental Services Committee**

The Minutes of the meeting of the Environmental Services Committee held on 17 November 2008, were confirmed and adopted as Resolutions of the Council on the Proposal of Councillor Clements, Seconded by Councillor E Ferguson.

C.358/08  
(C.349/08)

**Special Council Meeting**

The Minutes of the meeting of the Special meeting of Council held on 24 November 2008, were taken as read and signed as a correct by the Mayor on the Proposal of Councillor Clements, Seconded by Councillor Day.

**MATTERS ARISING**

C.359/08  
(C.327/08)

**Knight Statues**

Councillor Hamilton referred to Minute C.327/08 of 3 November 2008, page 5 second paragraph where the Mayor had ruled that the issue was now a legal matter and could not be discussed. However, over the previous two months it had become evident that the matter was being discussed by a number of Committees and Councillor Hamilton queried why he had not been allowed to raise this. On 7 September 2008, at the Arts & Events Sub-Committee, the Officer had not only raised the issue but made recommendations as to a certain course of action which had not been agreed by Council. It had then been suggested that the Director become involved as a matter of urgency. Councillor Hamilton queried what action would be taken against the Officer for becoming involved in a legal matter which he as a Councillor could not discuss.

1 December 2008

The Mayor referred to page 6 of the Minutes where she had advised Councillor Hamilton to contact the Town Clerk regarding the information to be provided.

Councillor Hamilton reported that he had received no information as the agreement which had purportedly been reached in the past by Council was not contained in the Minutes. He queried why others could discuss the issue, when he who had reservations about it, could not discuss it.

The Town Clerk undertook to investigate the matter and bring back a report on the findings.

Councillor Hamilton queried what legal aspects had changed from the Minute of 7 September 2008, to when he wished to raise the matter in October 2008. The issue had been discussed one month but could not be discussed the next because he had reservations about what was supposedly agreed by Council.

**COUNCILLOR DAY LEFT THE MEETING AT THIS STAGE.**

The Town Clerk advised that without notice of the questions, he could not give a full answer but would report back.

Councillor Brown enquired if Members would be able to discuss the Town Clerk's report and was advised that the answer would depend on the findings.

C.360/08  
(DS.157/08)

**'Walpaul'**

Councillor Hamilton referred to the Development Services Minutes of 10 November 2008, specifically page 5 where he had requested information to be provided in relation to the boat 'Walpaul'. To date he was still awaiting this information.

Alderman Hilditch reminded Members that the Minutes had only been adopted earlier in the meeting.

Councillor Hamilton stated that the Director had given an undertaking to provide the details.

The Mayor requested the Town Clerk to ensure that the information was provided to Councillor Hamilton.

1 December 2008

Councillor Hamilton also requested the name of the company which had removed the boat. He made the point that on many occasions information he had requested had been made available to other Members who had not requested the information prior to meetings. Other Members of Council had been given information before Minutes were passed yet Councillors Brown and Hamilton had to request the information even after Minutes were passed.

Alderman Hilditch commented that this was the role of Chairmen for which payment was made.

C.361/08  
(SS.118/08)

#### ACCOUNTS FOR PAYMENT

Members had been circulated with copy Treasurer's Report dated 30 November 2008, which was recommended be authorised for payment.

The report also detailed petty disbursement cheques to the value of £5,000 and over.

It was

Proposed by Alderman Beattie,  
Seconded by Councillor Dickson,

That payment orders be issued as follows:-

Cheque Amount	£ 46,609.62
Bacs	£988,091.20

---

£1,034,700.82

On the Proposal being put to the meeting, it was declared carried unanimously.

C.362/08  
(C.329/08)

#### PLANS FOR APPROVAL

Mrs Joy Hargie, representing the Planning Service, Department of the Environment, was in attendance in connection with this item of business. She outlined the applications and recommendations as contained in the schedule, a copy of which had been circulated to Members on 17 November 2008.



1 December 2008

It was agreed that the Planning Service be informed that the Council had no comments or observations to make on the recommendations as contained in the schedule, other than:-

- (a) Application No.V/2005/0289/F – Castleview Limited, Quality Hotel, Castle Commercial Park (Carrickfergus Industrial Estate), 75 Belfast Road, Carrickfergus, in connection with residential development of 176 units with associated landscaping and access road.
- (b) Application No.V/2006/0124/F – Castleview Mews Limited, 75 Belfast Road, Carrickfergus, in connection with construction of hotel with leisure facilities, function rooms, garden and associated car park.

Alderman Hilditch welcomed the decision to approve both applications. Council had been consistent in its support for schemes at this location which were vital to the economic benefit and regeneration of the area.

- (c) Application No.V/2007/0390/F – Greenisland War Memorial Sports Club, 63 Upper Road, Greenisland, in connection with development and up-grading of existing playing field facilities. To include provision of synthetic turf pitch, sand mattress pitch, floodlighting, fencing, retaining walls and sports drainage installations.

**AS A TRUSTEE OF THE PROPERTY, COUNCILLOR DICKSON DECLARED AN INTEREST IN THE ABOVE ITEM AND LEFT THE MEETING DURING DISCUSSION THEREON.**

**COUNCILLOR DAY RE-ENTERED THE MEETING AT THIS STAGE.**

- (d) Application No.V/2001/0281/CD – IDB, Meadowbank Road, Carrickfergus, in connection with site for light industrial development including earthworks, access road and landscaping.

Councillor Beggs referred to the validation date of September 2001 and queried why it had taken so long for the application to be processed through the system.

The Planning Officer explained that detailed information had been awaited from Roads Service as well as surveys from Environment and Heritage Service.



Tesc. 4.11.08

**REPORT FROM THE CLIENT MANAGER**  
(copy previously circulated)

**T&ESC/2008/460 : TONNAGES DEPOSITED AT LANDFILL**

The Client Manager reported that during the month of September 1552.02 tonnes had been deposited at landfill compared to 1541.42 tonnes in September 2007. He asked Members to note that this was an increase (deterioration) of approximately 10.62 tonnes.

Noted.

**T&ESC/2008/461 : ILLEGAL WASTE ACTIVITY - CORRESPONDENCE FROM THE DEPARTMENT OF THE ENVIRONMENT DATED 15 OCTOBER 2008**

The Client Manager attached to his report a copy of the above correspondence in relation to a consultation process that had taken place between NILGA representatives and the Department to consider a range of issues, including illegal waste disposal. He added that the Department had outlined its proposals at the meeting to provide District Councils with full investigation of enforcement powers and to provide the Department with powers to clean up large scale deposits of illegal waste. He reported that the letter also referred to the possible introduction of the Flycapture database.

Noted.

**T&ESC/2008/462 : ARC 21 - SUPPLEMENTAL AGREEMENT**

The Client Manager outlined that preliminary consideration had been given to the above matter by the Joint Committee at its meeting on 31 July 2008. He added that it had subsequently been raised by the Director of Technical & Environmental Services in his report at the meeting of the Committee on Tuesday 2 September 2008.

He reported that the purpose of the Supplementary Agreement was to put more robust contractual arrangements in place for future major waste infrastructure contracts. He added that these arrangements would deal with both the internal relationships between Councils and Arc 21, and contractors funders.

The Client Manager outlined that the proposals had been prepared by Arc 21's legal advisers. He added that a copy of the report which had been approved by the Joint Committee was attached to his report, together with the final Supplemental Agreement

**He recommended that the Committee approve the following:**

1. Approves the final Supplemental Agreement.
2. Becomes a signatory to the final Supplemental Agreement.

Following discussion, it was

**RESOLVED** : That the Council be recommended to grant approval of the final Arc 21 Supplemental Agreement and that the Council become a signatory to the final Supplemental Agreement.

#### **T&ESC/2008/463 : CONSTRUCTION SKILLS REGISTER**

The Client Manager reported that Buildsafe-NI was a safety initiative for the construction industry which was organised under the auspices of the Construction Industry Forum and the Health and Safety Executive for Northern Ireland. He advised that the Construction Industry Forum was made up of representatives from government, the various sectors of the local industry and the trade unions. He indicated that each of the groups involved was developing an action plan aimed at improving safety and reducing accidents on construction sites.

He continued by stating that since December 2004 all visitors to public sector building sites, including architects and other constructional professionals were required to possess evidence of appropriate health and safety training. The CSR card was the most widely recognised and acceptable form of proof of training. He explained that the training must be repeated and cards renewed every four years.

The Capital Projects Officer obviously had a requirement to visit construction sites and his card would expire at the end December 2008. He reported that an appropriate course had been sourced to update his training and this was being run on behalf of the Royal Society of Ulster Architects at a cost of £105.00 plus VAT. He advised Members that this was a one day course running from 8:30 a.m. until 5.00 p.m.

Following a query from Councillor Robinson, the Client Manager advised that the training would be required by those who had to visit sites whilst development was in progress.

Following discussion, it was

**RESOLVED** : That the Council be recommended to grant approval for the Capital Projects Officer to attend the one day training course to enable him to update his CRS card, at a cost of £105.00 plus VAT.

#### **T&ESC/2008/464 : THE CHARTERED INSTITUTE OF WASTE MANAGEMENT (CIWM)**

The Client Manager explained the aims and objectives of the above organisation. He reported that, upon successfully passing their entrance examinations and interviews, the Waste Management & Environment Officer and the Recycling & Environment Officer had recently been transferred to the class of Full Member (Corporate Membership, Chartered Waste Manager).





**DONALDSON, Barry**

---

From: FAULKNER, Brenda  
Sent: 17 July 2009 13:02  
To: DONALDSON, Barry  
Subject: Council minutes

27 Nov 2008  
Ratification  
by Castlereagh Bk

**2008/711 : MINUTES**

Alderman Rice outlined that the reason she and a number of other Members had not attended the Special Council meeting on 10 November 2008 was due to the fact that, although the meeting was supposed to start at 8.30 p.m. they had waited until 8.50 p.m. but the meeting had still not commenced. She added that as no-one had the courtesy to come and give an indication as to when the meeting would be starting, they left the Chamber.

**RESOLVED: That**

- (a) the Minutes of the following meetings be adopted as a true and accurate record of the proceedings:

- Council meeting held on 23 October 2008
- Special Council meeting held on 10 November 2008
- Special Council meeting held on 13 November 2008
- Leisure Services Committee meeting held on 6 November 2008
- Finance & General Purposes Committee meeting held on 12 November 2008

- (b) ~~The Minutes of the Technical & Environmental Services Committee meeting held on 4 November 2008 be adopted a true and accurate record, subject to Minute No T&ESC/2008/440 being referred back to the Committee for further consideration.~~

- (c) The Minutes of the Central Services Committee meeting held on 10 November 2008 be adopted a true and accurate record, subject to an apology being recorded on behalf of Councillor Spratt.

- (d) The following Minutes were noted:

- Leisure Park Board meeting held on 15 September 2008
- Leisure Park Board meeting held on 20 October 2008
- Castlereagh Hills Golf Club Board meeting held on 19 September 2008
- Castlereagh Hills Golf Club Board meeting held on 17 October 2008



**E/11/08**

## **Minutes of Proceedings**

**Of**

### **Environment Committee**

Meeting held in the Council Chamber, Smiley Buildings, Victoria Road, Larne on Monday 17 November 2008 at 6.45 pm.

**Members Present:** Chairman (Councillor Ms GM Mulvenna), Aldermen JR Beggs (from 6.47pm), J McKee and DG O'Connor, Councillors JB Dunn, JW Fulton, M Lynch, JH Mathews (from 6.53pm), R McKee MBE, G McKeen, Mrs R Rea MBE, AP Wilson and GM Wilson (from 6.50pm).

**In Attendance:** Chief Executive, Head of Technical Services, Senior Environmental Health Officer and Democratic & Administrative Services Assistant.

#### **ITEM MINUTE**

##### **1.00 APOLOGIES**

Apologies were received and accepted from Councillors R Craig and M Dunn.

##### **2.00 ENVIRONMENT REPORT**

##### **2.01 Building Control**

##### **(i) Building Regulations (NI) 1990 (Appendix 1)**

1.1.1 Applications

1.1.2 Building Regulations (Prescribed Fees) Legislation (NI) 1979

1.1.3 Building Regulation Inspections

Proposed by Councillor B Dunn, seconded by Councillor M Lynch and resolved:-

"That the report on Building Regulations (NI) 1990 be noted".

##### **(ii) Property Certificates**

Proposed by Councillor B Dunn, seconded by Councillor M Lynch and resolved:-

"That the report on Property Certificates be noted".

## **2.02 Environmental Health (Appendix 2)**

### **(i) Licensing Matters**

- 2.1.1 Application for renewal of Entertainment Licence
- 2.1.2 Application for renewal of Amusement Permit
- 2.1.3 Door Supervisor Registration
- 2.1.4 Application for Stationary Street Trading Licence

Mrs Parkinson allayed Members' concerns stating that should any problems occur regarding the Stationary Street Trading Licence, conditions of the licence could be changed, she further informed Members that recently there had been no complaints.

Proposed by Councillor A Wilson, seconded by Councillor M Lynch and resolved: -

"That Council renews, grants and approves the applications detailed in 2.1.1, 2.1.2, 2.1.3 and 2.1.4".

### **(ii) NI Direct Phase I**

#### **Incident Line – Local Government Response**

##### **"Briefing Note**

The flooding in Northern Ireland has highlighted the need for a single point of contact for citizens in the event of a major incident to provide an easy access focal point for services.

There are a number of benefits that can be realised from the Incident Line service, including:

- Having a single point of contact for the citizen in the event of a major flooding incident, which can be used to report details and also obtain advice and information relating to the current flooding event;
- A consistent level of service can be provided to the citizen by professional agents that there trained to deal with their call;
- The customer response is managed by the Incident Line agents. Multiple calls from citizens relating to the same major incident can be logged without further unnecessary communication with the responding agencies; and
- District Councils can get early notification of major flooding incidents to ensure that they can initiate appropriate actions as soon as possible.

##### **Recommendation**

Council members are asked to endorse the Department of Finance and Personnel's proposal of establishing an Incident Line service.

Council officers propose that this is managed internally by:

- the allocation of a dedicated mobile which will be manned at Director level at which Incident Line agents can contact the Council when pre-arranged trigger points are reached. Trigger points need to be decided by each Council;
- the provision of the Incident Line number on the Council's website; and
- the provision of the Incident Line number via a message on the Council's answer phone service."

After discussion on the difficulties of having direct lines such as problems getting through to speak with someone and not having calls returned it was proposed -

by Councillor McKee, seconded by Councillor Fulton and resolved that:-

"The recommendation as stated in the previous report be accepted".

Alderman O'Connor was against accepting the recommendation.

**(iii) Memorandum of Understanding in Relation to the Enforcement of dogs Legislation**

**"Purpose of Report**

To advise Council of a Memorandum of Understanding (MOU) between the Police Service of Northern Ireland (PSNI) and District Councils.

**Background**

Following a meeting with Minister Michelle Gildernew, Minister for the Department of Agriculture & Rural Development and Council representatives, a Working Group was set up to look at the enforcement of current dogs legislation, in particular in relation to the safety of officers whilst dealing with 'dangerous dogs'. The MOU clearly sets out the roles and responsibilities of the PSNI and Council Officers and provides a mechanism for co-operation between both parties.

The MOU also sets out contact details for relevant organisations. This information will not be in the public domain but for use by each organisation.

**Recommendation**

It is recommended that Council ratify the MOU and agree the inclusion of the contact numbers for the Environmental Warden, Senior Environmental Health Officer and Kennelling Service provider."

Proposed by Alderman Beggs, seconded by Councillor Mathews and resolved:-

"That the recommendation as stated above be accepted".

**(iv) For Information**

- 2.4.1 Litter (NI) Order 1994 – Total Issued to Date for the year 2008/2009
- 2.4.2 Dogs (NI) Order 1983
- 2.4.3 The smoking (Northern Ireland) Order 2006: Article 8 (Offence of smoking in a smoke-free place)

Councillor A Wilson asked how figures regarding Litter (NI) Order 1994 for the year 2008/2009 compared to figures last year and if Members could have sight of annual figures.

Councillor M Wilson stated that there had been no new litter offences noted last month and, as there was still a lot of litter on the streets, asked if the department was short staffed

Mrs Parkinson stated that one Litter Warden had been absent through sickness but the other Warden had been on duty and had not reported any offences.

Proposed by Councillor B Dunn, seconded by Alderman McKee and resolved:-

“That the items for information be noted”.

**2.03 Technical Services**

**(i) Arc21 supplemental Agreement**

**“Purpose of Report**

The purpose of this report is to seek approval, by Members, of the arc21 Joint Committee Supplemental Agreement.

**Background**

The current Collaboration Agreement, under which arc21 was established, was signed by Member Councils on 1<sup>st</sup> July 2003.

**Report**

Recently it has been deemed necessary to review and supplement the Collaboration Agreement in order to assure the waste contracting sector of the cohesion of the Group and the robustness of the commitment of Constituent Councils in the run up to the Residual Waste tender. This is being undertaken in the interests of receiving sufficient competition and ultimately delivery of a Best Value solution.

The attached Supplemental Agreement is a product of detailed consideration by the arc21 legal advisors, in association with arc21 and Member Councils, and was approved by the Joint Committee on 9<sup>th</sup> October 2008.

Accordingly, it is recommended that Council considers and approves the Supplemental Agreement to the Collaboration Agreement.

## **Recommendation**

Members are requested to adopt the recommendation of the Joint Committee."

Proposed by Alderman O'Connor, seconded by Councillor Fulton and resolved:-

"That the Council adopt the recommendation of the Joint Committee".

(ii)

## **Building Maintenance**

### **"Purpose of Report**

The purpose of this report is to advise Members on the current condition of the Town Hall.

### **Background**

A property survey report has been received from our Insurers, AIG UK Limited acting on the instructions of Marsh, Insurance Broker.

### **Report**

The building is currently the subject of a refurbishment procurement exercise, however as this will require an extended contractual period a temporary resolution is required to decide upon the short term future of the building in accordance with the recommendations made by our insurers.

Consultants will be appointed for the complete refurbishment contract following completion of Stage 2 of the tendering process after the closure date. The remaining stages of the exercise may require a further 18 months before handover to the successful contractor.

The current property survey report makes 5 recommendations covering the existing condition of the premises and its services and includes:

- 1 Building Maintenance,
- 2 Fire Detection,
- 3 Electrical Installation
- 4 Space Heating,
- 5 Fire Risk Assessment.

Items 4 and 5 have no financial implications whilst the approximate cost of satisfying the remainder is £30,000. The timescale recommended by AIG UK Ltd, for completion of the works, extends to 2nd February 2009. Any temporary works mentioned in this report will augment the permanent works in the larger scheme and will enable the building to be safely utilised until the date of handover to the main contractors. The building is well used at present by several diverse groups and approximately 300 people per week.



## **Recommendation**

Members are requested to advise on the expenditure of approximately £30,000 to comply with our Insurance Company's recommendations."

Members were informed that the money, which was incorporated in the present budget, would not be lost but would augment permanent works when they were progressed. These works were essential to keep the building open and safe for use by the 300 (approx) patrons per week using the facility.

Proposed by Alderman Beggs, seconded by Councillor McKee and resolved:-

"That the recommendation as stated in the Building Maintenance report be accepted".

### **(iii) Waste Infrastructure Conference**

#### **"Purpose of Report**

The purpose of this report is to seek approval to attend a Waste Infrastructure Conference in Belfast on 3<sup>rd</sup> December 2008.

#### **Background**

A "Waste Infrastructure of Northern Ireland "Conference has been arranged supported by DOE NI, SIB, Carson McDowell, SITA, RPS, Price Waterhouse Coopers and ENVIROS.

#### **Report**

The morning session of the Conference will be dedicated to an update on the status of the three waste management groups; arc21, Swamp and the NWRWMG.

There will also be presentations examining some of the waste technologies that may be deployed, including an examination of a waste to energy case study from Great Britain. Other expert presenters will cover issues such as waste infrastructure planning and the legal framework around waste management.

The closing conference session will take the format of a round-table discussion, featuring key players in the Northern Ireland waste sector representing government, local government, the NGO sector and the waste industry itself. Delegates will have the opportunity to ask questions of the panel members and engage them in discussion on the delivery of the planned waste infrastructure investment.

The expert speakers will include among others Paul Simpson Deputy Secretary, Local Government and Environment Policy Group; John Quinn, Chief Executive, arc21; Per-Anders Hjort, Chief Executive SITA; Cllr Shaun Gallagher, Vice Chair Strategic Waste Board; professor Sue Christie, Director of NI Environment Link and John Briggs, C&CE of Armagh City and District Council.

The cost of the Conference is £195 per person.

### **Recommendation**

Members are requested to nominate attendees at the Waste Infrastructure Conference."

Proposed by Councillor McKee, seconded by Councillor B Dunn and resolved:-

"That Councillor Mathews, Councillor Fulton and one Officer be nominated to attend The BMF Conference "Developing Northern Ireland's Waste Infrastructure" to be held in Belfast on 3 December 2008".

## **3.00 CORRESPONDENCE**

### **3.01 Tabled Items:**

- (i) Criminal Justice Inspection Northern Ireland report "anti-social behaviour orders an inspection of the operation and effectiveness of ASBOs"

Noted.

### **3.02 Green Apple Awards**

The Chief Executive informed Members that Council had been awarded the prestigious Gold Apple as overall Council winner on the whole island of Ireland category, in recognition of the environmental achievement made through the publication of the 'Sustainable Living' magazine.

Councillor Mulvenna, who had attended the awards, stated that representatives from all over the United Kingdom had been present at the award ceremony and she was delighted with the positive outcome and commended the team involved.

Councillor McKeen also congratulated the team emphasising how prestigious an award this was and suggested displaying it in a prominent position within the Council building.

The Chief Executive informed Members that this was in hand.

Alderman O'Connor paid tribute to all staff involved and suggested that the Chief Executive convey thanks to them stating that they were a credit to the Council.

The Mayor thanked the Deputy Mayor for deputising for him at this event and stated that he would invite the staff involved to the Mayor's Parlour to congratulate them in person.

Alderman Beggs suggested that each individual concerned should be given a copy of the certificate received as this was a special achievement and should be recognised as such.

All Members agreed.

#### **4.00 LEGAL & CONFIDENTIAL MATTERS**

Proposed by Alderman O'Connor, seconded by Alderman McKee and resolved:

"That Legal & Confidential Matters be discussed 'In Camera'."

#### **4.01 The Litter (Northern Ireland) Order 1994**

A report was presented in relation to a breach of the Litter (Northern Ireland) Order 1994. An article 20 notice was served and to date no response had been received by the Environmental Health Department. It was recommended that legal proceedings be instituted against the person for failing to comply with an Article 20 Notice to Obtain Information under the Litter (Northern Ireland) Order 1994.

Proposed by Councillor B Dunn, seconded by Alderman McKee

"That legal proceedings be instituted against Mr Simon Dell, 277 Greenland Drive, Larne for failing to comply with an Article 20 Notice to obtain information under the Litter (NI) Order 1994."

Alderman O'Connor stressed that he did not agree with the resolution and asked how many prosecution were implemented from April to July every year when rubbish was strewn around Larne, he asked for a copy of Council Policy regarding dumping, litter, waste etc and the number of successful prosecutions.

The Chief Executive stated that he would receive a copy of the Enforcement Policy.

Alderman O'Connor stated that he would be going to the press on this issue and also asked for a recorded vote.

FOR: 11 Votes – Aldermen Beggs and McKee, Councillors B Dunn, Fulton, Lynch, Mathews, McKee, McKeen, Mrs Rea, A Wilson and M Wilson.

AGAINST: 1 Vote – Alderman O'Connor

Therefore as proposed by Councillor B Dunn and seconded by Alderman McKee it was resolved: -

"That legal proceedings be instituted against Mr Simon Dell, 277 Greenland Drive, Larne for failing to comply with an Article 20 Notice to obtain information under the Litter (NI) Order 1994."

**Open Meeting:** Proposed by Councillor B Dunn, seconded by Councillor Mathews and resolved:-

"That Council resume open meeting."

Meeting terminated at 7.44pm

\_\_\_\_\_ Mayor

\_\_\_\_\_ Chief Executive

\_\_\_\_\_ Date

# APPENDIX 1

## ENVIRONMENT COMMITTEE REPORT – 17 NOVEMBER 2008

### 1.0 BUILDING CONTROL SECTION

Officer to Contact for further information:-

Colin Lavery, Acting Senior Surveyor, Building Control Department

### 1.1 BUILDING REGULATIONS

#### 1.1.1 Applications

During this period a total of 70 new Building Regulations applications were received for a variety of projects. These together with existing live applications currently under assessment are summarised as follows.

Applications Pending	70	
Decision Type	Number	
Approvals	12	
Rejections	3	
Unauthorised Works	1	
Dangerous Structures	0	
Building Notices Resolved	180	
Regularisations		2
TOTAL	268	

The schedule of individual applications is attached as Appendix 1.

#### 1.1.2 Building Regulations (Prescribed Fees) Legislation (NI) 1979

Plan fee income generated by assessment of new submissions received during the period of the report was £2,243.75.

Following commencement of Building Regulations works on site; further inspection fee invoices totalling £5,065.50 were issued. Income received from inspection fee invoices during the same period amounted to £1,381.50.

#### 1.1.3 Building Regulation Inspections

Throughout the period of the report 194 inspections on live schemes under our control were carried out by the Building Control Service.

Commencement Inspections	40
Statutory/Interim Inspections	125
Satisfactory Completion Inspections	29

### 1.2 PROPERTY CERTIFICATES

16 Property Certificate enquiries were received. Many of these resulted in further enquiries or inspections.

Property Certificate fee income for the period amounted to £960.00.

Colin Lavery

Acting Senior Surveyor, Building Control Department

## APPENDIX 2

### 2.0 ENVIRONMENTAL HEALTH SECTION

Officer to contact for further information:-

Julie Parkinson, Senior Environmental Health Officer

### 2.1. LICENSING MATTERS

The Local Government (Miscellaneous Provisions) (NI) Order 1985

#### 2.1.1 Application for Renewal of Entertainment Licence

Applications for renewal of Entertainment Licences have been received as follows:-

Applicant	Premises
Mrs Linda McCullough Director of Development Larne Borough Council	Larne Museum & Arts Centre 2 Victoria Road Larne
	Glenlough Community Hall Croft Road Carnlough
	Glynn Village Hall Main Road Glynn
	Greenland Community Centre Old Glenarm Road Larne
	Lynn Community Centre Linn Road Larne
	Seacourt Community Centre Seacourt Road Larne
Mr Ian McConnell 16 Beechgrove Larne	Wellington Recreation Sports & Social Club Old Belfast Road Millbrook

The Betting, Gaming, Lotteries & Amusements (NI) Order 1985

#### 2.1.2 Application for Renewal of Amusement Permit

An application for renewal of an Amusement Permit has been received as follows:-

Applicant	Premises
Messrs R G & J Leitch 19 Tower Road Larne	Ardella 3 Upper Cross Street Larne

#### 2.1.3 Door Supervisor Registration

Applications have been received from the following to be registered as Door Supervisors:-

Mr Mark Stoker  
Mr Stephen Weir

The applicants have been successful in obtaining the National Certificate for Door Supervisors – Licensed Premises.

#### **Recommendation**

The formal requirements of Council have been complied with. It is recommend that Council renews and registers the applications detailed in 2.1.1, 2.1.2 and 2.1.3.

#### **THE STREET TRADING ACT (NI) 2001**

##### **2.1.4 Application for a Stationary Street Trading Licence**

An application for a Stationary Street Trading Licence under The Street Trading Act (NI) 2001 has been received as follows:-

<b>Applicant</b>	<b>Trading Area</b>	<b>Type of Goods</b>
<b>Mr William Haggan 1 Greenedge Court Carrickfergus</b>	<b>Adjacent gateway to 28 Pound Street Larne</b>	<b>Hot Food</b>

#### **Background**

The above application was presented to the Environment Committee Meeting on 15 September 2008 in error and requires Committee approval before being issued. The application was presented as a renewal and transfer of a stationary street trading licence. The report should have been presented as a new application by a new applicant as Street Trading licences are not transferable under The Street Trading Act (NI) 2001.

The previous licence holder Mr Nat Hanvey sold his business and that street trading licence has been revoked. A new application was received from the above applicant on the 26 June 2008.

The applicant has stated a desire to trade in hot food at the designated site between the hours of 20.00hrs - 02.30hrs beginning on Friday and Saturday evenings.

#### **Discussion**

The Environmental Health Service received a written objection from a complainant on the 25 June 2008 in relation to continued trading at the designated pitch at Pound Street, Larne. The complainant is a resident of Gardenmore House which is on the opposite side of Pound Street.

The complainant's objections are centered around the potential for disturbance, in particular that of noise associated with members of the public, cars visiting the pitch, seagulls, litter and hygiene concerns and relates to the previous licence holder.

With reference to the application Council should have due regard for the applicants desire to trade between 20.00hrs and 02.30hrs Friday and Saturdays. The applicant has had a brief meeting with the Environmental Health Service in advance of the meeting to advise that any restriction on the hours of trading would have a serious detrimental impact on the business. The majority of trade is associated with the period of time immediately after public house closure which is from 01.00hrs onwards and if the conditions restricted these hours then this would not be a viable business opportunity.

#### **Options Available to Council**

**Revoke the designation of the site**

This is likely to happen when changes occur which may render an area no longer suitable for street trading or not suitable for trading in certain commodities.

This procedure involves Council to engage in a public consultation in at least 2 local newspapers with its intention to pass such a resolution.

**Refuse the application**

Article 8 & 9 Street Trading Act (Northern Ireland) 2001 permits Council to refuse a Street Trading licence application on specified grounds. These grounds of refusal are detailed in Appendix 2.

**Approve the application with conditions**

Where council is satisfied that there are no grounds to refuse an application it must approve the application with conditions attached. These conditions are to regulate the operation of the licence holder and failure to meet these conditions could result in the Council taking formal action.

#### Conclusion

The Environmental Health Service has reviewed both the mandatory and discretionary grounds on which Council may refuse a street trading licence in accordance with the legislation and is of the opinion that there is no reason to refuse the application.

However, Council is required under Article 7 of Street Trading Act (Northern Ireland) 2001 to specify conditions in a Street Trading Licence. The following conditions are brought before Council for approval :-

Conditions subject to which Licence is granted

1. The licence shall be operational between the following hours and on the following days and times:-  
**FRIDAY AND SATURDAY - 20:00hrs – 02.30hrs**
2. The licence holder is permitted to trade:  
(a) as a stationary trader in the following street trading pitch (include the location)  
**ADJACENT GATEWAY TO 28 POUND STREET, LARNE**
3. The following classes of articles, things or services may be sold or supplied or exposed or offered for sale or supply:  
**HOT FAST FOOD**
4. The following nature, size, type and number of receptacles will be used:  
**14' x 7' x 7' CATERING TRAILER**
5. The name of the licence holder and the number of the licence will be displayed on the receptacle so used in a prominent position or available for inspection:
6. The following requirements apply to the deposit and removal of refuse including the type of containers to be used for deposit of such refuse and their location pending its removal:  
**ALL REFUSE MUST BE DISPOSED OF IN AN APPROPRIATE RECEPTACLES AND REMOVED AT THE END OF TRADING.**
7. The licence holder shall avail himself to reasonable extent of his right to trade under this licence.

The Conditions so specified are aimed at addressing many of the issues which have been raised in the letter of objection. Council can review the conditions at any stage after the licence has been granted with a view to making necessary changes in consultation with the licence holder. Council may also wish to consider in particular the hours of trading and pass a resolution to vary or restrict the hours.

#### Recommendation

It is recommend that Council approve the application for stationary street trading licence adjacent to 28 Pound Street, Larne with conditions appropriate in accordance with Article 6 of the Street Trading Act (NI) 2001 for a period of 12 months subject to a review of the conditions in 6 months.

#### 2.4 FOR INFORMATION

##### 2.4.1 Litter (NI) Order 1994 – Total Issued to Date for the year 2008/2009

A fixed penalty both for Litter and Fouling offences is £50 each and the total revenue received to date is £2,250:00.

#### Litter Offences

#### Fouling Offences



#### **2.4.2 Dogs (NI) Order 1983**

The following Fixed Penalties have been issued and paid to date in relation to contraventions of the above order:-

Penalty fees for A1 – No Valid Dog Licence is £25:00, for A2 – No Identification is £10:00, for B1 – Dog Straying is £10:00 and for B2 – Dog Straying on Land where Livestock present is £10:00. Monies received in relation to fixed penalties issued under the Dogs Order are received by the Department and not the Council.

A1 – No Valid Dog Licence	18 - (£350:00)
B1 – Dog Straying	1 - (£10:00)
A2 – No Identification	0 - (£)
B2 – On land where Livestock Present	0 - (£)

#### **2.4.3 The Smoking (Northern Ireland) Order 2006 : Article 8 (Offence of smoking in a smoke-free place)**

The following fixed penalty has been issued and paid in relation to contravention of the above Order:-

<b>Name &amp; Address</b>	<b>Place of Offence</b>	<b>Amount Paid</b>
Mr William Porter 9 Ballyeaston Road Ballyclare	Smoking in Taxi Upper Cairncastle Road	£50

**Total Issued to Date for the year 2008/2009**

Payment of a fixed penalty is £30:00 if payment is made within the 15 day period specified in Part 1 or £50 if payment is made within the 29 day period as specified in Part 1.

Smoking Offences to date - 8  
Revenue to Date - £300:00

Julie Parkinson  
Senior Environmental Health Officer

04 November 2008  
JP/PH



**C/12/08**

**Minutes Of Proceedings**

**Of**

**Larne Borough Council**

Meeting held in the Council Chamber, Smiley Buildings, Victoria Road, Larne on Monday 01 December 2008 at 7.00pm

**Members Present:** Mayor (Councillor R McKee MBE), Aldermen JR Beggs (from 9.05pm), J McKee and DG O'Connor, Councillors R Craig, JB Dunn, M Lynch, Ms GM Mulvenna, GM McKeen, Mrs R Rea MBE (to 8.30pm), AP Wilson and GM Wilson (from 7.02 pm).

**In Attendance:** Chief Executive and Head of Democratic & Administrative Services.

**ITEM MINUTE**

**1.00 APOLOGIES**

Apologies were received and accepted on behalf of Councillors MB Dunn, JW Fulton and JH Mathews.

**2.00 ROADS REPORT 2008/2009**

Mr Terry Fulton and Mr Clive Robinson were in attendance to present the above report, a copy of which was circulated to Members with the Agenda.

**Members' Arrival:** Councillor M Wilson entered the Meeting at 7.02pm and Alderman Beggs at 7.05 pm.

Mr Fulton proceeded with the presentation under the following categories:

- Maintenance of Roads
- Winter Service
- Major Works Schemes
- Development Control

Members were then invited to ask questions.

In reply to Councillor Mrs Rea, Mr Fulton advised that Roads Service was aware of problems regarding the narrowing width of rural roads. He explained that even when the verges were cut back this work was quickly undone by large vehicles travelling on the roads. However, he added that they still endeavoured to maintain verges. He also explained that to apply hard packing would require excavation works for which there was no funding available.

Further to Councillor Mrs Rea's queries regarding gritting, she was advised of the

criteria applied to determine whether a road qualified for this service. Mr Fulton advised that 80% of the road network was currently treated but that there was no further funding available which would allow 90% coverage.

Councillor Mrs Rea's concerns in relation to gritting of rural roads were supported by all present.

Councillor Craig was informed that his comments regarding the Pound Street / High Street traffic lights would be referred to Mr Minford for response. Mr Fulton informed him that they would consider undertaking a new traffic count for Carrickfergus Road in relation to the gritting criteria. Further to the Councillor's comments about the wall along the A2 Shore Road, Mr Fulton explained that the works had been necessitated following the Selby incident and he added that as this was a tourist route a wall had been built rather than just providing a metal barrier.

In response to Alderman O'Connor, Mr Fulton indicated that Translink had not indicated a need for provision of turning points within new housing developments to facilitate public transport vehicles. The Alderman was also informed that the traffic survey at Churchill Road had been delayed as the concrete road surface would not hold the nails. However Mr Fulton said that a device had now been sourced for the traffic count.

Alderman O'Connor was advised that the proposed provision of traffic lights at Donaghy's Lane was reliant upon the developers in the Larne West area and that given the downturn in building the project had been delayed. Mr Fulton further explained that the works at Linn Road / Antiville Road junction were deferred pending the impact of the proposed traffic lights at Donaghy's Lane. He hoped that the delay would not be too lengthy.

Further to Alderman O'Connor's concerns in respect of the A8, Mr Fulton confirmed that this scheme would be delivered within the same timescale as the other schemes announced at the same time. He also advised that the Upper Cairncastle Road / Roddens junction would be widened in the next financial year to provide turning lanes.

Mr Fulton informed Alderman O'Connor that bins were now provided in rural areas for residents to salt roads when necessary.

Councillor A Wilson, having raised a number of queries, was informed that there was a dedicated right turn lane at the A8 / Ramp junction. Mr Fulton indicated that he had noted his request in relation to gritting of Deerpark Road saying that he would look at this road again. He advised that roads required to carry at least 1500 vehicles per day to qualify for inclusion on the gritting schedule.

In relation to the Councillor's comments that Mr Beattie's foreword to the report was the same each year, Mr Fulton pointed out that the circumstances remained the same. Following his comments regarding grass cutting, Councillor A Wilson was advised that Roads Service carried out a cut five times per annum but that they would enter an agreement with Council if they sought more frequent cuts. Mr Fulton also indicated that his department would be happy to enter a sponsorship arrangement in

respect of roundabouts.

Mr Fulton confirmed that Mr Robinson had noted the comments in respect of provision of sand piles in the open air and would endeavour to address these concerns. He also acknowledged Councillor A Wilson's exasperation at having to wait for developer input in respect of the traffic light provision at Donaghy's Lane.

Councillor A Wilson was also assured that landowners affected by the A8 upgrade would be treated sensitively. Mr Fulton then confirmed that the issue of the A8 / Ramp Road was due for further consideration the following day.

In response to Councillor B Dunn, Mr Fulton advised that the £15000 spent on speed management at schools related to Ballyboley Primary School as well as Corran Integrated Primary School. He confirmed that he would look at the issue in relation to the gritting boundary at Old Glenarm Road / Branch Road and the traffic count. He also assented to look into the other issues raised: flooding at Antiville roundabout and the bus lay-by at Old Glenarm Road at The Woods.

Further to queries from Councillor Ms Mulvenna, Mr Fulton confirmed that the works at Glenarm Bridge would be completed on schedule or earlier if the budget improved. He also advised that the new lighting at the Black Arch would be installed as soon as possible following receipt of the lights.

Councillor McKeen commented that funding had been agreed and the Antiville Road/Mill Brae junction improvements were to have been carried out some time previously. Mr Fulton advised that there had been objections to this scheme such that it had to be reviewed. He explained that it was now dependent on the provision of traffic lights at Donaghy's Lane which was a developer led project.

Mr Fulton thanked Alderman Beggs for his words of commendation in respect of the schemes undertaken at Browndod Road and Ballywillan Road. He added however that the issue of ponding at Browndod Road had been checked into with no apparent problem. Alderman Beggs cited the location where the problem occurred. Mr Fulton advised that Mr Robinson would look into this and the ponding issue at Crosshill Road.

Alderman Beggs was advised that there were agreements in place with some Councils in relation to the gritting of town centres, although he added that the agreement generally only operated when staff were unable to collect bins etc because of snow. He was also informed that Roads Service looked favourably on provision of salt boxes.

Councillor M Wilson expressed concern about the unsightly condition of Redlands roundabout. He was informed that this roundabout would be addressed under the Larne Town Centre Masterplan.

The Mayor commended the provision of the wall along the A2 shore Road, saying that it was aesthetically pleasing. He then extended seasons greetings to the Roads Service representatives before they left the Meeting.

### **3.00 DARD DIRECT INITIATIVE**

Mr Noel Griffin and Ms Mary Keyes were in attendance from NIPSA to address Members in respect of the proposed closure of DARD Regional Offices, including the Larne Office.

Mr Griffin advised that 23 of the current 33 offices were to close with 10 super offices to be created. He outlined the implications of the closure for the 43 Larne based staff and also for the local farming community who would now have to travel to Ballymena or Antrim to conduct their business, incurring additional time and expense. The closure of the office would result in a 35% drop in public service jobs in Larne at a time when DSD was trying to encourage employment into the town under the Masterplan.

Members were reminded of Larne's crucial role in disease control, being an entry point to Northern Ireland and Mr Griffin referred to the last foot and mouth outbreak in which Larne played a pivotal role. He also commented on the impact on the local economy of the proposed office closure. He stressed the support for the retention of the local office amongst the farming community, pointing out that 100 people had attended the recent public meeting and he recorded thanks to those farmers who had attended.

The Council was informed that the NIPSA representatives were meeting with the Assembly Committee the following morning and they sought Council support for their case. Mr Griffin cited other offices earmarked for closure which had now been saved and he stressed the need for the retention of the Larne office.

#### **Motion**

It was then agreed to bring forward an associated notice of motion which was due for consideration later in the Meeting.

**Declaration of Interest:** Alderman Beggs declared an interest being a user of the DARD office in Larne.

Submitted the following notice of motion from Alderman Beggs, seconded for discussion by Alderman O'Connor:-

"That Larne Borough Council mindful of the facts that

1. the East Antrim constituency already has a significantly lower number of public sector jobs than any other Westminster constituency;
2. the Port of Larne handles large numbers of livestock movements to and from Great Britain daily;
3. the Antrim and Ballymena proposed offices for DARD are too inaccessible to service the farming communities of Larne Borough;

4. calls upon Minister Gildernew to revise the proposed list of offices to be retained and to include Larne as a DARD Direct office in the final list and also invites the Mayor of Larne to lead a deputation to meet with the Minister of Agriculture as a matter of urgency."

Alderman Beggs, in proposing the motion, pointed out that there were rumours of threat to other Civil Service posts in Larne in addition to those in the DARD office. He stressed that the Council must not allow any more jobs to be moved out of the town. He referred to the recent loss of Housing Executive jobs saying that people no longer got the level of service that had been accustomed to in the Larne office. He argued that the service to the public must be given priority over uncalculated schemes which may result in savings. In conclusion, he commented on the impact of these job losses on the local economy and he urged colleagues to support representation to the Minister for a common sense approach to the matter.

Alderman O'Connor, in seconding the motion, referred to the loss of back office staff to Corporation Street and he expressed concern that RPA would result in the removal of public accessibility and accountability for the people of Larne. He also commented that many of the Larne staff may be unable to relocate because of family commitments or lack of transport. He further pointed out that there was a distance of just 10 miles between the Ballymena and Antrim offices, suggesting that if an office had to close it would be more sensible to close one of these two and to retain the Larne office. He called on the local MP and MLAs to join the campaign for the retention of the Larne DARD office.

Councillor Mrs Rea voiced support for the motion, commenting on the excellent standard of service provided in the Larne Office.

Alderman McKee commended the Trade Union for their efforts on this issue and he acknowledged the large turn out from the local farming community at the public meeting, adding that the Department had refused to send a representative. He condemned the process of centralisation which took jobs out of Larne, turning it into a commuter town, while the Town Centre Committee, business community and Chief Executive sought to attract investors into the Borough. He wondered whether any consideration had been given to the Town's port in this decision and he paid tribute to the service provided by the DARD office staff and he reflected on the history of the farming community attending the Wednesday market.

Councillor McKeen voiced support for the motion, suggesting that either the Antrim or Ballymena office should be closed rather than the Larne office. He suggested that the motion be amended to include a proposal for a deputation to meet with the Minister for Social Development to put forward Larne's case in light of the Strategic Business Review and the proposed closure of the local DARD office.

Councillor A Wilson, having indicated his support for the motion also commended the NIPSA representatives for their commitment to this cause. He then pointed out that there was a percentage of the Larne office staff who were not mobile. He called on all 6 MLAs to come together on this issue, pointing out that Roy Beggs Jnr had responded to the consultation. He then wished the NIPSA delegation success in their meeting with the Minister.

Councillor Mulvenna who voiced support for the Motion said that this proposal contradicted any notion of outreach services and she called on the retention of the Larne office.

Councillor M Wilson indicated support for the previous speakers and agreed that it was prudent to meet with both the Minister for Social Development and especially the Minister for Agriculture who came from a rural area. He also voiced support for the staff in the local DARD office who were facing an uncertain future.

Alderman Beggs thanked Members for their support and indicated his agreement to include representation to the Minister of Social Development and suggested that the Minister for Finance and Personnel should also be made aware of the matter. He then thanked the NIPSA representative for their efforts in this campaign.

Proposed by Alderman Beggs, seconded by Alderman O'Connor and resolved:-

"That Larne Borough Council mindful of the facts that

1. the East Antrim constituency already has a significantly lower number of public sector jobs than any other Westminster constituency;
2. the Port of Larne handles large numbers of livestock movements to and from Great Britain daily;
3. the Antrim and Ballymena proposed offices for DARD are too inaccessible to service the farming communities of Larne Borough;

calls upon Minister Gildernew to revise the proposed list of offices to be retained and to include Larne as a DARD Direct office in the final list and also invites the Mayor of Larne to lead a deputation to meet with the Minister of Agriculture as a matter of urgency; seeks to send a deputation to meet with the Minister for Social Development to present Larne's case in relation to the impact of these proposals on the Strategic Business Review and, in addition, that the Minister of Finance and Personnel be informed of the Council's concerns on this issue."

There was unanimous support for the resolution.

**Member's Departure:** Councillor Mrs Rea left the Meeting at 8.30pm.

#### **4.00 CONFIRMATION OF MINUTES OF COUNCIL MEETING**

##### **4.01 Council Meeting – 3 November 2008**

Councillor Lynch pointed out that an amendment to page 3 of the Minutes was required to read 'Councillor Craig'.

Proposed by Councillor Ms Mulvenna, seconded by Councillor Lynch and resolved:-

"That the Minutes of the Council Meeting (3 November 2008) having been circulated, be taken as read, confirmed as an accurate record, subject to the above amendment, and be signed by the Mayor and Chief Executive".



Alderman Beggs requested that item 10.02 Graves Policy be referred back to Committee for further consideration, in light of recent controversy over the selling on of a grave initially purchased from Council.

The Chief Executive confirmed that this had been discussed with Ministers Club and that the Director of Development would report on the matter.

**5.00 CONFIRMATION OF MINUTES OF STANDING COMMITTEES**

**5.01 Public Services Committee – 10 November 2008**

Alderman Beggs asked that under item 2.01 the Minutes be amended to read 'concerns' rather than 'concerned'.

Proposed by Councillor M Wilson, seconded by Councillor Craig and resolved:-

"That the Minutes be confirmed subject to the above amendment".

**5.02 Development Committee – 10 November 2008**

Proposed by Alderman Beggs, seconded by Councillor M Wilson and resolved:-

"That the Minutes be confirmed".

**5.03 Environment Committee – 17 November 2008**

Proposed by Councillor Ms Mulvenna, seconded by Councillor M Wilson and resolved:-

"That the Minutes be confirmed".

**5.04 Policy & Resources Committee – 17 November 2008**

Councillor B Dunn asked that the Minutes be amended to record that he was Chairman.

Proposed by Councillor B Dunn, seconded by Alderman Beggs and resolved:-

"That the Minutes be confirmed subject to the above amendment".

**6.00 BUSINESS ARISING OUT OF MINUTES**

**6.01 Page 3 – Council Meeting – Request from Boyne Defenders LOL 1297**

Councillor McKeen commented that a request had been made for a copy of the correspondence sent to Boyne Defenders LOL 1297 since July 2008. He said that he was told in September that a copy would be sent out, in October he had been told that Freedom of Information documentation had been supplied. He pointed out that in November Councillor Fulton was to be contacted regarding the matter and a copy of

the letter provided and he stated that as yet no one had seen the letter. He requested that if appropriate an investigation should be instigated to have the matter resolved and, if it was not appropriate to raise the issue at that evening's meeting, he would ask for it to be included on the agenda of the January Council Meeting.

Councillor McKee stated that, as a Councillor, he was unsure as to what was happening on this issue. Councillor B Dunn pointed out that this was a letter sent on behalf of the Council.

The Chief Executive stated that there was some confusion over the letter.

#### **6.02 Page 2 – Council Meeting – Inver Park Working Group**

Councillor McKeen asked for an update in relation to the Inver Park issue.

The Chief Executive confirmed that the Council had an agreement with Larne Football Club Shareholders on the sale of the ground. She further advised that the internal workings of the Club were a matter for the Club rather than Council, as was the appointment of a manager. She advised that there was no merit in speculating on these issues.

In reply to Councillor B Dunn, Mrs McGahey confirmed that the legal advice had been presented to the Inver Park Working Group, adding that there had been no ambiguity: 'the current agreement still stands'.

Alderman O'Connor paid tribute to the Chief Executive and Mr Burns on progressing the matter to this stage, along with those whom he said had 'bothered to turn up'.

#### **6.03 Page 20 – Public Services Committee – Review of NI Local Government Boundaries Provisional Recommendations Report**

Councillor A Wilson said that he had attended the public hearing on the above on 22 November. He said that he had pressed the point that the proposed distribution of ward populations left Larne, and to Carrickfergus to a lesser extent, disadvantaged to Ballymena. He had argued that the loss of Ballyalbanagh to Glenwherry did not make sense, while the loss of Ballyvallagh and Ballyfore to Woodburn would be detrimental to the interests of the people in these areas. He also commented on the poor turn out at the second day of the hearing.

The Chief Executive advised that she had attended the first day of the hearing on behalf of Council. She advised that she had made a case in relation to the unequal composition of the proposed wards and the varied population count in each, such that Larne having an average population of 2400 per ward compared to 2000 for Ballymena should qualify for one more ward through a reduction in the number of Ballymena wards.

#### **6.04 Page 27 – Development Committee – Ballygally Feasibility Study**

Councillor Ms Mulvenna advised that the email which she had submitted to the above meeting, in her absence, was neither intended to be considered as a motion nor

proposal. She advised that she was aware of the protocol in this regard, saying that it would have been inappropriate to submit a notice of motion in her absence.

The Councillor stated that in relation to the 'Fifedom' comment, she had been consulted as a member of the community group and that she had been unable to attend the November Development Committee Meeting as she was in Westminster on Council business. She expressed the view that the comments made in her absence were both unfair and out of order, saying that it was not in her manner to exclude anyone. She reiterated the view that this was a much needed social enterprise project.

The Mayor indicated that he had been criticised for not responding to a letter from the community group and he advised that he had clarified his role to the group. He then enquired as to whether it was appropriate to discuss the matter further.

The Chief Executive advised that a report would be presented by the Director of Development for discussion in due course.

Councillor Ms Mulvenna then asked for clarification in relation to the resolution on the matter.

The Chief Executive advised that a meeting the previous week with the Ballygally Residents Group had not been as fruitful as it could have been. She indicated that it was agreed that she would have no personal contact with the group, to give any advice, rather this would be given in writing. She also explained that the group must determine if a community facility was required, stating that if they could not demonstrate this need for a social enterprise then the Council would have no part in funding the project.

#### **6.05 Page 6 – Council Meeting – NILGA**

In reply to Councillor Craig, the Chief Executive advised that there had been many discussions amongst Chief Executives in relation to the new NILGA constitution and that the debate continued. She indicated that there would be further discussion of the matter at the next full meeting of NILGA, pointing out that many Councils were in a similar position to Larne.

#### **6.06 Page 22 – Public Services Committee – Proposed Pedestrian Crossing at Old Glenarm Road**

Councillor Craig advised that residents of the area referred to above felt intimidated by a submission of a further planning application to circumvent the issue of land ownership. He indicated that he would provide the Chief Executive with the information to which he referred.

Mrs McGahey advised that she was unaware of the new planning application and she also confirmed to Members that she had received written confirmation of the land ownership. She agreed to continue to explore the issue on behalf of Council.

At this stage in the Meeting, at Councillor B Dunn's suggestion, it was agreed to

send good wishes to the Director of Development during her current illness.

**6.07 Page 72 – Policy & Resources Committee – Transition Committees**

In reply to Councillor M Wilson, the Chief Executive advised that the above issue would be discussed later in the Meeting.

**6.08 Page 7 – Council Meeting – Freedom of the Borough**

The Mayor made reference to the complimentary correspondence which he had received in respect of the above from Sir Philip Trousdell, Mr Arthur Henderson and Mrs Joan Christie OBE DL, which he said were available for Members' perusal. He then read out correspondence from Major Colin Gray, following which he paid tribute to the Chief Executive, Mr Burns and Council Colleagues for the success of the event.

The Chief Executive advised Members that the Newsletter had contacted Council regarding a forthcoming book about the two welcome home parades held for the Royal Irish Regiment and also the Freedom of the Borough Ceremony, entitled "When the Heroes Came Home" priced at £7.99. The Council had been given the opportunity to purchase some copies with bulk orders of 20+ copies being offered at a 20% discount and £1 per copy sold being donated to the Military Benevolent Fund. To date there was no preview of the publication available.

A short discussion followed it being agreed to defer decision until a proof of the publication was available and, if deemed appropriate, copies could then be ordered for sale in the Tourist Information Centre and at Carnfunnock Country Park.

**6.09 Page 72 – Policy & Resources Committee – Transition Committees**

The Chief Executive advised that following the previous discussion on the above, she had contacted the Department seeking clarification on the Council's decision in respect of nominations to the Transition Committee in line with the Council's power sharing arrangement. She had been advised that this was in order, being a matter for the Council.

Mrs McGahey further explained that the guidance issued was guidance only and was not statutory, although it may become so within the next twelve months. She stated that she had also advised the Department of correspondence received from a local MLA regarding Council's nominations to the Transition Committee. Once again she had been assured that she had given the Council correct advice on this matter. She then confirmed the procedures used by other Councils in making their nominations to the respective Transition Committees. She reiterated that the advice she had given Council on the matter and the decisions made to date were not in contravention of the guidance.

Councillor B Dunn suggested that Council should await written guidance on the matter. Councillor Craig, however, expressed the view that the decision made should stand.

The Chief Executive reminded Members of the Council's nominees to serve on the Transition Committee: Councillors Craig, Fulton, Ms Mulvenna, A Wilson and M Wilson. The Mayor commented that Councillor Fulton was unlikely to wish to serve on the Committee.

Mrs McGahey advised that £150,000 was to be made available to the Transition Committees with much work to be done. She advised that the decision process was at Council's discretion.

Councillor McKeen stated that, having spoken with the Minister, the guidance on nominations to the Transition Committees was this should be conducted using D'Hondt, otherwise they might become Unionist or Nationalist controlled in some instances.

The Councillor also referred to correspondence from the Minister on this issue. The Chief Executive asked to be provided with a copy and she again stated that as independent corporate bodies, it was at each Council's discretion how they selected their nominees as long as they were satisfied that these nominees would represent Council in an appropriate manner. Given the apparent confusion between the advice from the Minister and from the Department she offered to have the issue resolved. She stated that the Council's decision had been taken in line with the power sharing agreement in place since 2005 and that on the basis of proportionality, i.e. the ratio of seats held as a proportion of the total seats on Council, the same result would be determined. She then voiced her disappointment that the Departmental advice given to her verbally had not been provided in writing prior to that evening's Meeting.

Councillor McKeen agreed to forward a copy of the Minister's letter to the Chief Executive the following morning.

Councillor M Wilson welcomed the report from the Chief Executive and the advice given. He commented that Larne should not become too concerned by what other Councils were doing on the issue. He reiterated that Council had an agreement in place since 2005 which he believed Members should stand by and continue to show political maturity.

Proposed by Councillor M Wilson, seconded by Councillor Craig:-

"That the original decision on nominations to the Transition Committee be upheld, being Councillors Craig, Fulton, Ms Mulvenna, A Wilson and M Wilson".

Councillor A Wilson said that he understood that Carrickfergus had made their nominations to the Transition Committee based on proportionality and he indicated that his party had been 'frozen out' in Ballymena.

The Chief Executive advised that the guidance stated that each cluster should comprise 10-16 representatives, explaining that where there were 3 Councils in the new Super Council representatives from each Council could number 4 or 5. She further advised that the political representation was a matter for each Council, stating that the representation was to be representative of the nominating Council rather than the Super Council. She also stated that her recollection was that an Ulster Unionist

Party member had been nominated by Ballymena Borough Council.

Councillor Ms Mulvenna thanked the Chief Executive for the information provided. The Chief Executive advised that the Department had confirmed the information to her verbally on three occasions and she had hoped that it would have been provided in writing prior to the Council Meeting. She added that she would continue to press for written confirmation on the matter.

In reply to Councillor McKeen, the Chief Executive indicated that she had been in contact with Ian Maye on the matter. Councillor B Dunn expressed the view that the advice given was not perfectly clear and was in fact "hearsay". Councillor Ms Mulvenna commented that the verbal advice was very clear.

Proposed by Councillor B Dunn, seconded by Councillor McKeen:-

"That decision on nomination to the Transition Committee be deferred pending receipt of written advice".

Councillor McKeen asked for a recorded vote.

Councillor B Dunn's proposal was then put to the Meeting with votes cast as follows:-

5 FOR: Mayor (Councillor McKee), Alderman Beggs, Councillors B Dunn, McKeen and A Wilson

6 AGAINST: Aldermen O'Connor and McKee, Councillors Craig, Lynch, Ms Mulvenna and M Wilson

The proposal was therefore declared lost.

Councillor M Wilson's proposal was then put to the Meeting with votes cast as follows:-

6 FOR: Aldermen McKee and O'Connor, Councillors Craig, Lynch, Ms Mulvenna and M Wilson

4 AGAINST: Mayor (Councillor McKee), Alderman Beggs, Councillors B Dunn and McKeen

1 ABSTAIN: Councillor A Wilson

Therefore, as proposed by Councillor M Wilson and seconded by councillor Craig, it was resolved:-

"That the original decision on nominations to the Transition Committee be upheld, being Councillors Craig, Fulton, Ms Mulvenna, A Wilson and M Wilson".

The Chief Executive indicated that she would present any subsequent advice received to Council. Councillor B Dunn said that the matter could not be discussed for 6

months. Mrs McGahey commented that if the advice stated that the Council had taken the wrong action it would be appropriate for Members to reconsider the matter.

## **7.00 FINANCIAL & ADMINISTRATIVE MATTERS**

### **7.01 Northern Health & Social Care Trust**

Submitted request from the above Trust seeking to address Council in respect of the consultation programme 'Modernising Health & Social Care Services'. It was suggested that the presentation be received at the next Public Services Committee Meeting to facilitate response by 19 December 2008.

Proposed by Councillor Ms Mulvenna, seconded by Alderman O'Connor and resolved:-

"That the Northern Health & Social Care Trust representatives be invited to address the December Meeting of the Public Services Committee".

## **8.00 CORRESPONDENCE**

### **8.01 The Landfill Allowances Scheme (Amendments) Regulations (Northern Ireland) 2008.**

Submitted summary of the above DOE Consultation including the following draft response.

"Larne Borough Council supports the DOENI's proposition to revise the NILAS regulations to amend the assumed proportion of biodegradable municipal waste percentage to 64%. We agree that it more accurately reflects the waste composition of collected municipal waste in Northern Ireland and will allow for more accurately planned service provision."

Proposed by Councillor Lynch, seconded by Councillor Ms Mulvenna and resolved:-

"That the draft response be accepted and submitted accordingly".

### **8.02 Planning Consultation on Planning application No F/2008/0330/F**

Submitted the following report from the Senior environmental Health Officer

"The Environmental Health Service have no objections in principle to the above application, but may seek further information regarding the proposed lay-out of the site and mitigating noise measures."

Alderman O'Connor commented on potential damage to cars, following which Members noted the report.

## **9.00 CONFERENCES**

### **9.01 Sister Cities International Conference 2009**

Notification had been received of early bird registration for the above conference for delegates from Northern Ireland and the Republic of Ireland in respect of bookings made prior to the end of December 2008. A copy of the conference programme was circulated to Members with the Agenda.

Alderman Beggs, Councillors Craig, Ms Mulvenna and McKeen had previously represented Council at Sister Cities International.

Proposed by Alderman McKee, seconded by Councillor Ms Mulvenna and resolved:-

"That Alderman Beggs, Councillors Craig, Ms Mulvenna and McKeen be nominated to represent Council at the Sister Cities International Conference 2009".

Following further discussion it was proposed by Alderman McKee, seconded by Councillor McKeen and resolved:-

"That the Mayor be nominated to represent Council at the Sister Cities International Conference 2009".

The Mayor indicated that he would be happy not to attend, adding that he was Chairman of the Sister Cities Committee which was still to meet. The Chief Executive apologised, advising that the Committee should be meeting.

There was some discussion of the relevance of the Conference to Larne with Alderman O'Connor making reference to a group of Scottish musicians. Councillor Ms Mulvenna assented to follow up this point.

## **10.00 QUESTIONS**

### **10.01 Land Maintenance**

Councillor Fulton had submitted the following questions:-

"Why, for years, did Larne Borough Council, as a result of an informal arrangement between a senior officer of the Council maintain land they did not own and, in maintaining it, are they now in a position to claim possession of the land?"

It was agreed to defer the question until Councillor Fulton was present.

### **10.02 Princess Victoria Memorial**

Councillor Lynch had submitted the following questions:-

#### **"Background"**

In the Spring of 2008, Council was informed by the George Cross Association via myself that the Plaque on the Princess Victoria Memorial did not acknowledge the fact that the Radio Officer Broadfoot had been awarded the George Cross.



The George Cross Association requested that details of this posthumous award be added in an appropriate manner to the Princess Victoria Memorial.

Copies of the official announcement in the London Gazette and other information proving the Award were given to Council.

To date (30<sup>th</sup> November 2008), no decision has been made by Council on this matter. Failure to do so before the next anniversary of the Princess Victoria disaster (31<sup>st</sup> January 2009) may be considered as a slight to the George Cross Association and an insult to the memory of a Brave Man.

Question:

What is the situation regarding the request from the George Cross Association that the George Cross for Bravery awarded to Radio Officer Broadfoot be acknowledged publicly by having details incorporated on the Princess Victoria Memorial in Larne?"

The Chief Executive indicated that, in the absence of the Director of Development, she was unaware of progress on this issue. However she stated that when the monument was erected the Historical Society and/or the Royal Antediluvian Order of Buffaloes had decided that there would be no reference to title or rank with the only exception being the Captain. She said that the matter would require to be referred back to the parties involved in commissioning the memorial.

**10.03 Christmas Tree**

Alderman O'Connor had submitted the following question:-

"Would Council be in favour of allowing PIPS to erect a Christmas tree, and if appropriate, liaise with Council Officers on the best location for this?"

The Chief Executive advised that officers had no difficulty with this request, suggesting Smiley Park or the TIC as potential location for the tree. She advised that she would contact PIPs and report back.

**10.04 Former Glenarm Primary School Site**

Further to Alderman Beggs comments on the Council resolution to seek to acquire the above site, the Chief Executive advised that she had met representatives on site which she understood had been followed up in writing, followed by further correspondence. She said that another meeting had also taken place and she advised that she would speak with the relevant parties to again confirm Council's interest in the site.

Alderman Beggs stressed that a robust supporting case was required.

The Chief Executive confirmed that she would contact the Board.

Meeting terminated at 9.40pm

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Executive

\_\_\_\_\_  
Date



**LISBURN CITY COUNCIL**

**Minutes of the Postponed Meeting of the Environmental Services Committee held in the Island Civic Centre, The Island, Lisburn, on Tuesday, 11 November, 2008 at 5:30 pm**

**PRESENT:**

Alderman S P Porter (Chairman)

Deputy Mayor  
Alderman E C Poots

Councillors A P Ewing, W A Leathem, M McDermott,  
J Tinsley and W M Ward

**IN ATTENDANCE:**

Director of Environmental Services  
Assistant Director Environmental Services  
(Environmental Health)  
Assistant Director Environmental Services  
(Technical Services)  
Committee Secretary

1. **Minutes**

It was agreed that the minutes of the meeting of Committee held on 1 October, 2008, as adopted at the Meeting of Council held on 28 October, 2008, be confirmed and signed.

2. **Apologies**

It was agreed to accept apologies for non-attendance at the Meeting on behalf of The Right Worshipful the Mayor, Councillor R Crawford, and Councillor C O'Hara.

3. **Reports of Officers**

3.1 **Director of Environmental Services**

It was agreed that the reports and recommendations of the Director of Environmental Services be adopted, subject to any decisions recorded below:-

**Items for Noting**

3.1.1 **Departmental Budget Report**

Members noted the contents of a Department Budget Report for the year to 31 March, 2009, as at 31 August, 2008.

3.1.2 **Departmental Absence Report**

Members noted the contents of a Departmental Absence Report for the period August 2007 to July 2008.

Items for Discussion

3.1.3 Departmental Capital Projects

Councillor J Tinsley arrived to the meeting during consideration of this item of business (5.37 pm).

Members noted the contents of a report detailing the current programme for capital projects approved by the Committee and the Director answered several queries Members had in this regard.

Additional Report

3.1.4 Pollution Control Section, Environmental Health Unit

"In Committee"

It was proposed by Councillor A P Ewing, seconded by Councillor W A Leatham and agreed that this matter be considered "in committee", in the absence of members of the press and public being present.

Members had been furnished with a copy of a report outlining how the resources of the Pollution Control Section of the Environmental Health Unit could be better matched to service requirements. It was agreed to recommend that, subject to noting by the Corporate Services Committee, the revised structure for the Pollution Control Section, as outlined in the Director's report, be implemented in consultation with Human Resources.

"Resumption of Normal Business"

It was proposed by Councillor W A Leatham, seconded by Councillor A P Ewing, and agreed to come out of committee and normal business was resumed.

3.2 Assistant Director Environmental Services (Environmental Health)

It was proposed by Councillor W A Leatham, seconded by Councillor M McDermott and agreed that the report and recommendations of the Assistant Director Environmental Services (Environmental Health) be adopted, subject to any decisions recorded below:-

Items for Decision

3.2.1 Street Trading Act (NI) – Review of Street Trading Designating Resolution

The Deputy Mayor, Alderman E C Poots, arrived to the meeting during consideration of this item of business (5.44 pm).

The Assistant Director advised that, in line with the Council's Policy, an annual review of the Street Trading Designating Resolution (list of streets and locations approved for street trading) was currently underway. Members had been furnished with a copy of the current list of streets and locations which had been approved by the Council for street trading, together with a list of the street trading locations currently not designated and for which

3.2.1 Street Trading Act (NI) – Review of Street Trading Designating Resolution (Contd)

street trading enquiries or applications had been received. It was agreed to recommend that the aforesaid lists of locations be used for the review, a report on which would be brought back to the Committee in due course.

The Assistant Director having verbally advised of an enquiry recently received in respect of the lay-by opposite the Mace shop on Maghaberry Road, it was further agreed to recommend that this location also be considered in the review.

3.2.2 Lakeside View Caravan and Camp Site

It was agreed to recommend that Lakeside View Caravan and Camp Site be permitted to open for 11 months of year and that the Council's caravan site licence be altered accordingly.

3.2.3 Public Entertainment Licence – Marquis of Downshire Bar/Restaurant

It was agreed to recommend that the application for a Public Entertainment Licence for the above premises be approved for a further period of six months.

3.2.4 Small Private Sewage Treatment Plants – Planning Application in the Dunmurry Area

The Assistant Director advised that notification had been received that there was a restriction on future loading of Dunmurry Waste Water Treatment Works and this had major implications for future development in the Dunmurry Area. It was agreed to recommend that actions taken to date by Council Officers in relation to this matter be approved; in particular, it was noted that a meeting would be convened by the Chairmen of the Environmental Services and Planning Committees to be attended by Planning Officials, Northern Ireland Water and the Water Pollution Branch of the Northern Ireland Environment Agency in order to discuss these issues.

3.2.5 Clarification of Councils' Role in Removal and Disposal of Fallen Animals from Watercourses

It was agreed to recommend approval of the draft response to the Northern Ireland Environment Agency, copy of which Members had been furnished with, in relation to the role of councils in the removal and disposal of fallen animals.

Items for Noting

3.2.6 Mullaghglass Landfill Site

Members noted the contents of a summary report on environmental issues relating to the operation of Mullaghglass Landfill Site over the months April – October 2008.

3.2.7 Antisocial Behaviour Orders – Inspection of the Operation and Effectiveness of ASBOs (October 2008)

Members noted the contents of an executive summary of, together with key recommendations contained within, the above report issued by the Criminal Justice Inspection for Northern Ireland.

3.3 Assistant Director Environmental Services (Technical Services)

It was proposed by Councillor W M Ward, seconded by Councillor J Tinsley and agreed that the reports and recommendations of the Assistant Director Environmental Services (Technical Services) be adopted, subject to any decisions recorded below:-

Items for Decision

3.3.1 arc21

3.3.1.1 Supplementary Agreement

It was agreed to recommend that the Council enter into the Supplementary Agreement between arc21 and the other arc21 councils, copy of which Members had been furnished with.

3.3.1.2 Organic Waste Contract

It was agreed to recommend approval of the Joint Committee decision to award the contract for the treatment of organic waste to NWP, Natural World Products, Members having been furnished with a copy of a report recently agreed by the Joint Committee of arc21, together with a copy of the original 2006 tender report and the 2007 tender report.

3.3.1.3 Organic Waste Treatment

Members having been furnished with a copy of a report recently agreed by the Joint Committee of arc21 concerning the method by which food would be stored by householders prior to inclusion in their brown bin, it was agreed to recommend (a) the commencement of a trial scheme in March 2009, at an estimated cost of £4,500 which would be met from the current organic waste budget; and, (b) the inclusion of the revenue savings and capital costs of the full scheme, as detailed within the Assistant Director's report, within the Estimates of Expenditure for 2009/2010.

3.3.1.4 Northern Ireland Landfill Allowance Scheme (NILAS) Consultation

Members having been furnished with a copy of a letter dated 19 September, 2008 from the Northern Ireland Environment Agency giving details of a proposal to amend the NILAS regulations, it was agreed to recommend that the proposed changes to the regulations be supported.

### 3.3.2 Bus Shelters

Following the opening of Lisburn Bus Station, bus shelters located at the previous bus station had been removed by Translink for relocation and Members had been furnished with details of the sites chosen by Translink. It was agreed to recommend approval of the proposed locations, with the exception of Dromore Square, which was not within the Lisburn City Council boundary. The Assistant Director also agreed to advise Translink of Members' requests for the provision of a shelter at Eglantine Crescent and at the Glenavy end of Stoneyford village, as well as replacement of the current dilapidated shelters at Culcavey and Legacurry.

### 3.3.3 Trees at Hillsborough Playground

Members having noted from the Assistant Director's report details of a complaint received from the Managing Director of Industrial Research and Technology Ltd (IRTL), which operated from first floor premises at 3a Main Street, Hillsborough, regarding two trees in the area of the park adjacent to the main street obscuring light from the office and kitchen window, it was agreed to recommend that further sympathetic tree surgery work be carried out, if appropriate, over the winter period and that the trees not be removed.

### Items for Noting

#### 3.3.4 arc21

##### 3.3.4.1 Contracts Update

Members noted the contents of a contracts update, as provided to a recent meeting of the Joint Committee of arc21, giving details of contracts currently in place or at various stages in the procurement process.

##### 3.3.4.2 NILAS Final Reconciliation

Members noted the contents of a letter dated 23 September, 2008 from the Northern Ireland Environment Agency giving details of the final reconciliation for the scheme year 2007/08 for all arc21 councils.

#### 3.3.5 Lisburn Market

Members noted from the Assistant Director's report, actions which were being undertaken arising from meetings held on 13 and 20 October with market traders.

#### 3.3.6 Extinguishment of Public Right of Way

Members noted a copy of a Notice of Approval in respect of rights of way to be extinguished at Poleglass, Glenwood/Woodside.



4. Any Other Business

4.1 Committee Reports  
Councillor J Tinsley

Officers noted comments by Councillor J Tinsley regarding the benefits of Committee reports containing the page numbers of their appendices, which would make navigation of reports easier for Members using computers.

4.2 Barbour Playing Fields Railings  
Councillor A P Ewing

Councillor A P Ewing expressed his thanks to Council Officers for ensuring that the railings of the Barbour Playing Fields, Saintfield Road, Lisburn, had been painted, following his request at the meeting of the Committee held on 3 September, 2008.

4.3 Bin Collections at Llewellyn Drive  
Director of Environmental Services

Councillor D J Craig arrived to the meeting during consideration of this item of business (6.20 pm).

The Director referred to an email that several Members had received from a resident of Llewellyn Drive complaining that bins in that street were not being emptied in line with the bin collection dates set by the Council. The Director explained that car parking occasionally prevented access of the refuse collection vehicle. He confirmed that the refuse collection vehicle did revisit the area each following day until it did gain access in order that bins could be emptied. The complainant had suggested that a smaller refuse collection vehicle be used in this area; however, the Director explained that the Council's only small refuse collection vehicle was currently fully utilised and that purchase of a further such vehicle would not be cost effective. The Director agreed to liaise with Roads Service to have the issue of traffic congestion in this area addressed.

There being no further business, the meeting was terminated at 6.22 pm.

---

Mayor/Chairman



**LISBURN CITY COUNCIL****Minutes of the Meeting of the Monthly Meeting of Council held in the Island Civic Centre The Island, Lisburn on Tuesday, 25 November 2008 at 7:00 pm****PRESENT:**

The Right Worshipful the Mayor  
Councillor R Crawford (Chairman)

Deputy Mayor  
Alderman E C Poots

Aldermen C Calvert, I Davis, W J Dillon,  
J M Donaldson and S P Porter

Councillors D W Archer, R T Beckett,  
P A Butler, E J Campbell, D J Craig, A G Ewart,  
Wm Gardiner-Watson, B Heading, W A Leathem,  
T J Lunn, M McDermott, A M Nelson, P O'Hagan,  
J Palmer, M H Tolerton and W M Ward

**IN ATTENDANCE:**

Chief Executive  
Director of Corporate Services  
Director of Environmental Services  
Director of Leisure Services  
Assistant Director of Corporate Services  
– Mrs C Bethel  
IT Manager  
Administrative Officer  
Committee Secretary

**Commencement of Meeting**

The Right Worshipful the Mayor, Councillor R Crawford, having referred to the death of four PSNI Officers whilst on duty in Warrenpoint on Tuesday morning, 18 November 2008, following a road accident, reported that he had written to the Chief Constable of the PSNI, expressing the condolences on behalf of people of Lisburn on this tragic loss. At the request of The Right Worshipful the Mayor, the Council stood for one minute's silence as mark of respect.

**Prayers**

At the invitation of The Right Worshipful the Mayor, Councillor R Crawford, the Deputy Mayor, Alderman E C Poots, in the absence of the Mayor's Chaplain read a passage of scripture followed by Prayers, during which he remembered the following who had suffered a bereavement:

- Councillor W M Ward whose brother-in-law, Mr Norman Gillespie, passed away on Tuesday 18 November 2008. Mr Gillespie had been ill in hospital for some time, his wife having passed away 10 months ago in January 2008.

- Councillor Andrew Ewing whose uncle, Mr Sammy Love, passed away on Friday, 21 November 2008 in Belfast City Hospital. Mr Love had been ill for the past few months.
- the families of the four PSNI Officers who lost their lives whilst on duty in Warrenpoint last Tuesday morning, 18 November 2008.

## 1 Minutes

It was proposed by Councillor Wm Gardiner-Watson, seconded by Councillor A G Ewart, and agreed that the Minutes of the Monthly Meeting of Council held on 28 October 2008, be adopted and signed subject to the following amendments:

### Page 661 Item 2

#### Fireworks Display at Thiepval Barracks

- Councillor W A Leatham's name being included in the recorded vote, as being in favour of the proposal
- Councillor P O'Hagan's name being replaced by Councillor C M O'Hara as being against the proposal.

### Page 668 Item

#### Membership of Lisburn DPP

Councillor D J Craig's name being replaced by Councillor R T Beckett.

### Page 672 Item 11.2

#### Council Beacon

At the request of Alderman I Davis the wording be changed to read:

Alderman I Davis reported on a press statement from the Minister of the Environment, Sammy Wilson, MLA, encouraging communities across the Province to replace traditional bonfires with beacons. In supporting the Minister Alderman I Davis had stated that Lisburn City Council had led the way with the introduction of the first Twelfth of July beacon.

## 2 Matters Arising

### Page 661

#### Fireworks Display at Thiepval Barracks

Councillor D J Craig commended the army in regard to their efforts in engaging the local community at the above event which had been a success.

Page 669 Item 8.1.2Eastern Health and Social Services Council (EHSSC) – Council Representation

Councillor E J Campbell reported receipt of a letter dated 6 November 2008 from Mr Richard Dixon, Chief Officer, Eastern Health and Social Services Council, advising that the Public Appointments Unit had not been able to accept Councillor E J Campbell's re-nomination, or the re-nomination from Castlereagh Borough Council, to the above body. The Public Appointments Unit had advised the EHSSC that they were about to make appointments to the new Patient Client Council.

Page 667Christmas Switch-On - Friday 21 November 2008

It was agreed that the Council's thanks and appreciation be passed to the Officers and Staff involved in the organisation of the Christmas Switch-On which was becoming more successful each year.

Alderman S P Porter reported that he had received a number of compliments regarding the Christmas Switch-On event.

Page 668Meeting with Minister

It was agreed that, in addition to the points raised at the Corporate Services Committee on 10 November 2008 in regard to the Council's case to the Minister for Health to support the retention of the maternity services at Lagan Valley Hospital, the Minister be advised that the Council at its Meeting on 25 November 2008 were made aware of comments made by the Chief Executive of the Belfast Health and Social Care Trust in connection with inpatient obstetric services at the Mater Hospital which could not be transferred to the Royal site until the new Women and Children's Centre was up and running.

It was the Council's view that the above point would also hold at present for the Lagan Valley Hospital, ie. like the Mater Hospital, the inpatient obstetrics services could not transfer from the Lagan Valley Hospital to the Royal site until the new Women and Children's Centre was up and running.

It was also the view of Members that as a decision had not yet been made by the Department of Health with regard to the maternity services at the Lagan Valley Hospital, a positive message must be communicated to the public in regard to the provision of maternity services at the hospital.

Alderman I Davis commended those Members and Officers who had met with the Minister for Health and put forward the Council's case to date.

### 3 Apologies

It was agreed to accept an apologies for non-attendance at the Meeting on behalf of Councillors S Baker, A P Ewing, C M O'Hara and the Assistant Director of Corporate Services (Miss E Shields).

#### 4 Business Required by Statute

On a proposal made by Councillor M H Tolerton, seconded by Councillor W A Leathem, it was agreed that:-

##### (a) Sign Treasurer's Advice Notes

The undernoted payments of accounts, as listed in the Schedules circulated with the Director of Corporate Services' Report, be approved:-

	£
Revenue Account	£ 667,114.13

##### (b) Sign Grave Leases

Grave Leases, as submitted, be signed on behalf of the Council.

##### (c) Legal Documents

- 1 Northern Bank Limited, Donegall Square West, Belfast and Play and Leisure Services Limited, 24 Manse Road, Carrowdore, County Down, BT22 2EZ and Lisburn City Council, Performance Bond relating to The Play Area, Lagmore View, Lagmore, Dunmurry
- 2 Toland House Properties Limited, 20 Clonevin Park, Lisburn, BT28 3BL to Lisburn City Council, Transfer regarding Open Space Amenity Land at Lyngrove Development, Glenavy, County Antrim

##### (d) Entertainment Licences

There were no Entertainment Licences for consideration at the Meeting.

#### 5 Deputations

There were no deputations to be received at the Meeting.

#### 6 Business of The Right Worshipful the Mayor

On having made reference to the numerous engagements undertaken by the Mayor's Office since the last Meeting of Council, The Right Worshipful the Mayor, Councillor R Crawford, in particular welcomed:-

- the home-coming parade by the Royal Irish Regiment on Sunday, 2 November which had passed off peacefully,
- the evening of Cavalcade of Song which had been staged by Lisnagarvey Operatic Society, and
- the unveiling of the new Logo for St Aloysius Primary School. The Right Worshipful the Mayor extended his appreciation in regard to the welcome which had been extended to him on that occasion.

Comments from Alderman C Calvert were noted in regard to the attendance by Members at the homecoming parade by the RIR.

## 7 Reports of Committees and Adoption of Recommendations

It was agreed that the Minutes and Recommendations of the undernoted Meetings be adopted, subject to any changes or additions recorded below:-

### **Planning Committee**

**3 November 2008**

Proposed by Councillor Wm Gardiner-Watson  
and seconded by Councillor D J Craig

### **Special Strategic Policy Committee**

**10 November 2008**

Proposed by Councillor W M Ward  
Seconded by Alderman S P Porter

#### Page 677 Item 2.1

#### Local Government Boundaries Commissioner

Councillor M H Tolerton, on behalf of the Dunmurry Community Association, expressed thanks and appreciation in regard to the efforts of the Director of Environmental Services and the Assistant Director of Environmental Services (Building Control), who had put forward a case to retain the Dunmurry Ward within the new Lisburn/Castlereagh Council area at the Boundaries Commission Public Hearing on 24 and 25 November 2008.

The Deputy Mayor, Alderman E C Poots, acknowledged the efforts of Councillor B Heading and Councillor P O'Hagan at the above-mentioned Public Hearing.

### **Adjourned Planning Committee**

**8 November 2008**

Proposed by Councillor Wm Gardiner-Watson  
Seconded by Councillor D J Craig

Adapted subject to

#### Page 684

#### Verbal Enquiry – Revision of Planning Policy Statement 14

It was agreed that the following words be removed:

"it being noted that the Assembly was currently in suspension."

#### Matters Arising

#### Page 684

#### Verbal Enquiry – Revision of Planning Policy Statement 14

The Deputy Mayor, Alderman E C Poots, welcomed the new planning policy in relation to the revision of PPS14 which had been replaced by PPS21 by the Assembly, and which would also be welcomed by many people with genuine need in the rural community. The Deputy Mayor also welcomed the recent developments of the Northern Ireland Executive.

Page 684Verbal Enquiry – Revision of Planning Policy Statement 14 (Cont'd)

Councillor Wm Gardiner-Watson also welcomed the developments of the Northern Ireland Executive and called upon the Department of the Environment to clear the many deferred planning applications as quickly as possible.

The Director of Environmental Services responded to comments from a Member in regard to the new planning policy, PPS21.

Alderman W J Dillon and Councillor D J Craig welcomed the above developments of the planning process and commended the Minister for the Environment, Sammy Wilson MLA in that regard.

**Postponed Environmental Services Committee****11 November 2008**

Proposed by Alderman S P Porter

Seconded by the Deputy Mayor, Alderman E C Poots

Page 695 Item 3.3.1.3Organic Waste Treatment

Alderman S P Porter welcomed the commencement of the trial scheme in connection with the method by which food would be stored by householders prior to inclusion in their brown bin and requested that the Council's thanks to the Officers involved in this matter be recorded.

In response to comments from Alderman W J Dillon, it was noted that discussions had taken place with Council Officers in regard to increased budget to allow for improved planting of flowerbeds and roundabouts during the next financial year.

**Corporate Services Committee****11 November 2008**

Proposed by Councillor Wm Gardiner-Watson

seconded by Councillor D J Craig

Page 704 Item 5.4Vacant Properties

Councillor W A Leathem commended the Director of Corporate Services and the Council staff in Corporate Services and Building Control who had been involved in researching 3,500 vacant properties, both domestic and non-domestic, on behalf of Land and Property Services. Councillor W A Leathem advised that the above exercise had been at no cost to the Council and that the Council would benefit as a result of the increased rate collections in the City area.

It was proposed by the Right Worshipful the Mayor, Councillor R Crawford, and agreed that a letter be furnished to the Department of Finance and Personnel advising of the additional rate collections that had been secured following the above exercise and enquiring why their systems had allowed such shortcomings in the first instance.



Page 708 Item 5.14.2  
Election of Chairman

The Deputy Mayor, Alderman E C Poots, congratulated Alderman W J Dillon on his recent election to Chairman of the Lisburn District Policing Partnership.

Councillor Wm Gardiner-Watson and Alderman W J Dillon commended the out-going Chairman, Councillor R T Beckett, on the manner in which he had carried out his duties as Chairman of the Lisburn DPP.

Alderman W J Dillon thanked those Members who had supported him in regard to his election to Chairman of the DPP.

Alderman C Calvert also extended congratulations to Alderman W J Dillon on his election to Chairman of the DPP and wished him a successful year in his new role.

**Postponed Economic Development Committee**  
 Proposed by Councillor A G Ewart  
 Seconded by Councillor J Palmer

**12 November 2008**

Page 711 Item 3.1.2  
Sunken Garden - Market Square Environmental Improvement Scheme

Councillor D J Craig, having referred to the level of Social Development Funding provided to Lisburn over the past number of years compared to other similar sized towns and cities, reported that he would be forwarding such facts and figures to the Assembly's Social Development Committee.

In response to an enquiry from Councillor W A Leathem the Chief Executive advised that a report on the Council's funding applications for grant aid, including those that had been unsuccessful, was to be presented to the Meeting of the Strategic Policy Committee on 1 December 2008.

Page 712 Item 3.1.5  
Invitation from the Mayor of Quingzhou City, Shandong Province

Having referred to the Invest NI trade visit to China which was being undertaken by a number of private sector companies throughout the Province, Alderman C Calvert enquired as to what was being done to promote links between China and the Lisburn City area. Alderman Calvert requested Members to give serious to the above-mentioned invitation from the Mayor of Quingzhou City.

Page 713 Item 3.1.7.2  
City Promotion Budget Update

Councillor A G Ewart drew Members' attention to the Farmers' Market which was to take place on 20 December 2008.

Page 715 Item 3.1.12East West Waterway Partnership Update – Proposed Ministerial Visit

Councillor A G Ewart drew Members' attention to the visit of An Tanaiste Coughlan on Friday 12 December at 10.30 am in connection with the establishment of the East West Waterways Partnership which had been facilitated by Alderman J M Donaldson.

Page 715 Item 3.1.13Bid for 2009 Pipe Band Championship Event

The Right Worshipful the Mayor, Councillor R Crawford, welcomed the Council's successful bid to host the All Ireland Pipe Band Championships in July 2009.

**Postponed Leisure Services Committee****12 November 2008**

Proposed by Councillor B Heading

Seconded by Councillor D W Archer

Page 719 Item 3Community Relations MattersFunding Request by Stoneyford Jubilee Committee

Alderman C Calvert expressed dissatisfaction in regard to the withdrawal of funding from Stoneyford Jubilee Committee and in regard to the manner in which the Council had dealt with this matter.

Page 721 Item 4.1.7Anahilt – Proposed Play Area

Councillor A G Ewart welcomed the above planning application for a play area in Anahilt.

Page 722 Item 4.2.1.1DSD Local Community Funds Award for 2008-09

Alderman S P Porter welcomed the Scheme which provided funding for deprived areas and congratulated the two groups that had been awarded grants from the DSD Local Community Fund.

**8 Reports of Officers****8.1 Chief Executive**

It was agreed that the Reports and Recommendations of the Chief Executive, including the Tabled Report, be adopted, subject to any decisions recorded below:-

**8.1.1 Transition Committee**

The Chief Executive reminded Members that the Strategic Policy Committee at its Meeting held on 10 November 2008 agreed that the Lisburn/Castlereagh Transition Committee consist of sixteen Members, eight from Lisburn City Council and eight from Castlereagh Borough Council, with the eight Members from Lisburn City Council being formulated

### 8.1.1 Transition Committee (Cont'd)

using the D'Hondt system based on the figures from the most recent local Government elections in 2005.

In this regard Members had been furnished with a report on this matter prepared by Dr Sydney Elliott, Queen's University, Belfast.

The Chief Executive recommended that as the guidelines issued by the Department of the Environment relating to the operation of Transition Committees highlighted the need for proportionality with regard to the political representation on the Committees, the Council agree that its representation on the proposed Transition Committee with Castlereagh Borough Council consist of:

DUP: 3 Members  
 UUP: 2 Members  
 Sinn Féin: 1 Member  
 Alliance: 1 Member  
 SDLP: 1 Member

It was proposed by Alderman S P Porter, seconded by Councillor D J Craig, that the political make-up of the Transition Committee be based on the D'Hondt principle as follows:

DUP: 4 Members  
 UUP: 2 Members  
 Sinn Féin: 1 Member  
 Alliance: 1 member

It was proposed by Councillor P O'Hagan, seconded by Alderman C Calvert, that the Chief Executive's recommendation be accepted.

The proposal in the name of Councillor P O'Hagan was put to the Meeting and on a vote being taken declared "lost" the voting being eight votes in favour and nine votes against.

The proposal in the name of Alderman S P Porter was put to the Meeting and on a vote being taken, declared "carried" the voting being nine votes in favour and eight votes against.

The Chief Executive stated that the above decision of the Council was the first time D'Hondt had been implemented by the Council and that it had not been equality screened. The Chief Executive stated that he would require clarification regarding the implementation of D'Hondt for future decisions of the Council. It was noted that the Chief Executive would bring this matter to the Meeting of the Strategic Policy Committee to be held on 1 December 2008.

Alderman C Calvert, Councillor P A Butler, Councillor E J Campbell, Councillor T J Lunn, Councillor M McDermott, Councillor P O'Hagan and Councillor A M Nelson requested that their dissent to the above decision be recorded.

### Nominations to Transition Committee

It was agreed on a proposal by Councillor W A Leathem that the following four Members from the DUP be nominated to the Transition Committee: The Deputy Mayor, Alderman E C Poots, Alderman S P Porter, Councillor D J Craig and Councillor A G Ewart.

It was agreed on a proposal by Alderman I Davis that the following two Members from the UUP be nominated to the Transition Committee: The Right Worshipful the Mayor, Councillor R Crawford, and Alderman W J Dillon.

It was agreed on a proposal by Councillor A M Nelson that Councillor P A Butler be nominated from Sinn Fein to the Transition Committee.

It was agreed on a proposal by Councillor E J Campbell that Councillor T J Lunn be nominated from the Alliance Party to the Transition Committee.

#### 8.1.2 National Association of Councillors (NI Region)

##### Election of Councillor D W Archer to the National Executive Committee

Members noted from the Chief Executives Report that Councillor D W Archer had been elected to the National Executive Committee of the NAC (NI Region) at the Association's AGM held in the Canal Court Hotel, Newry, on 12 September 2008. It was further noted that Councillor Archer had been attending as a substitute delegate on behalf of Alderman W J Dillon and was not one of the Council's representatives on the NAC (NI Region).

Having been advised by Alderman S P Porter that Councillor R T Beckett, one of the four Council representatives to the NAC (NI Region), was willing to stand down, it was proposed by Alderman S P Porter, seconded by Councillor R T Beckett, and agreed that Councillor D W Archer fill the vacancy on the NAC (NI Region).

### For Noting

#### 8.1.3 BBC Northern Ireland Television - Complaint

Members noted the content of a letter dated 29 October 2008 from BBC Northern Ireland by way of response from correspondence from the Council in regard to the programme relating to the Maze Prison escape.

Councillor M H Tolerton expressed dissatisfaction in regard to the response from BBC Northern Ireland.

#### 8.1.4 Clones Town Council

Members had been furnished with a copy of a letter dated 28 October 2008 from Clones Town Council regarding decisions of that Council in connection with seeking the support of all local authorities, both North and South of Ireland, as follows:

1. two objectives of the Irish Lobby for Immigration Reform in the United States:
  - a path to legal status for the undocumented Irish in the U.S., and
  - a path to legal status for future Irish Immigrants.

#### 8.1.4 Clones Town Council (Cont'd)

2. Relaxation of the 'Habitual Residency conditions for Irish Citizens returning from the USA.'

It was proposed by Councillor P A Butler, seconded by Councillor M McDermott, that the request from Clones Town Council be supported.

It was proposed by Councillor D J Craig that the Chief Executive's recommendation to note the correspondence from Clones Town Council be accepted.

The proposal in the name of Councillor P A Butler when put to the Meeting was declared "lost", the voting being five votes in favour and twelve votes against.

The proposal in the name of Councillor D J Craig that the correspondence from Clones Town Council be noted, was therefore "carried."

#### 8.1.5 Northern Ireland Local Government Association (NILGA)

It was agreed that the correspondence received from NILGA, as circulated with the Chief Executive's Report, in regard to changes in the Association's constitution be noted.

#### Tabled Report

#### 8.1.6 Review of Public Administration - Resources

It was agreed that the Council supports the contents of the draft letter prepared by the Northern Ireland Local Government Association in connection with the resourcing of the implementation of the Review of Public Administration.

#### 8.1.7 George Best Belfast City Airport

Members were furnished with a copy of correspondence dated 18 November 2008 from the Chief Executive of Antrim Borough Council seeking the support of stakeholder councils in regard to Antrim Borough Council's call for a Public Inquiry to examine the ramifications in regard to the runway extension at the George Best Belfast City Airport.

The Chief Executive recommended that the Council support, in principle, the proposed runway extension at George Best Belfast City Airport provided that full planning procedures were followed and the concerns of the local residents being met wherever possible.

Alderman J M Donaldson warned caution in regard to the Council supporting the above runway extension in view of the implications to services provided at both the Belfast International Airport and the George Best Belfast City Airport, should the extension proceed. A number of Members supported Alderman Donaldson's comments.

It was agreed that a decision on this matter be deferred and that the Chief Executives of both airports, the George Best Belfast City Airport and the Belfast International Airport, be invited to attend a future Meeting of the Council's Economic Development Committee in order that this matter be considered further.

### 8.1.8 Northern Ireland Local Government Association – New Premises

Members noted details in regard to the new address and contact number for the above Association.

## 8.2 Director of Corporate Services

It was agreed that the Report and Recommendation of the Director of Corporate Services be adopted, subject to any decisions recorded below:-

### 8.2.1 Accounts for Payment

Members noted that the above matter had been dealt with earlier in the Meeting under Item 4(a).

## 8.3 Director of Environmental Services

### For Decision

### 8.3.1 Northern Ireland Local Government Association - Planning Away Day 18 December 2008 Armagh City Hotel

It was agreed that the Council be not represented at the above event.

### 8.3.2 Lisburn Commerce Against Crime

The Director of Environmental Services reminded Members that nominations to the Board of the above organisation had been made at the Meeting of Council held on 28 October 2008 and that subsequent to that The Right Worshipful the Mayor, Councillor R Crawford, had advised that he was unable to accept his nomination.

It was proposed by Alderman I Davis, seconded by Alderman W J Dillon, and agreed that Councillor D W Archer be nominated to sit on the Board of Lisburn Commerce Against Crime.

## 9 **Reports of Members on Boards etc**

### 9.1 Outstanding Achievement Awards for Young People (SEELB) Councillor W M Ward

Councillor W M Ward updated Members in regard to the Awards Ceremony organised by the South Eastern Education and Library Board at which a number of young persons from the Lisburn City area had received awards for outstanding achievement, many of whom had suffered major physical or mental hardship.

9.2 Northern Ireland Housing Council  
Councillor J Palmer

Councillor J Palmer updated Members in regard to the quarterly meeting of the Northern Ireland Housing Council and the opportunity to meet with the Minister for Social Development, Margaret Ritchie, MLA.

10 **Notice of Motion**

10.1 Northern Ireland Executive – Delivery of Key Objectives  
Councillor M McDermott

A copy of the undernoted Notice of Motion in the name of Councillor M McDermott on the above subject had been circulated to Members:

“that this Council supports the call of business and industry for an early meeting of the Executive to discuss the delivery of key objectives including; a prompt roll-out of capital and regeneration projects, reform of the planning system, increased investment in education and skills for workers, reform of the public sector to reduce bureaucracy, a review of available resources to assist innovation and export, improvement of energy efficiency, investment in the development of renewables and the necessity to publish overdue Delivery Implementation Plans for health and education facilities.”

Councillor M McDermott reported that following the recent developments of the Northern Ireland Executive, he wished to withdraw formally his Notice of Motion.

11 **Any Other Business**

11.1 December Meeting of Council  
Alderman W J Dillon

Following discussion it was agreed that the December Meeting of Council take place on Monday, 15 December at 6.30 pm as agreed previously.

There being no further business, the Meeting terminated at 9.15 pm

---

MAYOR/CHAIRMAN





**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE  
COUNCIL HELD ON 24 NOVEMBER 2008 AT 7.30 PM**

- In the Chair** : The Mayor (Alderman V Robinson)
- Members Present** : Aldermen W Ball, W H DeCourcy, W P Girvan, N P Hamilton  
and J Scott  
Councillors W A F Agnew, P K Barr, T J Bingham, P Bradley,  
T Campbell, J Crilly, L Frazer, B J Gilliland, R Hill, E Mann,  
J T S Mann, N P McClelland, V McWilliam, B Meehan and  
W J Webb
- Apologies** : Councillors M Girvan, T G Kirkham, B Meehan, K W Robinson  
and D E Walker
- Officers Present** : Chief Executive – Mr N Dunn  
Council Business Manager – Mr A Clements  
Administrative Officer – Mrs G Matthews

\*\*\*\*\*

**1 BIBLE READING AND PRAYER**

The meeting opened with a Bible reading and prayer by Mr A Adger.

(Aldermen P Girvan and Scott, Councillors Bingham, Crilly, Gilliland and McWilliam arrived during this item).

**2 SEALING OF DOCUMENTS**

Moved by Alderman Hamilton

Seconded by Alderman P Girvan and

**RESOLVED – that the sealing of documents as listed in the Register of Documents sealed be approved viz:**

- (a) 28 duplicate, transfer and grave leases in respect of Council cemeteries
- (b) lease between the Council and Ulster Bank Limited (Willowbrook)
- (c) contract between the Council and TAL Ltd – refurbishment to Valley Park Pavilion.

### **3 COUNCILLOR MEEHAN**

The Mayor expressed the Council's sympathy to Councillor Meehan on the news of the recent death of her mother.

### **4 MINUTES OF THE COUNCIL MEETING**

Moved by Alderman P Girvan

Seconded by Alderman Hamilton and

**RESOLVED – that the minutes of the proceedings of the Council Meeting of 27 October 2008 be taken as read and signed as correct, subject to the following amendment**

Moved by Councillor Frazer

Seconded by Councillor Campbell and

**RESOLVED – that Item 18 A/RPA/6 Transition Committee be amended to read "that, as the Alliance Party were not in a position to nominate one member to the Transition Committee, it recommended its three members".**

Following discussion, Councillor Frazer confirmed that she was the Alliance Party's nominated representative.

### **5 MINUTES OF THE PLANNING AND CONSULTATION COMMITTEE**

Moved by Councillor Crilly

Seconded by Alderman Hamilton and

**RESOLVED – that the minutes of the proceedings of the Planning and Consultation Committee of 3 November 2008 be taken as read and signed as correct.**

(Alderman Ball arrived during consideration of this item.)

### **6 MINUTES OF THE ENVIRONMENT COMMITTEE**

Moved by Councillor Campbell

Seconded by Councillor J Mann and

**RESOLVED – that the minutes of the proceedings of the Environment Committee of 10 November 2008 be approved and adopted.**

### **7 MINUTES OF THE LEISURE COMMITTEE**

Moved by Councillor Bradley

Seconded by Alderman P Girvan and

**RESOLVED – that the minutes of the proceedings of the Leisure Committee of 11 November 2008 be approved and adopted.**

## **8 MINUTES OF THE POLICY AND GOVERNANCE COMMITTEE**

Moved by Alderman P Girvan

Seconded by Alderman Hamilton and

**RESOLVED – that the minutes of the proceedings of the Policy and Governance Committee of 12 November 2008 be approved and adopted.**

- A. Arising from discussion on Item 8 MM/G/61 Mossley Mill Phase II, a draft remit for the Sub Committee was tabled.

Following discussion it was

Moved by Councillor Bradley

Seconded by Alderman Hamilton and

**RESOLVED – that**

**(a) the remit be**

- (i) to review the progress of Mossley Mill Phase II contract**
- (ii) to monitor projects budget**
- (iii) to review any policies/strategies proposed for the operation of buildings 'B' and 'D' including, but not exclusive to, staffing, theatre programming, conferencing, marketing and pricing**
- (iv) to assess and recommend for approval the furnishings, furniture and equipment required for buildings 'B' and 'D'**
- (v) to nominate members to the evaluation panel for the selection of public artwork**
- (vi) to recommend an official opening event for buildings 'B' and 'D'.**

**(b) the Committee meet monthly or as necessary from December 2008 to December 2009.**

- B. Arising from discussion on Item 9 LO/F/7A 67 Whitehouse Park, it was

Moved by Councillor Frazer

Seconded by Councillor McClelland and

**RESOLVED – that additional information be heard "In Committee" at the end of the meeting.**

- C. Arising from discussion on Item 14 M/120 Recognition for Serving Personnel returning from War Zones

Members were advised that two dates had been agreed with the organisations involved

- (a) Thursday 8 January 2009 Evening Civic Reception**
- (b) Saturday 17 January 2009 Family Fun Day.**

D. Arising from discussion on Item 22 A/GEN/13 Schedule of Meetings it was

**RESOLVED – that the date of the Annual Meeting of the Council be referred back to Committee for further consideration.**

#### **9 MINUTES OF THE SPECIAL LEISURE COMMITTEE**

Moved by Alderman Hamilton

Seconded by Councillor Bradley and

**RESOLVED – that the minutes of the proceedings of the Special Leisure Committee of 13 November 2008 be approved and adopted.**

#### **10 MINUTES OF THE DEVELOPMENT COMMITTEE**

Moved by Alderman P Girvan

Seconded by Councillor Webb and

**RESOLVED - that the minutes of the proceedings of the Development Committee of 17 November 2008 be approved and adopted with the exception of Item 7 A/GEN/4 Review of Sub Committees, parts (a) and (b), which was referred back to the Committee for further consideration.**

#### **11 AUDIT COMMITTEE**

Moved by Councillor Webb

Seconded by Councillor McClelland and

**RESOLVED - that the minutes of the proceedings of the Audit Committee of 20 November 2008 be approved and adopted.**

#### **12 ES/G/107 INVESTING FOR HEALTH**

It was reported that the Northern Investing for Health Partnership was holding a conference addressing the issue "Tackling Health Inequalities" on Wednesday 3 December 2008 at the Tullyglass Hotel, Ballymena. Members were advised that the Conference would focus on "poverty", with keynote speakers to include the Minister for Health, Social Services and Public Safety, Michael McGimpsey and the Chief Medical Officer, Dr Michael McBride.

Members were advised that there was no charge for the event.

Moved by Alderman P Girvan

Seconded by Alderman Hamilton and

**RESOLVED - that the Chairman and Vice Chairman of the Environment Committee, or their nominees, attend the conference as an approved duty.**

#### **13 FC/LB/4 APPLICATIONS FOR LOAN SANCTION**

Members were advised that under Section 61 of the Local Government Act (NI) 1972 the Council was required to make applications to the Department of the Environment for Northern Ireland for loan sanctions.

Moved by Alderman Hamilton

Seconded by Councillor J Mann and

**RESOLVED - that approval be given to the following applications made:**

<b>Replacement of canteen at Carnmoney Cemetery</b>	<b>£18,250</b>
<b>Fencing at council facilities</b>	<b>£40,000</b>
<b>Bruslee Improvements</b>	<b>£188,000</b>

Arising from discussion on the Bruslee Improvements it was agreed that **the effects of the A8 improvements on Bruslee be reported to a future meeting of the Policy and Governance Committee.**

**14 DPP/2 DISTRICT POLICING PARTNERSHIP – APPOINTMENT OF POLITICAL MEMBERS**

Members were reminded that the Council was required to appoint political members to the District Policing Partnership to reflect the balance of political parties in the Council on the date of the Northern Ireland (St Andrews Agreement) Act 2006.

It was reported that at the October 2007 Policy and Governance Committee meeting, it had been agreed that on the basis of proportionality, the positions had been allocated as follows:

Democratic Unionist Party (DUP) – 5 Seats  
Ulster Unionist Party (UUP) – 3 Seats  
Alliance Party – 1 Seat  
Others – 1 Seat

Members were reminded that the current political composition of the District Policing Partnership was as follows:

Aldermen P Girvan (DUP)  
Alderman Hamilton (DUP)  
Alderman V Robinson (DUP)  
Councillor M Girvan (DUP)  
Councillor E Mann (DUP)  
Councillor Bingham (UUP)  
Councillor Crilly (UUP)  
Councillor Gilliland (UUP)  
Councillor Campbell (Alliance)  
Councillor Webb (Alliance)

Members were reminded that the current composition of the District Policing Partnership did not reflect the balance of political parties in the Council. The Chief Executive advised that Councillor Campbell had tendered his resignation with effect from 8 December 2008 and further advised that it was the Council that makes a nomination to the District Policing Partnership and not any of the party groupings.

Following discussion, nominations for the vacant position were invited and received as follows:

**Councillor Agnew**

Proposed by Councillor Hill  
Seconded by Councillor J Mann

**Councillor J McClelland**

Proposed by Councillor Frazer  
Seconded by Councillor Bradley

**Councillor Meehan**

Proposed by Councillor Gilliland  
Seconded by Councillor Crilly

On the nominations being put to the meeting, 10 members voted in favour of Councillor Agnew, 6 in favour of Councillor McClelland and 3 in favour of Councillor Meehan.

**Councillor Agnew was accordingly declared elected.**

**15 DPP/2 DISTRICT POLICING PARTNERSHIP – APPOINTMENT OF CHAIRMAN**

Members were reminded that Councillor Campbell had been appointed as Chairman of the District Policing Partnership for a 12 month period with effect from 3 December 2007.

Members were advised that the Council was required to appoint a Chairman from among the political members of the District Policing Partnership in accordance with Paragraph 9 of Schedule 3 (2000 Act). It was reported that Schedule 8, paragraph 9(2)(c) specified that the office of Chairman should be held in turn by each of the four largest parties represented on the Council.

Members were also advised that in the current term of the Council, the position of Chairman has been held in turn by the Democratic Unionist Party, Ulster Unionist Party and the Alliance Party. The Chief Executive advised that in theory the Others should be the next Chairman but as of the date of the reappointment ie 3 December 2008, the Others would not have a representation on the District Policing Partnership as Councillor Agnew would not take up his role until 9 December.

Moved by Alderman P Girvan  
Seconded by Councillor Bradley and

**RESOLVED - that the Democratic Unionist Party take the Chair for the year starting on 9 December 2008 and that the Others take up the Chairmanship in December 2009.**

Moved by Alderman Hamilton  
Seconded by Alderman P Girvan and

**RESOLVED - that Councillor E Mann be appointed Chair of the District Policing Partnership with effect from 9 December 2008.**

**16 OA/HS/34 NORTHERN HEALTH AND SOCIAL CARE TRUST**

It was reported that correspondence had been received from the Chief Executive of the Northern Health and Social Care Trust, which offered to meet the Council to consider the Trust's proposals for modernization and reform.

Members were advised that a presentation could be made to the January 2009 Planning and Consultation Committee meeting.

Moved by Alderman P Girvan  
Seconded by Councillor Hill and

**RESOLVED - that the Northern Health and Social Care Trust make a presentation to the January 2009 meeting of the Planning and Consultation Committee.**

**17 TQ/520A SELECT LIST OF CONTRACTORS FOR VALLEY LEISURE CENTRE FOR BUILDING WORKS TO FACILITATE AN INDOOR CHILDRENS PLAY AREA**

Members were advised that eight applications for inclusion in the select list had been received in response to public advertisement.

It was reported that the applications had been evaluated using a scoring system based on the demonstration of relevant experience of similar works, adequate financial management and the technical resources to carry out the works and submission of all relevant documentation.

Moved by Alderman P Girvan  
Seconded by Councillor Mann and

**RESOLVED – that the following firms be invited to tender**

- (a) O'Hanlon Brother
- (b) Maurice Flynn
- (c) McNicholl Hughes
- (d) PRH Construction
- (e) TAL Limited.

**MOTION TO PROCEED " IN COMMITTEE"**

Moved by Councillor Frazer  
Seconded by Councillor McClelland and

**RESOLVED – that the Council proceed to conduct the following "in Committee"**

**BUSINESS 'IN COMMITTEE'****18 LO/F/7A WHITEHOUSE PARK**

The Chief Executive advised members on the current position and outlined possible ways forward in the context of advice from Counsel.

Following discussion it was

Moved by Councillor Campbell  
Seconded by Council Webb and

**RESOLVED – that the Council seek an Order of Mandamus against Mr McMitchell to require him to remove all unauthorised infill on Council land and to seek damages and costs.**

**MOTION TO PROCEED IN 'OPEN COUNCIL'**

Moved by Alderman P Girvan  
Seconded by Councillor J Mann and

**RESOLVED – that the proceedings resume in 'Open Council' and that the foregoing proceedings of the Council "In Committee" be and are hereby approved and adopted.**

The meeting ended at 9.10 pm.

---

**MAYOR**





**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE  
ENVIRONMENT COMMITTEE HELD ON 10 NOVEMBER 2008 AT 7.30 PM**

- In the Chair** : Councillor Barr
- Members Present** : The Mayor (Alderman V Robinson)  
Aldermen Ball, P Girvan, Hamilton and Scott  
Councillors Bingham, Crilly, Gilliland, Hill,  
E Mann, J Mann, Meehan and K Robinson
- Apologies** : Alderman DeCourcy  
Councillors Agnew, Frazer, McClelland, McWilliam and Webb
- Officers Present** : Director of Environment Services – Mr H Kelly  
Environmental Health Manager – Mr C Todd  
Property Services Manager – Mr W J Dunbar  
Waste Management Manager – Mr A McCune  
Administrative Officer – Mr L Cathcart

\*\*\*\*\*

**1 WELCOME**

The Chairman welcomed Niall Boyle, Environmental Health student to the meeting.

**2 ES/BC/8 – BUILDING CONTROL MATTERS**

A report was submitted requiring formal ratification by the Council.

Proposed by Councillor J Mann

Seconded by Councillor K Robinson and agreed that

**the building control matters be approved.**

**3 ES/PS/2 STREET NAMING**

It was reported that the following names had been submitted for approval:

Fairview Farm Road and Fairview Farm Way – a development of 44 dwellings on the Doagh Road, Ballyclare.

Proposed by Councillor Gilliland

Seconded by Councillor E Mann and agreed that

**the names Fairview Farm Road and Fairview Farm Way be approved.**

#### **4 TQ/1 TENDER FOR MAINTENANCE CONTRACTS FOR ELECTRICAL AND MECHANICAL SERVICES FOR THE PERIOD 1 DECEMBER 2006 TO 30 NOVEMBER 2008 (WITH AN OPTION BY THE COUNCIL TO EXTEND FOR A FURTHER YEAR)**

Members were reminded that the following had been agreed at the meeting of the Environment Committee on 13 November 2006:

##### **MECHANICAL SERVICES**

- (a) for contracts up to £1,500 (excl VAT), in accordance with the Consultants report, the tender submitted by Central Group Services Limited be accepted
- (b) for contracts between £1,500 (excl VAT) and £20,000 (excl VAT), quotations be sought from the four most competitive firms, as follows
  - (i) Central Group Services Limited
  - (ii) W J M Building Services
  - (iii) Hutton (M&E) Services Limited
  - (iv) Harvey Group plc.

##### **ELECTRICAL SERVICES**

- (a) for contracts up to £1,500 (excl VAT), in accordance with the Consultants report, the tender submitted by Adair & Milliken Limited be accepted
- (b) for contracts between £1,500 (excl VAT) and £20,000 (excl VAT), quotations be sought from the four most competitive firms, as follows
  - (i) Adair & Milliken Limited
  - (ii) Central Group Services Limited
  - (iii) Antrim Electrical & Mechanical Engineers
  - (iv) Sentor Electrical Services Limited.

It was reported that the service provided by these companies had been satisfactory throughout the contract period.

Proposed by Councillor Crilly

Seconded by Councillor J Mann and agreed that

**the maintenance contracts for electrical and mechanical services with the successful tenderers at the tendered rates, be extended for a further year to 30 November 2009.**

#### **5 TQ/436 ARC21 CONTRACT FOR WHEELED REFUSE COLLECTION CONTAINERS**

Members were reminded that in April 2008, Arc21 had set up a framework agreement for the provision of wheeled refuse collection containers for call-off by all Councils in the Arc21 area and that the contract had been awarded to SSI Schaefer Ltd.

It was reported that most of the contractors, including Schaefer, had indicated that they could no longer stand over their contract prices or meet delivery timescales. On legal advice, Arc 21 was considering taking action against Schaefer to recover any loss incurred through councils sourcing the supply of bins elsewhere. New tender documents were being

prepared by Arc21 and would be issued in due course. Bins were urgently needed and Sturdy Products were the only supplier who could provide immediate delivery.

Proposed by Alderman V Robinson  
Seconded by Councillor K Robinson and agreed that

**retrospective approval be given for the purchase of 600 240 litre blackwheeled refuse collection containers from Sturdy Products for the sum of £26.00 each (excl VAT) , a total £15,600.00 (excl VAT).**

#### **6 ES/CL/G/30 PROVISION OF WHEELED BINS FOR HOUSEHOLD WASTE**

Members were reminded that it had been agreed at the October 2008 Committee meeting to carry out a survey on the current stock of bins, including the cost of repair and replacement where necessary.

It was reported that the survey had been carried out week commencing 3 November 2008 and the results on the condition of domestic refuse bins were as follows:

Broken wheels and axles	54 bins
Damaged lids	3 bins
Split bodies	155 bins

Members were advised that the estimated cost of repairing/replacing these bins was £7000 + vat, excluding staff time.

Proposed by Councillor J Mann  
Seconded by Councillor Gilliland and agreed that

**the damaged bins highlighted by the survey be repaired or replaced free of charge, including any further damaged bins reported between 1 December 2008 and 31 March 2009.**

#### **7 C/GEN/19 BEST VALUE - ENVIRONMENT SERVICES BUSINESS PLAN**

Members were reminded that the Environment Services Business plan for 2008/2009 had been approved in June 2008. A copy of the plan showing current performance against that planned had been circulated.

Proposed by Alderman V Robinson  
Seconded by Councillor Gilliland and agreed that

**the report be noted.**

(Alderman P Girvan arrived following consideration of this item.)

#### **8 C/GEN/19 BEST VALUE – ENVIRONMENT SERVICES**

Members were reminded that part of the Environment Services Service Improvement Plan for 2008/2009 was to arrange two special Committee meetings to allow members to be updated on the work of the Department.

Proposed by Councillor K Robinson  
Seconded by Councillor Crilly and agreed that

**a special meeting of the Committee be held on Wednesday 3 December 2008 at 5.30pm in the Council Chamber, Mossley Mill.**

**9 ES/G/76 ENVIRONMENT SERVICES BUDGET REPORT**

A budget report for the period 1 July 2008 to 30 September 2008 had been circulated.

Proposed by Alderman V Robinson  
Seconded by Councillor Gilliland and agreed that

**the report be noted.**

(Alderman Hamilton arrived during consideration of this item.)

**10 D/CCT/32 REFUSE COLLECTION BUDGET REPORT**

A budget report for the period 1 April 2008 – 30 September 2008 had been circulated.

Proposed by Councillor Gilliland  
Seconded by Alderman P Girvan and agreed that

**the report be noted.**

**11 D/CCT/33 STREET CLEANSING BUDGET REPORT**

A budget report for the period 1 April 2008 – 30 September 2008 had been circulated.

Proposed by Councillor Hill  
Seconded by Councillor K Robinson and agreed that

**the report be noted.**

**12 ES/FC/36 FOOD STANDARDS & ALLERGY AWARENESS SEMINAR**

A report was submitted on a seminar held on 29 October 2008 to raise awareness amongst food caterers in the Borough about food allergies and the pitfalls in using claims that might be misleading to customers.

Proposed by Alderman Scott  
Seconded by Alderman P Girvan and agreed that

**the report be noted.**

**13 ES/PC/162 NEWTOWNABBEY BOROUGH COUNCIL -V- MRS KERRY CAMPBELL**

It was reported that on 14 October 2008 at Laganside Magistrate's Court, Mrs Kerry Campbell, 42 Inniscarn Drive, Newtownabbey was found guilty of failing to respond to a Notice to Obtain Information served on her under Article 20 of The Litter (NI) Order 1994. The Notice was served in relation to the deposit of litter in the Ballyclare area.

Members were advised that Mrs Campbell, who did not appear in Court, had been fined £20, ordered to pay costs of £97 and given 12 weeks to pay.

Proposed by Alderman Scott  
Seconded by Councillor Crilly and agreed that

**the report be noted.**

**14 ES/PC/154 NEWTOWNABBEY BOROUGH COUNCIL -V- MRS MARGARET TAYLOR**

It was reported that on 14 October 2008 at Laganside Magistrates Court, Mrs Margaret Taylor, 21 Ballyhenry Crescent, Newtownabbey had been found guilty of being the owner/keeper of a Collie type dog that was unlicensed on Friday 14 March 2008, an offence under Article 17 (1) of The Dogs (Northern Ireland) Order 1983.

Members were advised that Mrs Taylor had been fined £20 and ordered to pay costs of £94.

Proposed by Alderman Scott  
Seconded by Councillor Crilly and agreed that

**the report be noted.**

**15 ES/PC/163 NEWTOWNABBEY BOROUGH COUNCIL -V- MR JAMES THOMPSON SENIOR**

It was reported that on 28 October 2008 at Laganside Magistrates Court, Mr James Thompson Senior, 119 Church Road, Newtownabbey had been found guilty of failing to provide the required information in an Article 20 Notice to Obtain Information, issued under The Litter (Northern Ireland) Order 1994.

Members were advised that Mr Thompson had been fined £300 and ordered to pay costs of £172.

Proposed by Alderman Scott  
Seconded by Councillor Crilly and agreed that

**the report be noted.**

**16 C/RF/G/32 EASTERN REGION WASTE MANAGEMENT GROUP**

It was reported that the Organic Waste Contract report, a copy of which had been circulated, had been approved by the arc21 Joint Committee on the 9 October 2008.

Proposed by Alderman Hamilton  
Seconded by Councillor Hill and agreed that

**the recommendations contained in the report be approved.**

**17 C/RF/G/32 EASTERN REGION WASTE MANAGEMENT GROUP**

It was reported that the Supplemental Agreement report, a copy of which had been circulated, had been approved by the arc21 Joint Committee on the 9 October 2008.

Proposed by Alderman P Girvan  
Seconded by Alderman Hamilton and agreed that

**the supplemental agreement contained in the report be approved.**

## **18 ENTERTAINMENTS LICENCES**

Proposed by Councillor Bingham  
Seconded by Councillor J Mann and agreed that

**Entertainments Licences be renewed in respect of the following premises:**

<b>Ref</b>	<b>Premises</b>	<b>Proposed Days/Hours of Entertainment</b>
LS.E.2	Cloughfern Protestant Hall Doagh Road Newtownabbey	Monday – Friday inclusive 7.00pm – midnight Saturday 7.00pm – 11.30pm (no change from current licence)
LS.E.7	Chimney Corner Hotel 630 Antrim Road Newtownabbey	Monday – Saturday inclusive 11.30am – 2.00am Sunday noon – 2.00am (no change from current licence)
LS.E.11	Ballyclare Presbyterian Church Hall Doagh Road Ballyclare	Monday – Saturday inclusive 9.00am – midnight (no change from current licence)
LS.E.25	Ballyduff Community Centre Forthill Drive Newtownabbey	Monday – Saturday inclusive 9.00am – midnight (no change from previous licence)
LS.E.56	Glengormley Methodist Church Hall Ballyclare Road Newtownabbey	Monday – Sunday inclusive 10.00am – midnight (no change from previous licence)
LS.E.60	Parkview Hockey Club Rectory Road Doagh Ballyclare	Monday – Saturday inclusive 7.00pm – 1.30am Sunday 11.00am – 10.00pm (current licence Monday – Saturday 7.00pm – 1.30am)
LS.E.80	The Grange Bar 22-26 The Square Ballyclare	Monday – Saturday inclusive 11.30am to 12.30am Sunday 12.30pm to midnight (Ground Floor/Public Bar) Monday to Saturday inclusive 9.30am to 1.00am Sunday 11.00am to midnight (First Floor Function Room) (no change from previous licence)

<b>Ref</b>	<b>Premises</b>	<b>Proposed Days/Hours of Entertainment</b>
LS.E.109	Corr's Corner Hotel 315 Ballyclare Road Newtownabbey	Monday – Sunday inclusive 11.30am – 1.00am (no change from current licence)
LS.E.169	Barnaby's 153 Ballyrobert Road Ballyclare	Monday – Sunday inclusive 12 noon – 1.00am (no change from current licence)

(Alderman Scott declared an interest in the application from Ballyduff Community Centre).

## **19 PETROLEUM SPIRIT STORAGE LICENCES**

Proposed by Councillor Bingham  
Seconded by Councillor Crilly and agreed that

**Petroleum Spirit Storage Licences be renewed in respect of the following premises:**

<b>Reference:</b>	<b>Premises:</b>
LS.P.4	Glenwell Filling Station 290 Antrim Road Newtownabbey
LS.P.10	Manse Road Filling Station 119 Manse Road Newtownabbey
LS.P.28	Maxol Mallusk 45 Mallusk Road Newtownabbey
LS.P.54	Ballyclare Milestone 91 Templepatrick Road Ballyclare
LS.P.91	O'Neill Road Centra (Richwell Trading Ltd) 51 O'Neill Road Newtownabbey



**20 FUEL POVERTY STAMP LAUNCH**

The Committee was reminded of the launch of the Fuel Poverty Stamp on Wednesday 12 November 2008.

**21 PRESENTATION TO ARTHUR McCUNE**

The Chairman presented a gift to the Waste Management Manager, Arthur McCune, to mark his retirement from the Council at the end of November.

The meeting ended at 8.20 pm.

---

**MAYOR**



## ITEM 6 (b)

EAC.02.06.09

### ENVIRONMENTAL AND AMENITIES COMMITTEE

2 JUNE 2009

A meeting of the Environmental and Amenities Committee of North Down Borough Council was held in the Craig Room, Town Hall, Bangor at 7.30 pm on the above date.

#### Present:

In the Chair: Councillor Montgomery

Other Members: Aldermen Mrs Cooling  
Cree  
Wilson, B

#### Councillors

Alderdice  
Mrs Dunlop  
Easton

Graham  
Lennon  
McKerrow

Mrs Peacocke

#### Also in Attendance

Alderman Fitzsimons  
Alderman Mrs McKay  
Councillor Chambers  
Councillor Leslie  
Councillor Weir

#### Officers in Attendance

J S Snodden (Director of Amenities and Technical Services/Deputy Chief Executive), D G Yarr (Director of Environmental Services), T Taylor (Senior Technical Officer), K Marshall (Borough Warden) and Miss J Glasgow (Member Services Officer)

#### (1) APOLOGIES

Apologies for inability to attend were received from Councillor Farry.

**(2) CHAIRMAN'S REMARKS**

The Chairman (Councillor Montgomery) stated that as his position as Chairman of the Committee was coming to an end he took the opportunity to thank the Directors and Officers throughout the Environmental Services and Amenities and Technical Services Departments for their work during his time as Chairman. He also thanked the Member Services Section and the Spectator for their work in relation to the Committee.

Due to the number of members of the public in attendance, the Chairman (Councillor Montgomery) agreed to rearrange the agenda items and take the Notice of Motion in respect of Linear Park first.

**(3) NOTICE OF MOTION FROM COUNCILLOR HENRY, COUNCILLOR CHAMBERS AND ALDERMAN FITZSIMONS**

"That this Council reviews its policy in relation to the closing of the gates of Linear Park during daylight hours".

CIRCULATED:- Report from the Director of Amenities and Technical Services and corresponding appendices. The report detailed that the draft minutes of the Council Meeting held on 26<sup>th</sup> May 2009, stated the following:

**(11) RESCINDING NOTICE OF MOTION FROM COUNCILLOR HENRY**

"That this Council rescinds its policy in relation to the closing of the gates of Linear Park during daylight hours."

*Councillor Henry stated that the wording was incorrect in the motion, he advised that it should read 'That this Council reviews...' as opposed to rescinds. Also he stated that Councillor Chambers and Alderman Fitzsimons had also signed the notice of motion and asked that those names be added.*

*Alderman Dunne requested that a comprehensive report be produced detailing the background of the issue and be presented with the Motion.*

**AGREED:-that the Notice of Motion be amended and referred to the relevant Committee along with a report detailing the background to the issue.**

**HISTORY**

Since 2001, Council had received numerous reports, petitions, and various letters regarding the problem of anti-social behaviour in Ballycrochan Linear Park. A sub-committee made up of Councillors for that area was formed to discuss the development of the park.

**COMMENT**

The following factors were considered as being significant:-

- (A) 34.6% response to Council questionnaire regarding closure of entrances from Briarwood Park & Pinehill Crescent. (April '06) (Appendix 1)
- (B) PSNI recommendations to close off 5 entrances subsequently agreed by Council. (April '07) (Appendix II)
- (C) Council decision to install a gate at Pinehill Crescent (Feb' 08)
- (D) Council decision to open gates at 7.00 am and to close at 8.00 pm (April), 9.00 pm (May), 10.00 pm (June & July), 9.00 pm (October – March). The yearly cost being approximately £8,000. (Sept' 08)
- (E) Council decision to NOTE request to open gates from Briarwood Park and Ashbury Road. (Dec'08)
- (F) Council decision to close pathway between N<sup>os</sup> 2&3 Marlo Link (Apr'09)

**RECOMMENDED:-** that Council considers the background to the issues surrounding Ballycrochan Linear Park.

Councillor Henry spoke to the Motion and was of the opinion that resident's views should be taking into consideration again regarding the opening and closing of the gates and a report brought back on the present status. He referred to a minute of the Council meeting held on 26<sup>th</sup> February 2008 which read 'Proposed by Councillor Easton, seconded by Councillor Weir as an amendment, that a gate be installed at Pinehill Crescent and introduced into the scheduling of opening and closing of the other gates in Ballycrochan Linear Park, and that the situation be monitored, and a report brought back in three months'. He stated that no report was ever brought back to Council for the situation to be monitored.

Proposed by Councillor McKerrow, seconded by Councillor Mrs Dunlop that the Notice of Motion be adopted.

Councillor Lennon stated that he was against the proposal referring to the horrific time that neighbouring properties within the area had gone through over the years due to problems with anti-social behaviour. He stated that surveys had been undertaken in the past and Members had spoken with the Police and residents. He was of the opinion that a review would cause a lot of fear amongst the residents. He referred to the problems that residents had encountered in the past including racial attacks, anti-social behaviour, vandalism etc. He felt that Council should let the residents whose property adjoined the Linear Park live in peace and quiet.

Councillor Easton stated that he was also opposed to a review and felt that the Notice of Motion had frightened the residents and he had been inundated with letters and emails from residents. He viewed the timing of the motion as

wrong due to it being the summer when the problem of anti-social behaviour would be at its peak. Councillor Easton recalled the numerous public meetings that the Council had had with residents on the issue and the complaints that the Council and Police had received in the past. He stated that since the gates had been closed he had not received any calls regarding anti-social behaviour in that area. He stated that Council had taken decisive measures to improve the lives of people whose property adjoined Linear Park. He referred to a survey that he had undertaken with residents living adjacent to the park and one of the questions was asked 'has this been successful in reducing anti-social behaviour? 94% of people who responded to that said yes. Councillor Easton stated that he had received an email from Chief Inspector McEwan which had advised that since the closer of gates the problems associated with anti-social behaviour had reduced within the area and the decision taken by Council regarding the closer had the Chief Inspector's full support. Councillor Easton outlined the problems that the residents had encountered over the years including hedges and sheds burnt, dog faeces and fireworks put through their letterboxes.

Proposed by Councillor Easton, seconded by Councillor Lennon as an amendment, that Council notes the Notice of Motion and the report.

Councillor Weir stated that Council had already undertaken detailed consultation surrounding the closure of the gates and felt it would be inappropriate to carry out a review. He stated that the closure of the gates had improved the situation for many residents within the area and he was opposed to any review taking place.

The Mayor (Alderman Cree) was of the opinion that the present situation with the closure of the gates was working however he saw no harm in a review being carried out to gather the opinion of the residents.

Councillor Henry stated that he did not submit the Notice of Motion to make anyone fearful. He felt that the opportunity should be given to see how the situation had changed and provide the ratepayers the opportunity to put their views across. He felt that a disservice had been given to the Motion in the way that it had been handled, how it had been omitted from the agenda, then inserted under any other business and brought forward to the start of the meeting. He urged Members to accept his proposal for a review.

The Chairman (Councillor Montgomery) reminded the Member that the motion had been brought forward as a courtesy to the members of the public that were in attendance at the meeting.

The amendment was then put to the meeting, 5 voting for and 5 against. On the casting vote of the Chairman (Councillor Montgomery) the amendment was declared carried.

**(4) SCHEDULE OF PLANS APPROVED AND REJECTED UNDER THE BUILDING REGULATIONS**

PREVIOUSLY CIRCULATED:- copy of the above.

RECOMMENDED:- that the information be noted.

Proposed by Councillor Mrs Peacocke, seconded by Councillor Mrs Dunlop and

**RESOLVED:-** that the recommendation be adopted.

**(5) APPLICATIONS FOR ENTERTAINMENT LICENCES (FILE 100)**

PREVIOUSLY CIRCULATED:- Report from the Director of Environmental Services detailing that Applications for the grant of entertainment licences had been received as follows: -

**1. North Down Borough Council and Family Hoffman – venue: West Lawn, The Castle, Bangor on Friday, 12<sup>th</sup> June 2009**

The Event would be a theatrical performance for children within a marquee to be erected on the site. The performance would be given by Family Hoffman.

The Police, Fire & Rescue Service, had been consulted and no objections had been made.

**2. Clandeboye Courtyard, Clandeboye Estate, Bangor**

The application was for the grant of an outdoor entertainment licence for a musical event to be held on the 12<sup>th</sup> June 2009 in the Courtyard between the hours of 1.00 p.m. – 6.00 p.m.

The Police, Fire & Rescue Service, had been consulted and no objections had been made.

No objections had been received from the public in response to the public consultation process.

It should be noted that the period of notice before grant of an entertainment licence was 28 days from the date of application. In the case of Application 1 above, that period would not expire until 10<sup>th</sup> June 2009. Any person may object to the application within the 28-day period and the Council would be required to hear those objections.

It was proposed that Council grant both licences, subject to satisfactory final inspection by the Borough Inspector. In the case of Application 1 above, the licence could only be granted if no objections were received by 10<sup>th</sup> June 2009. If objections were received, then the application must be refused, as there was no time for Council to consider those objections.

**RECOMMENDED:-** that Council approves the grant of the above licences, subject to the conditions outlined.

Proposed by Alderman Wilson, seconded by Councillor Mrs Dunlop and

**RESOLVED:-** that the recommendation be adopted.

**(6) GRAFFITI INITIATIVES UPDATE (FILE 4)**

**PREVIOUSLY CIRCULATED:-** Report of the Director of Environmental Services detailing that a number of initiatives were now running across the Borough, in order to address graffiti problems as well as environmental crime issues.

***Clandeboye Road (Cleaner Neighbourhood Programme):***

The Pilot Environmental Cleanup Programme on the Clandeboye Road was now well under way, with alleyways in Beechwood, Hawthorn and Croft Street areas having been cleared of all rubbish and debris. Those areas had also been significantly landscaped with bushes and trees being cut back to make the areas more accessible for residents in the area. Debris had also been removed from the playing fields at Shrewsbury Drive and extensive work had been carried out on replacing the perimeter fence at the playing fields.

Graffiti had been removed from both domestic and commercial properties in the above areas. The contractor was still on site at present, removing graffiti from several sites, with expected completion for all works by mid June 2009.

Paint and various pieces of cleaning equipment had been supplied to Bangor Amateur Football Club for painting the Ground's perimeter fence and removal of offensive graffiti. Painting was due to take place during the close-season, around June or July 2009. It was planned that Club members and volunteers from the local community would carry out this work. Litter picks and environmental programmes involving schools and community groups were also ongoing in the area.

This Scheme was being financed through a grant of £7000 from the Community Safety Partnership.

***Graffiti (The Writing's on the Wall):***

Graffiti had now been removed from several sites across the Borough, including the wall at the Pickie Bandstand on the Coastal Path, Ward Park and public walkways in Holywood and Fernmore Road, Bangor.

There had been a high profile joint patrolling operation with the PSNI, targeting graffiti in the Ward Park area. Further operations were planned throughout the summer months, with emphasis placed on the Coastal path, where graffiti problems were experienced last summer.



Promotional events had taken place across the Borough; locations include Bloomfield Shopping Centre, The Flagship Centre, Bangor Market and Holywood Library. The purpose of the events had been to highlight the problem amongst young people and their parents. Further events were planned throughout the summer months.

Educational talks had also been delivered to youth and community groups, raising awareness of the problems of graffiti. Sullivan Upper School in Holywood was taking part in a two-week anti graffiti campaign commencing on Monday 1<sup>st</sup> June 2009.

As part of the Programme, six retail businesses that sell aerosol paints have already signed up to a voluntary code of practice not to sell these paints to under 18 year-olds or anyone suspected of buying on their behalf.

Three thousand leaflets were produced at the start of the Programme, which were aimed at the young persons responsible for graffiti and their parents. These were distributed through various media to reach the required "target audience."

#### ***Harbour Ward (Cleaner Neighbourhood Programme)***

The Community Safety Partnership had approved further funding for the financial year 09/10 for £7,000 as part of the Cleaner Neighbourhood Programme. There had been initial consultation with the Harbour Ward Residents Association regarding problem areas. Areas identified included Hamilton Road, Coastal path and various buildings in the Town Centre.

The Steering Group for the project was due to meet in June 2009, with work commencing in late August 2009.

**RECOMMENDED:-** that the report be noted.

The Director of Environmental Services welcomed and introduced Mr Marshall, Borough Warden.

The Borough Warden spoke to the report providing details of the three graffiti schemes that were currently in operation. He outlined the work that had been undertaken in the Clandeboye Road area under the Cleaner Neighbourhood Programme. He explained that within the area there was an alleyway that had become a problem with graffiti as well as youths gathering in the area. In order to deal with the problem hedges had been cut back, graffiti removed, rubble removed and Officers had worked alongside the local community groups and the school to clean up the area. Graffiti had been removed from the Clandeboye Road area, work was ongoing and there was still some graffiti to be removed at the bottom of the Clandeboye Road and at the bonfire site near Shewsbury Drive. The Borough Warden stated that the fence of Bangor Amateur Football Club was quite badly affected with graffiti and it was an area, which attracted vandalism. He explained that efforts were also being

made with Bangor Amateur Football Club to curb the problem. Council had supplied paint and materials and the Club was operating a scheme due to commence soon.

The Borough Warden advised that a dedicated call out number was also being set up for people to report environmental crime.

The Borough Warden highlighted the 'Writing on the Wall Scheme', that was an awareness drive delivered on a Borough-wide basis. He distributed two sets of leaflets that had been produced, one of those leaflets provided information for children and the other for adults. The Borough Warden advised that Officers had also attended various shopping centres and public buildings throughout the Borough to raise awareness that graffiti was not just a faceless crime with no consequences.

The Borough Warden advised that there had also been an operation to remove graffiti along the coastal path, certain areas of Holywood and certain areas near the Bangor ring road.

The Borough Warden explained that Officers hoped to work with the Royal British Legion to clean up that area, that work was due to commence end of August early September.

The Borough Warden then responded to questions from Members.

Councillor Lennon referred to the amount of graffiti surrounding the Royal British Legion and stated that he was pleased to see that Council was working with the Royal British Legion to tackle the graffiti problems. He felt that the community assisting with the scheme was the only way the scheme would be successful.

Councillor Mrs Peacocke referred to the high profile joint patrolling that had taken place and asked if that had been successful. In response the Borough Warden advised that one person had been caught for carrying out graffiti on the Royal British Legion and the patrolling had also detected other offences. He explained that although the number of people caught was low, the patrolling had acted as a deterrent.

Councillor Mrs Peacocke referred to the two week anti graffiti campaign that Sullivan Upper School was due to take part in and asked if that would be rolled out in other schools. In response, the Borough Warden stated that he hoped the Scheme could be rolled out across the schools in North Down, however highlighted that it was difficult for some schools to fit such campaigns in around their timetabling however attempts were being made.

Councillor Alderdice welcomed the work that was occurring, however raised concerns about graffiti in parts of Holywood including graffiti tags and racist and sectarian graffiti. He stated that Mr Ogborn had provided information to the Environmental Services Department in relation to graffiti in Holywood and asked if that had been dealt with. In response, the Borough Warden stated

that work was ongoing and explained that some of the graffiti was on private property and the Council was working alongside the property owners to address the issues.

The Chairman (Councillor Montgomery) felt that more should be done to catch the culprits. In response the Borough Warden explained that the schemes were rolled out to deliver enforcement, cleaning and awareness.

Proposed by Councillor Lennon, seconded by Councillor Mrs Peacocke and

**RESOLVED:- that the recommendation be adopted.**

**(7) FOOD SERVICE PLAN - 2009/10 (FILE 43)**

PREVIOUSLY CIRCULATED:- Food Service Plan and report from the Director of Environmental Services. The report detailed the Food Service Plan addressed one of the requirements of the Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement, to provide a plan of the Council's Food Safety function for the Borough and review on an annual basis.

The Plan was also designed to complement the Departmental Plan for the whole Department and provides the relevant detail on service delivery that was required for Food Safety activities.

**RECOMMENDED:- that Council approves the Report.**

Proposed by Councillor Mrs Peacocke, seconded by Councillor Mrs Dunlop that the report be approved and adopted.

In response to a question from Councillor Mrs Peacocke, the Director of Environmental Services advised that the figures shown, displayed a slight improvement from the previous year and emphasis was placed on inspection of those premises that were classed as high risk.

**AGREED:- that the recommendation be adopted.**

**(8) PUBLICATION SCHEME FOR STANDARDS IN FOOD PREMISES (FILE 49)**

PREVIOUSLY CIRCULATED:- Report from the Director of Environmental Services detailing that North Down Borough Council was committed to operating a publication scheme under the Freedom of Information Act 2000. This requires the Council to proactively publish or otherwise make available information, including environmental information, which falls within specified classifications, including "inspections and reviews".

In preparation for the implementation of a national Food Safety Risk Scoring Scheme, approved by the Food Standards Agency, the Environmental

Services Department had developed a medium for informing the public of food hygiene standards existing in food premises throughout the Borough.

That information was in a format readily understood by the public as it uses a five star scoring system currently being operated in four district council areas in Northern Ireland, including Belfast.

**RECOMMENDED:-** that Council approves the inclusion of assessments of hygiene standards in food premises in the Publication Scheme operated by the Council, through its website.

Proposed by Councillor Graham, seconded by Alderman Mrs Cooling that the recommendation be adopted.

The Director of Environmental Services explained that Council had committed itself to roll out the Scores on the Doors Scheme however there were issues with aspects of the scheme from the Food Standards Agency in the UK. As a result, there was a delay in the scheme being launched and it was envisaged that that would not happen this year. However he explained that the Department had started to collate the information for the Scheme and had been scoring the premises at the time of inspections in preparation for the Scheme being rolled out. He stated that once the Scheme was up and running he would report back to the Committee.

Members highlighted the Scheme and the drive that it would provide to restaurants to reach the standard.

**AGREED:-** that the recommendation be adopted.

**(9) FOOD SAMPLING ACTIVITY REPORT FOR NORTHERN IRELAND**  
**(FILE 215)**

**PREVIOUSLY CIRCULATED:-** Food Sampling report 2007 and report from the Director of Environmental Services. The report detailed that the Northern Ireland Strategic Committee on Food Surveillance (NISCFS) had published its first report on the food sampling activities of district councils within Northern Ireland. The report was based on information gathered in 2007 on the Food Standards Agency United Kingdom Food Surveillance System (FSS (UK)) database.

The full report was available on the Food Standards Agency's Website – [www.food.gov.uk/news/newsarchive/2008/dec/niscfsfs](http://www.food.gov.uk/news/newsarchive/2008/dec/niscfsfs) and a report summary had been made available for all members.

**RECOMMENDED:-** that the report of food sampling by Northern Ireland district councils in 2007 be noted.

Proposed by Councillor Mrs Peacocke, seconded by Alderman Wilson that the recommendation be adopted.

In response to a question from Councillor Graham, the Director of Environmental Services explained that two types of testing were carried out, microbiological and chemical. He stated that the microbiological testing identified such issues as hygiene standards in premises as well as risk of food poisoning and was usually targeting the higher-risk premises. The chemical testing mainly looked at the food composition against the labelling.

Councillor Mrs Peacocke highlighted a section within the food sampling report which stated that certain groups of food manufacturers selling by retail such as small butchers and bakery shops were making errors in the labelling of food and ingredients and asked how that could be resolved. In response the Director advised face-to-face advice was provided to the manufacturers to address that issue.

**AGREED:- that the recommendation be adopted.**

**(10) SPRING CLEAN WEEK REVIEW (FILE 94)**

**PREVIOUSLY CIRCULATED:-** Report from the Director of Environmental Services detailing that Spring Clean Week was held during the week Monday 18<sup>th</sup> May until Sunday 24<sup>th</sup> May 2009. That was the fourth event of its kind, since the introduction of the first Spring Clean Week in May 2006. The annual cost of the event had been £5000 each year.

This year's event could be summarised by the following activities, which took place throughout the week: -

- Prior to the commencement of the week, students from the Drama Dept of the Bangor Campus of South Eastern Regional College were involved in a publicity event at Bangor Railway Station. That involved a spontaneous drama exercise involving the students interacting with customers at the Station to promote the litter free message. The students also captured the event on film.
- A number of litter picks were organised over a period of four days involving the following groups – Rudolph Steiner School, Kilcooley Community Association, Conservation Volunteers, Queens Leisure Centre After Schools Club, Redburn After Schools Club, Beavers Litterpick Group, Ballyholme Cubs and Ballyholme Brownies. In total, 270 volunteers were involved throughout the week.
- Four story telling sessions involving Willie Drennan were held at Bangor Library involving P4, P5 and P6 pupils.
- On Saturday 23<sup>rd</sup> May, Council set up an information stand at the Flagship Shopping Centre. The footage of the dance event filmed earlier in the week at the Railway Station was used as a focal point.

- On Sunday 24<sup>th</sup> May a dog information stand was set up at Crawfordsburn Country Park, which received a positive response from the public.
- A poster competition, the winning design from which was used on promotional tee-shirts. The Mayor presented prizes to the winning entrants at the Walled Garden.

The Event received very positive publicity through coverage in the local press, which also helped to promote the important litter free message. Coverage was also given to the event on Council's own website.

**RECOMMENDED:-** that the report be noted.

Proposed by the Mayor (Alderman Cree), seconded by Alderman Wilson and

**RESOLVED:-** that the recommendation be adopted.

**(11) REPORT OF THE WASTE MANAGEMENT COMMITTEE MEETING  
DATED 1 JUNE 2009**

**CIRCULATED:-** Copy of the above report.

Proposed by Councillor McKerrow, seconded by Councillor Mrs Dunlop that the report be approved and adopted.

In respect of Item 8, Page 3 - Any other business; Councillor Mrs Dunlop stated that she wished to raise an issue in the exclusion of the public/press.

**AGREED.**

Alderman Wilson highlighted the issue of recycling glass bottles and the weight of the ordinary waste with the bottles being included. In response the Director of Amenities and Technical Services advised that a few of the publicans made use of the amenity site for the recycling of bottles and stated that it was in their own interests to minimise their work. He stated that currently the beehives were the only method for the recycling of bottles.

The Chairman (Councillor Montgomery) felt that a drinks campaign could take place to encourage more people to recycle glass bottles.

**AGREED:-** that the report be approved and adopted with the exception of item 8 to be taken in the exclusion of the public/press.

**(12) INVESTIGATION FOR FUTURE BURIAL GROUND (FILES  
44011/44014/44017)**

**PREVIOUSLY CIRCULATED:-** Report from the Director of Amenities & Technical Services detailing that at the Environmental and Amenities

Committee of 3 February 2009, it was agreed that grave plots within Council's burial Grounds be sold only for immediate use as and from 1 April 2009.

Also, at the Environmental and Amenities Committee of 7 April 2009, approval was given for Council to appoint McLaughlin and Harvey to complete Phase 2 of the Works for the extension to Clandeboye Cemetery.

Following initial discussion with the successful Contractor, it was anticipated that work on the contract would commence on-site in the second week of June 2009. That being the case, it was anticipated that the works should be substantially complete by December 2009 and allowing for future compaction of the previously filled portion of that ground and the overall "maturing" of the site works, then it was hoped that the new section of cemetery would be available for use from January 2011.

### CURRENT STATUS

As the demand for grave plots was un-predictable, Officers periodically re-access the use/availability of grave plots within the Borough. Analysis of the figures over the last 5 years gives the following results.

#### Grave plots usage in North Down Borough Council – 2004-2008 (inc)

New Graves (Immediate use)	2004	2005	2006	2007	2008	Ave
Clandeboye	193	173	165	172	190	178.6
Redburn	39	37	33	56	47	42.4
Re-openings						
Clandeboye	198	200	215	205	226	208.8
Redburn	63	52	61	59	49	56.8
TOTALS	493	462	474	492	512	486.6

The present position in relation to available plots indicated that there were 1300 still to be used at Clandeboye and 175 at Redburn. That indicated that there would be no more plots available within the present Clandeboye site in 8 years and no more spaces in Redburn in 5 years. The new extension at Clandeboye should provide a total of 2,500 plots which in turn would add another 14 years provision within the Borough.

### POINTS FOR CONSIDERATION

Members would be aware of a number of issues which had been pertinent in the development of the scheme to extend Clandeboye cemetery. The most recent being the difficulties and delays associated with the Planning process. It should be remembered however that prior to that there had been a number of sites which had been considered but which were found to be unsuitable following the completion of ground investigation analysis indicating unacceptable sub-soils.

In addition to all of these considerations there was the need to identify land which might be purchased at reasonable cost.

Having taken all of these points into account it may be surprising to learn that the complete process for the development of the extension to Clandeboye cemetery had taken more than 14 years so far. The whole process having commenced in February 1995.

With that being the case, and taking into account the estimated time available for use of the current site, Officers recommend that Council considers taking appropriate steps to look at the options for the availability of other sites which may be suitable for development as a new cemetery in addition to the existing sites at Clandeboye and Redburn.

It was anticipated that that would require not only an assessment of the type of land presently available; but also an awareness of the technical considerations that would determine the suitability of any land to be deemed fit for purpose.

As Doran Consulting had been actively engaged in the complete process for the delivery of Clandeboye Cemetery and taking account of the detailed knowledge thereby available to Council it was recommended that Doran Consulting's current brief for the detailed design of the extension to Clandeboye Cemetery be extended to cover the investigative work for possible locations for the provision of additional burial grounds space with North Down Borough.

**RECOMMENDED:-** that Council permission is granted for Officers to investigate possible locations for the future development of land as burial grounds using the services of Doran Consulting who were to be retained on a negotiated reduced fee of 20% abatement using the Association of Consulting Engineers (ACE) scale of fees as appropriate.

Proposed by Councillor Mrs Dunlop, seconded by the Mayor (Alderman Cree) and

**RESOLVED:-** that the recommendation be adopted.

**(13) IMPROVEMENT WORKS TO WAR MEMORIAL AT WARD PARK**  
**(FILE 62001)**

**PREVIOUSLY CIRCULATED:-** Report from the Director of Amenities and Technical Services detailing that at its meeting on 3 February 2009 the Environmental & Amenities Committee were advised that the following works were being undertaken at the War Memorial.

- Re-grounding the vertical faces of the plinth including addressing any cracking.



- Replacing the old sand and cement screed which forms the slab at the base of the memorial with new pavia setts.

Those works had now been completed at a cost of £9,000. It was also noted that the lighting at the War Memorial was poor and had suffered extensively from the effects of vandalism over a period of years. It was intended that those lights would be re-furbished with new glazing and replacement filaments prior to the commencement of British Winter Time.

### CURRENT STATUS

In the interim period since the meeting Officers have held a site meeting with the local representative of the British Legion who advised that the main area of concern was the incidence of on-going vandalism within the area. A point which was addressed as it occurs.

In addition, Officers were also assessing the options for totally renovating the surrounding area with a view to increasing the extent of useable green space. However as detailed designs and cost estimates would have to be completed, then it was considered appropriate that these proposals could be included for consideration as part of this year's Estimate process.

Finally, Officers had also surveyed the condition of the existing area and intend to replace the existing "flagged" area with bitmac surfacing, at an estimated cost of £4,200. That work to be completed under the routine maintenance programme as the survey showed that the existing "flagged" area does require replacement.

**RECOMMENDED:-** that Council approves the works completed to date and those scheduled for this year in relation to work at the War Memorial in Ward Park and that it agrees to consider further enhancement work as part of this year's Estimates process.

Councillor Mrs Dunlop stated that she had asked for a report back on other matters to be addressed in relation to the War Memorial at a recent meeting. The Director of Amenities and Technical Services advised that once the Council minutes were ratified from the May meeting he would action those requests.

Councillor Montgomery referred to the area in which attendees would stand for the Remembrance Service and asked what was planned for that area. In response the Senior Technical Officer advised that was an extensive area which was being looked at. He explained that grass rings were currently being looked at which would allow the amenity space not be lost, however the costs associated with those were high.

Proposed by Councillor Mrs Dunlop, seconded by Alderman Mrs Cooling and

**RESOLVED:-** that the recommendation be adopted.

**(14) ARRANGEMENTS FOR THE OFFICIAL OPENING OF THE NEW  
WASTE MANAGEMENT FACILITIES (FILE 47042/80052)**

PREVIOUSLY CIRCULATED:- Report from the Director of Amenities & Technical Services detailing that at the Environmental & Amenities Committee on the 7 April 2009, it was reported that the earliest possible date for the Minister of the Environment to officially open Council's new waste management facilities was Friday 19<sup>th</sup> June 2009, from 9.00 am to 9.45 am.

**PROPOSED TIMETABLE FOR 19<sup>TH</sup> JUNE 2009**

- |                     |   |
|---------------------|---|
| 8.30 am – 9.00 am   | Councillors, Officers, invited guests arrive at the Depot & Waste Transfer Station, Balloo Drive, Bangor  |
| 9.00 am             | Await arrival of Minister of Environment  |
| 9.15 am             | Unveiling of commemorative plaque by Minister of the Environment  |
| 9.15 – 9.40 am      | Viewing of facilities.  |
| 9.40 am             | guests to depart to Household Waste Recycling Facilities, Balloo for morning coffee/tea and refreshments, followed by inspection of new facilities  |
| 10.00 am            | Unveiling of commemorative plaque by the Mayor  |
| <b>Please Note:</b> | At the Planning & Public Services Liaison Committee scheduled for Tuesday 16 <sup>th</sup> June 2009, a poll would be taken regarding Councillors' availability to attend on the 19 <sup>th</sup> June 2009 |
| 10.10 am            | morning tea/coffee and refreshments followed by inspection of new facilities  |

RECOMMENDED:- that the proposed arrangements for the official opening of Councils new Waste Management Facilities on Friday 19<sup>th</sup> June 2009, be approved.

Proposed by Councillor McKerrow, seconded by Councillor Graham and

**RESOLVED:- that the recommendation be adopted.**

**(15) CLEANING OF DUAL CARRIAGEWAY**

The Director of Amenities and Technical Services advised that he had had a meeting with Mr Montgomery, DRD Roads Service, regarding the above issue. A dual-purpose arrangement had been put in place between the

Council and DRD Roads Service for cleaning the dual carriageway. That was scheduled to take place on a Sunday during the summer months.

Councillor Montgomery referred to the dual carriageway on the Belfast side and stated that that area was cleaned solely by the DRD Roads Service. In response the Director of Amenities and Technical Services explained that the road area of the Sydenham by-pass could be cleaned effectively without coning taking place. He stated that the Council had the equipment to carry out the cleaning which would take away the debris from the roadside and clear the road gullies. One lane of dual carriageway would be coned off and the DRD Roads Service would be responsible for that coning and the traffic management while Council undertook the cleaning.

**NOTED.**

**(16) IRELAND'S BEST KEPT TOWN – PRESENTATION OF AWARDS**  
**(FILE 56029)**

PREVIOUSLY CIRCULATED:- Report from the Director of Amenities and Technical Services detailing that at the Environmental & Amenities Committee in February 2009, it was reported that Holywood being successful in the Best Kept Awards 2008, would subject to Council permission be entered into Ireland's Best Kept Town Competition 2009.

It was recommended and adopted that Council approves Holywood being entered in Ireland's Best Kept Competition 2009.

Holywood was competing in the Large Town category, along with Castlebar (Co. Mayo) and Westport (Co. Mayo) at the Presentation of Awards in Dublin Castle on Monday 22 June 2009.

RECOMMENDED:- that Council be represented at the awards ceremony for Ireland's Best Kept Towns 2009, in Dublin Castle on Monday 22 June 2009, by the Mayor, Chairman of the Environmental & Amenities Committee and the Chief Executive & Town Clerk.

Proposed by Councillor Mrs Dunlop, seconded by Councillor Mrs Peacocke that the recommendation be adopted.

On behalf of Alderman Mrs McKay, Councillor Mrs Dunlop asked if Mr Dennis Ogborn could also attend the awards ceremony for the work that he undertaken in Holywood. In response the Director of Amenities and Technical Services advised that in the past Mr Ogborn had received an invitation due to his involvement in Holywood Residents Association and thought that he could travel with the attendees.

Councillor McKerrow advised that he had received an invitation as a Member of the Amenity Council and would be attending the awards ceremony.

**AGREED.**

**(17) EXCLUSION OF PUBLIC/PRESS**

Proposed by Councillor Graham, seconded by Councillor Mrs Dunlop and

**RESOLVED:-** that the public/press be excluded during the discussion of the undernoted items of confidential business.

**(18) ANY OTHER BUSINESS**

**(a) Land nearby Trinity Nursery School**

**(19) REPORT OF THE WASTE MANAGEMENT COMMITTEE MEETING  
DATED 1 JUNE 2009 CONTINUED....**

**(20) ARC21 SUPPLEMENTARY AGREEMENT – LEGAL OPINION**

**\*\*\*LEGAL IN CONFIDENCE\*\*\***

CIRCULATED:- Report from the Director of Amenities and Technical Services attaching Supplemental Agreement to the Terms of Agreement and Legal Opinion from Dr Tony McGleenan. The report detailed the following:

**BACKGROUND**

The minutes of the Environmental & Amenities Committee held on the 3<sup>rd</sup> February 2009, state the following;

***(21) ARC21 Joint Committee – Supplemental Agreement (FILE 72011)***

**PREVIOUSLY CIRCULATED:-** Report from the Director of Amenities and Technical Services detailing that Council had been a member of Arc21 since July 2003 and was represented on the Arc21 Joint Committee by Councillors Graham and McKerrow.

**The Terms of Agreement gave specific conditions regarding 'DELEGATED POWERS' and 'ESTABLISHMENT AND OPERATING COSTS' and the statement of 5 principles was also enclosed as drawn up by C Quigley,**

**Director of Legal Services, Belfast City Council and agreed by Council. The Supplemental Agreement to the original Terms of Agreement were enclosed for endorsement by Council.**

**RECOMMENDED:-** that Council obtains an independent legal opinion regarding its obligations to the Supplemental Agreement to the Terms of Engagement dated July 2003 with Arc21 Joint Committee.

*Proposed by Councillor McKerrow, seconded by the Mayor, Alderman Cree and*

**RESOLVED:- that the recommendation be adopted.**

*Members suggested that an independent legal opinion might be necessary on this occasion to safeguard the Council.*

### **CURRENT STATUS**

Legal opinion was obtained from Dr Tony McGleenan. Senior Counsel, and the following extracts were considered as being particularly significant being:

- **North Down Borough Council have asked for advice on the effect of the Supplemental Agreement. In summary, the legal import of the Supplemental Agreement is that it constitutes an agreement to agree the manner in which future contracts will be entered into. The Supplemental Agreement does not engage the Council in any specific contractual obligations at present. It does, however, seek to bind the contracting parties to an agreed *modus operandi* for entering into contractual relationships in the future.**
- **The question which obviously arises is what additional commitments are contained in the Supplemental Agreement that did not appear in the 2003 Agreement or the Statement of Principles? On analysis it appears that this Supplemental Agreement is a relatively benign document from the perspective of the participating councils. It outlines in more specific form a further series of principles which ought to apply to any future contractual arrangements. The clause requiring exclusivity is a typical feature of a consortium/collaboration agreement. The clause against contamination is a pragmatic means of quality assurance for the performance of individual council contributions. The clause guaranteeing the arc21 obligations is also a typical feature of a collaborative agreement.**
- **North Down Borough Council may be concerned about the scope of liabilities under arc21 agreements. However, one must recall that the structure of these agreements is compartmentalised. Each new contract entered into pursuant to the Supplemental Agreement will be ring-fenced by its own terms. Consequently, while the overall value of the arc21 arrangement is likely to be high, the net value of the individual contracts will be considerably more modest.**
- **It is true that clause 6.5(f) of the Supplemental Agreement repays close scrutiny. It provides that, where a loss is incurred because of a default on the part of a participating council, that council will reimburse the other councils for the loss attributable. This is, of course, nothing more than a restatement of the general contract**

and common law principles which apply where a party causes a loss as a result of a default in an agreement. The council's insurers will be familiar with this territory. Provided that the default in question does not arise as a result of any bad faith, impropriety or illegality on the part of an individual council there should be no question of surcharge or indemnification on the part of individual councillors. In summary, clause 6.5(f) does not increase the risk exposure of a local authority for a contractual breach. On the contrary the principles of appointment contained in the Statement of Principles should ensure that liability for default is considered joint (where appropriate) rather than severable. A council is only liable for the extent of loss attributable to its actions rather than to the entirety of the loss incurred.

- The Supplemental Agreement proposes a mode of governance which will permit the participating councils to move forward into the procurement and service phase of the arc21 arrangement. North Down Borough Council, and the other participants, will require to be vigilant at the next stage of individual contracting to ensure that risk exposure is not increased as a result of contractual liabilities entered into.
- I have provided this advice in the form of a general commentary. I have not been provided with a particular problem scenario to consider. Rather, I have examined the Supplemental Agreement to determine whether there are particular pitfalls within it which would increase corporate risk to the Council. I do not consider that, having entered into the 2003 agreements, the acceptance of the Supplemental Agreement would significantly increase risk exposure. The next stage of the arc21 contractual process is where heightened scrutiny will be required. I am content to advise further or address issues arising if necessary.

#### Please note

Paragraphs 7&8 of the legal opinion considers Council's position regarding the use of waste timber for the proposed CHP plant and possible conflict with future arc21 contracts of EXCLUSIVITY, requiring all waste specific to any contract to be allocated to the project.

#### CURRENT STATUS

All Councils within arc21 were currently diverting wood collected at their civic amenity sites and subsequently timber was not to be included within the proposed RESIDUAL WASTE CONTRACT.

**RECOMMENDED:-** that Council endorses the Supplementary Agreement to the original Terms of Agreement (1 July 2003) produced by Arc21.

Councillor McKerrow highlighted the importance of the document and suggested that the document also be referred to Corporate or Policy Committee.

Councillor Lennon expressed concerns with regard to a section within the document that if Arc21 was to fail Council would be liable for its debts. The Director of Amenities and Technical Services advised two elected representatives sat on the Arc21 Committee to oversee and discuss the forthcoming issues. In terms of the agreement Arc21 could not move forward without Council signing up to that agreement.

Discussion surrounded the CHP Plant and the waste wood required to use the plant, within the Borough.

Councillor Graham expressed concerns regarding the size of the contract.

Proposed by Councillor Graham, seconded by Councillor McKerrow and

**RESOLVED:- that the recommendation be adopted.**

**(21) CONSULTATION DOCUMENT – PROPOSAL FOR A WASTE BILL  
(FILE 71008)**

**\*\*\*LEGAL IN CONFIDENCE\*\*\***

**(22) UPDATE ON CONTAMINATION OF LAND AT RATHGAEL**

**\*\*\*COMMERCIAL IN CONFIDENCE\*\*\***

**(23) TERMINATION OF MEETING**

The meeting terminated at 9.10 pm.





**(20) Arc21 Supplementary Agreement – Legal Opinion**

**\*\*\*Legal in Confidence\*\*\*\***

**Circulated:-** Report from the Director of Amenities and Technical Services attaching Supplemental Agreement to the Terms of Agreement and Legal Opinion from Dr Tony McGleenan. The report detailed the following:

**BACKGROUND**

The minutes of the Environmental & Amenities Committee held on the 3<sup>rd</sup> February 2009, state the following;

**(21) ARC21 Joint Committee – Supplemental Agreement (FILE 72011)**

**PREVIOUSLY CIRCULATED:-** Report from the Director of Amenities and Technical Services detailing that Council had been a member of Arc21 since July 2003 and was represented on the Arc21 Joint Committee by Councillors Graham and McKerrow.

*The Terms of Agreement gave specific conditions regarding 'DELEGATED POWERS' and 'ESTABLISHMENT AND OPERATING COSTS' and the statement of 5 principles was also enclosed as drawn up by C Quigley,*

*Director of Legal Services, Belfast City Council and agreed by Council. The Supplemental Agreement to the original Terms of Agreement were enclosed for endorsement by Council.*

**RECOMMENDED:-** that Council obtains an independent legal opinion regarding its obligations to the Supplemental Agreement to the Terms of Engagement dated July 2003 with Arc21 Joint Committee.

*Proposed by Councillor McKerrow, seconded by the Mayor, Alderman Cree and*

**RESOLVED:-** that the recommendation be adopted.

*Members suggested that an independent legal opinion might be necessary on this occasion to safeguard the Council.*

**CURRENT STATUS**

Legal opinion was obtained from Dr Tony McGleenan. Senior Counsel, and the following extracts were considered as being particularly significant being:

**North Down Borough Council have asked for advice on the effect of the Supplemental Agreement. In summary, the legal import of the Supplemental Agreement is that it constitutes an agreement to agree the**

manner in which future contracts will be entered into. The Supplemental Agreement does not engage the Council in any specific contractual obligations at present. It does, however, seek to bind the contracting parties to an agreed *modus operandi* for entering into contractual relationships in the future.

The question which obviously arises is what additional commitments are contained in the Supplemental Agreement that did not appear in the 2003 Agreement or the Statement of Principles? On analysis it appears that this Supplemental Agreement is a relatively benign document from the perspective of the participating councils. It outlines in more specific form a further series of principles which ought to apply to any future contractual arrangements. The clause requiring exclusivity is a typical feature of a consortium/collaboration agreement. The clause against contamination is a pragmatic means of quality assurance for the performance of individual council contributions. The clause guaranteeing the arc21 obligations is also a typical feature of a collaborative agreement.

North Down Borough Council may be concerned about the scope of liabilities under arc21 agreements. However, one must recall that the structure of these agreements is compartmentalised. Each new contract entered into pursuant to the Supplemental Agreement will be ring-fenced by its own terms. Consequently, while the overall value of the arc21 arrangement is likely to be high, the net value of the individual contracts will be considerably more modest.

It is true that clause 6.5(f) of the Supplemental Agreement repays close scrutiny. It provides that, where a loss is incurred because of a default on the part of a participating council, that council will reimburse the other councils for the loss attributable. This is, of course, nothing more than a restatement of the general contract and common law principles which apply where a party causes a loss as a result of a default in an agreement. The council's insurers will be familiar with this territory.

Provided that the default in question does not arise as a result of any bad faith, impropriety or illegality on the part of an individual council there should be no question of surcharge or indemnification on the part of individual councillors. In summary, clause 6.5(f) does not increase the risk exposure of a local authority for a contractual breach. On the contrary the principles of appointment contained in the Statement of Principles should ensure that liability for default is considered joint (where appropriate) rather than severable. A council is only liable for the extent of loss attributable to its actions rather than to the entirety of the loss incurred.

The Supplemental Agreement proposes a mode of governance which will permit the participating councils to move forward into the procurement and service phase of the arc21 arrangement. North Down Borough Council, and the other participants, will require to be vigilant at the next stage of individual contracting to ensure that risk exposure is

**not increased as a result of contractual liabilities entered into.**

**I have provided this advice in the form of a general commentary. I have not been provided with a particular problem scenario to consider.**

**Rather, I have examined the Supplemental Agreement to determine whether there are particular pitfalls within it which would increase corporate risk to the Council. I do not consider that, having entered into the 2003 agreements, the acceptance of the Supplemental Agreement would significantly increase risk exposure. The next stage of the arc21 contractual process is where heightened scrutiny will be required. I am content to advise further or address issues arising if necessary.**

**Please note**

Paragraphs 7&8 of the legal opinion considers Council's position regarding the use of waste timber for the proposed CHP plant and possible conflict with future arc21 contracts of EXCLUSIVITY, requiring all waste specific to any contract to be allocated to the project.

**CURRENT STATUS**

All Councils within arc21 were currently diverting wood collected at their civic amenity sites and subsequently timber was not to be included within the proposed RESIDUAL WASTE CONTRACT.

**Recommended:-** that Council endorses the Supplementary Agreement to the original Terms of Agreement (1 July 2003) produced by Arc21.

Councillor McKerrow highlighted the importance of the document and suggested that the document also be referred to Corporate or Policy Committee.

Councillor Lennon expressed concerns with regard to a section within the document that if Arc21 was to fail Council would be liable for its debts. The Director of Amenities and Technical Services advised two elected representatives sat on the Arc21 Committee to oversee and discuss the forthcoming issues. In terms of the agreement Arc21 could not move forward without Council signing up to that agreement.

Discussion surrounded the CHP Plant and the waste wood required to use the plant, within the Borough.

Councillor Graham expressed concerns regarding the size of the contract.

Proposed by Councillor Graham, seconded by Councillor McKerrow and

**RESOLVED:-** that the recommendation be adopted.



**NORTH DOWN BOROUGH COUNCIL****30 JUNE 2009**

A quarterly meeting of North Down Borough Council was held in the Council Chamber, Town Hall, Bangor at 7.30 pm on the above date.

**Present:**

**In the Chair:**                      The Mayor    Councillor Hill

**Other Members:**                      Aldermen    Mrs Cooling  
   Dunne  
   Fitzsimons  
   Mrs McKay  
   Wilson, B

**Councillors**

Alderdice	Irvine	Parsley
Chambers	Farry	Weir
Dunlop, H	Leslie	Mrs Wilson
Mrs Dunlop	McKerrow	
Easton	Montgomery	

**Officers in Attendance**

T Polley (Chief Executive and Town Clerk), J S Snodden (Director of Amenities and Technical Services/Deputy Chief Executive), D G Yarr (Director of Environmental Services), J Kennedy (Director of Policy), Mrs C Escott (Director of Corporate Services), D Warden (Principal Leisure Services Officer), D Howard (Principal Community Services and Capital Projects Officer), Miss C Jackson (Corporate Communications Officer) and Miss J Glasgow (Member Services Officer).

**(1) PRAYER**

The proceedings were opened with prayer.

**(2) APOLOGIES**

Apologies for inability to attend were received from Alderman Cree, Councillors Lennon, Mrs Smith, Mrs Peacocke and Councillors Graham and Henry who were away on Council business.

**(3) MAYOR'S REMARKS****(a) Calendars of Events**

**CIRCULATED:-** Calendar of Events attended by the Mayor and Deputy Mayor during the month of June 2009.

The Mayor (Councillor Hill) highlighted the Time Capsule Exhumation which he had attended in the North Down Museum on Saturday 27 June 2009. He explained that a time capsule had been buried some 15 years ago in North Down Museum by approximately 100 pupils of St Malachys and Towerview Primary Schools. Some 70 previous pupils had attended the event for the unearthing of the time capsule. Memorabilia had been put into the time capsule when it had been buried including letters from the pupils.

**NOTED.**

**(b) Queen's Birthday Honours List – 2009**

The Mayor (Councillor Hill) referred to the recent announcements in the Queen's Birthday Honours Awards advising that the undernoted recipients from North Down had received MBE's:

Mr Frank Edward Caddy (Services to Community Transport in Northern Ireland)  
 Mr Richard Taylor Holmes (Services to Community in Northern Ireland and Romania)  
 Mr Thomas Frederick Kerr (Services to the Arts in Northern Ireland)  
 Mrs Ellie McKay (Services to Local Government in Northern Ireland)  
 Mr Edmond Henry Wilson (Services to Athletics in Northern Ireland)

**AGREED:-** that a letter of congratulations be sent to each of the recipients.

**(c) Miss Northern Ireland**

Councillor Mrs Dunlop advised that Cherie Gardiner from Bangor and a pupil of Glenola Collegiate had won Miss Northern Ireland 2009.

**AGREED:-** that a letter of congratulations be sent to Cherie Gardiner on being crowned Miss Northern Ireland 2009.

**(4) REPORT OF COUNCIL MEETING DATED 26 MAY 2009**

Each Member having been previously circulated with a copy, the above report was taken as read.

Proposed by Alderman Dunne, seconded by Councillor Mrs Wilson and

**RESOLVED:-** that the report be signed as a correct record.

**(5) REPORT OF ANNUAL MEETING DATED 11 JUNE 2009**

Each Member having been previously circulated with a copy, the above report was taken as read.

Proposed by Alderman Fitzsimons, seconded by Councillor Easton and

**RESOLVED:- that the report be signed as a correct record.**

**(6) REPORTS OF COMMITTEES**

Each Member having been previously circulated with copies (a) – (i) the undernoted reports were taken as read.

**(a) Transition Committee dated 7 May 2009**

PLEASE NOTE:- the above report was approved and adopted by the Transition Committee on 10 June 2009

Proposed by Alderman Mrs McKay, seconded by Councillor Montgomery that the report be approved and adopted.

In respect of Item 6, Page 13 – Variances in Councils' Standing Orders – Attendance at Committees and Sub Committees; Councillor Chambers voiced his disappointment in respect of the decision taken by the Transition Committee that only Members of the Transition Committee may attend meetings of that Committee. He referred to the current Standing Order of North Down Borough Council where by every Member of the Council may attend meetings of any Committee or Sub Committee and viewed that as a transparent process. He stated that he was disappointed that North Down Members of the Transition Committee had not spoken against that decision and viewed the decision taken as unacceptable. Councillor Chambers asked to be recorded as dissenting against that practice adopted by the Transition Committee.

The Chief Executive and Town Clerk stated that the matter had already been debated by the Council and the Transition Committee. He explained that the view was that only Members of the Transition Committee may attend meetings of that Committee until such time as the Transition Committee receives its statutory powers.

Alderman Wilson echoed the comments expressed by Councillor Chambers.

**The report of the Transition Committee dated 7 May 2009 was then approved and adopted.**

**(b) Environmental and Amenities Committee dated 2 June 2009**

Proposed by Councillor Montgomery, seconded by Alderman Wilson that the report be approved and adopted.

In respect of Item 20, Page 19 – Arc21 Supplementary Agreement – Legal Opinion: Councillor McKerrow referred to the recent decision by Belfast City Council to refuse to sell the land it owns on the city's North Foreshore which was proposed for the building of Arc21 Energy from Waste (EFW) Plant. He stated that he was disappointed by that decision and felt that site had clear advantages. Also arising from the above Councillor McKerrow highlighted that the Waste Management Committee were looking at the movement of kitchen waste into the green bin.

Councillors Weir and Farry also shared their disappointment in respect of the decision taken by Belfast City Council.

Alderman Wilson stated that he was opposed to Council entering into the Arc21 Supplementary Agreement and welcomed the recent decision of Belfast City Council in respect of the EFW plant. He stated that if Council were to sign up to the Supplementary Agreement, Council would be committed to providing approximately 3000 tonnes of waste and felt that provided no incentive to increase recycling. He expressed concerns in that regard and Council committing itself into a long term contract.

**NOTED.**

In respect of Item 18 (a), Page 18 – Land nearby Trinity Nursery School: Councillor Mrs Dunlop wished for her thanks to be passed onto the two Enforcement Officers who had cleared the Bonfire which had begun to form at the above location.

**NOTED.**

Arising from Item 3 – Notice of Motion from Councillors Henry, Chambers and Alderman Fitzsimons - "That this Council reviews its policy in relation to the closing of the gates of Linear Park during daylight hours"

PREVIOUSLY CIRCULATED:- Copy letter dated 21<sup>st</sup> June 2009 from Mr and Mrs Snellin, 24A Briarwood Drive, Bangor opposing any changes to the present arrangements for the Park.

CIRCULATED:- Copy fax dated 28<sup>th</sup> June 2009 from S Reynolds, 12 Briarwood Park regarding Linear Park.

Alderman Fitzsimons outlined the reasons for the Notice of Motion being brought forward. He stated that he had never asked for the decision in respect of the gates to be rescinded and at no point asked for them to be reopened.



Councillor Weir expressed his views in respect of the issue and supported the proposal to note the motion in the interests of the residents.

Councillor Mrs Dunlop referred to a letter that had been sent by Councillor Easton to residents of Linear Park dated 9<sup>th</sup> June 2009. She advised that the letter had been sent on Assembly letterhead and viewed that as a way to make more of an impact. Councillor Mrs Dunlop stated that she was disappointed with the actions of Councillor Easton and felt that he had caused stress and anxiety amongst the residents. She referred to an email which she had received from a Member of the Linear Park Residents Association which had stated that there were indications that some Councillors may attempt to use the issue surrounding the gates at Linear Park for party political or personal purposes and felt that Councillor Easton was using the issue for his self ramification.

Councillor Easton refuted the comments made by Councillor Mrs Dunlop and felt that Councillor Mrs Dunlop had done no work on the issue and stated that he made no apologies for the actions that he had taken. He stated that he had previously been inundated with complaints in respect of Linear Park and had took appropriate measures to address the problems highlighting the decrease in the incidents of anti-social behaviour as confirmed by the PSNI. He highlighted that the decision that Council had taken in respect of the closure of the gates was one which was recommended and fully supported by the PSNI. He referred to some of the problems that residents had encountered in the past including dog faeces and fireworks put through letterboxes, hedges and sheds set on fire and since the gates had been closed residents had been consulted and 90% were happy with the closure of gates. He highlighted that remarks had been made to Council that peoples human rights had been affected in response to those remarks the Member read out a section in the Human Rights Act highlighting that Council had obeyed that Act in all instances. He referred to a complaint that had been received that a resident was no longer able to walk their dog due to the closure of one of the gates however he stated that there other gates available for residents for that to occur.

Councillor Farry stressed the importance that Members came to a decision without argument and with a sensible approach. He highlighted that the Council had a strong indication from the PSNI that the current practice was advantageous. He urged the Council to shut down any uncertainty surrounding the issue and support the minutes of the Environmental and Amenities Committee for the matter to be closed.

Councillor Chambers stated that he was disappointed with the debate that was occurring and how that had become personalised between Members. He called for Council to review the closure of the gates and stressed the need for Members to listen to all of the residents concerns and once the review was received Council could make a decision on that basis. He felt that if the current practice was successful there should be no fear in a review taking place. He stated that at no stage it had been advocated that the gates would be re-opened. He accepted that the current situation was working however

felt that Council should demonstrate that the views and concerns of all residents within the area were taken on board.

Proposed by Councillor Chambers, seconded by Alderman Fitzsimons as an amendment that this Council reviews its policy in relation to the closing of the gates of Linear Park during daylight hours.

Councillor Mrs Wilson felt it was unfair for the residents of Linear Park to have to wait for the outcome of a review.

Alderman Dunne supported the comments of Councillor Easton and the work that the Member had done on the issue. He believed that the situation at Linear Park had greatly improved with the vast majority of people within the area wishing for the situation to be left as is. He stated that the PSNI had been involved extensively and also residents had been consulted, surveys had been carried out and a number of debates had occurred on the issue.

Alderman Mrs McKay expressed her views with regards to the matter stating that she felt that members of the public had been brought to the meeting under false pretences and expressed her annoyance in that regard. She highlighted some of the comments made in residents of Linear Park letters and emails which had stated that their family was in danger, how they dreaded the summer months and had detailed their worry and anxiety that they had at the possibility of Council reviewing the decision. Alderman Mrs McKay stated that she would not be opposing the decision made by the Environmental and Amenities Committee and would be raising the matter again at the Committee in September. Alderman Mrs McKay also took exception to the remarks made by Councillor Easton in respect of Councillor Mrs Dunlop highlighting the good work that the Dunlop family did for the Borough.

Councillor McKerrow stated that he would like to see how the problem of anti-social behaviour in Linear Park evolved in the first place, what actions were taken, or not taken, to address the developing problem, and how Council had arrived at the current position. He also questioned the effectiveness of the decisions taken and what Council could have done that could have been more effective to deal with similar issues in the future. Councillor McKerrow felt that many councillors had adopted two stock responses, that anti social behaviour was a matter for the police and not for them, and that Council were now averse to creating further recreational sites for fear that they become focus points for more anti social behaviour and believed that Councillors needed to move on with regards to both those points. Councillor McKerrow also referred to the advice of the Home Office in dealing with anti-social behaviour detailing the needs for properly supported inter agency work, involvement of the police, the local authorities, youth and education organisations and other appropriate bodies. He highlighted the key partnership role to play in dealing with anti-social behaviour. He viewed the closing of the gates not to be the best solution however felt that was necessary.

Proposed by Councillor McKerrow that the proposal is amended, that this Council examines its policy...

Councillor Chambers declined to include that proposal within his amendment. He also questioned if Council had an existing policy in place were a review was required to take place.

On being put to the meeting, the amendment was declared lost, with 2 voting for and 19 against the proposal.

A poll was requested which resulted as follows:-

FOR (2)		AGAINST (12)	
Alderman	Fitzsimons	Aldermen	Mrs Cooling
Councillor	Chambers		Dunne
		Councillors	Wilson
			Alderdice
			Easton
			Farry
			Irvine
			Leslie
			Montgomery
			Parsley
			Weir
			Mrs Wilson
ABSTAINED (5)		ABSENT (6)	
The Mayor	Councillor Hill	Alderman	Cree
Alderman	Mrs McKay	Councillors	Graham
Councillors	Mrs Dunlop		Henry
	Dunlop		Lennon
	McKerrow		Mrs Peacocke
			Mrs Smith

Proposed by Councillor Easton, seconded by Councillor Irvine as an amendment that this Council support the PSNI advice on the gating system for Linear Park to reduce anti-social behaviour and notes the continuing support by the PSNI for the current arrangements and takes no further action.

On being put to the meeting, the amendment was declared carried, with 11 voting for and 0 against the proposal.

A poll was requested which resulted as follows:-

FOR (11)		AGAINST (0)	
Aldermen	Mrs Cooling		
	Dunne		
Councillors	Alderdice		
	Easton		
	Farry		

Irvine  
 Leslie  
 Montgomery  
 Parsley  
 Weir  
 Mrs Wilson

**ABSTAINED (8)**

The Mayor  
 Aldermen

Councillor Hill  
 Fitzsimons  
 Mrs McKay  
 Wilson  
 Chambers  
 Mrs Dunlop  
 Dunlop  
 McKerrow

Councillors

**ABSENT (6)**

Alderman  
 Councillors

Cree  
 Graham  
 Henry  
 Lennon  
 Mrs Peacocke  
 Mrs Smith

In respect of Item 15, Page 16 – Cleaning of Dual Carriageway; Alderman Dunne thanked the Director of Amenities and Technical Services for taking the appropriate action in respect of the above issue and welcomed the Council working alongside the DRD Roads Service to undertake the cleaning. He expressed concerns regarding the build up of dirt along the verges of the dual carriageway. He referred to the Sydenham by-pass stating that that road was cleaned on a regular basis and questioned why the same did not occur for the dual carriageway. Alderman Dunne also stated that the grass required cut along the dual carriageway and viewed the lack of maintenance as unacceptable.

**NOTED.**

In respect of Item 16, Page 17- Ireland's Best Kept Town – The Mayor (Councillor Hill) advised that the Chief Executive and Town Clerk, Councillor Leslie and himself had attended the Ireland's Best Kept Town Awards Ceremony in Dublin the previous week. He stated that Holywood had done well by coming third in the large town category.

**NOTED.**

**The report of the Environmental and Amenities Committee dated 2 June 2009, as amended was then approved and adopted.**

**(c) Leisure, Tourism and Community Development Committee dated 2 June 2009**

Proposed by Councillor Mrs Wilson, seconded by Councillor Weir that the report be approved and adopted.

In respect of Item 12 (b), Page 18 – Redburn Community Centre; Alderman Dunne referred to the repair and refurbishment work that was due to take place at Redburn Community Centre. He stated that he had raised the matter

on a number of occasions however was unaware of the programme of works. The minute had stated that a site meeting would be arranged to allow Members of the area to have an input into the proposed programme of work and asked that that be organised urgently. He felt that the summer was a good time for the work to take place and requested that the matter become a priority.

#### **NOTED.**

Arising from Item 2 (b) – Arts Committee dated 13<sup>th</sup> May 2009 – Item 4 – Arts Officers Update – page 4 – Aspects Literature Festival (FILE 170101)

**PREVIOUSLY CIRCULATED:-** Report from the Director of Leisure, Tourism and Community Services detailing that at January's Leisure, Tourism and Community Development Committee (LTCDC), in relation to the Aspects Literature Festival, it was highlighted that *'There are even greater concerns over the future of financial support from ACNI from 2009 onwards. There is an indication that Local Government is no longer high on their list of priorities to receive funding in future.'*

Following June's LTCDC it was agreed to bring back a Report to the June Council meeting to review the 2009 Aspects Literature Festival, and specifically funding arrangements. That report confirmed that no grant would be received from the Arts Council of Northern Ireland (ACNI) in 2009; it had been estimated that £20,000 would be received, similar to the 2008 grant.

It was noted that the Arts Officer was advised in early 2009 by the ACNI Funding Officer that Local Government was no longer a priority for their funding schemes, indeed at least one of the ACNI grant programmes now states that Councils cannot apply.

However, technically an application could have been made to ACNI but it was deemed to be a more efficient use of time to concentrate on submitting applications to both the Department of Culture, Arts and Leisure's Events Growth Fund, and to the Arts Council in the Republic of Ireland. Neither application had however been successful. That was clearly disappointing, however it was noted that there would be a slight increased income from sponsorship (including Bloomfields) this year.

It was planned to submit a formal application for ACNI project funding in August/September 2009 for grant aid towards the 2010 Aspects Festival. A decision would be available around December 2009. If that application was unsuccessful however, Council would be able to consider future core revenue funding for Aspects for 2010 and beyond, during the 'Estimates' process; and indeed to consider formally writing to ACNI regarding its position in relation to funding Local Government.

It was proposed that the impact of the failure to secure grant aid should primarily be on the Book Fair, which would now not happen (it was only

trialled in 2008, with limited success), and on the wider main programme, which would reduce slightly.

To facilitate the remaining proposed programme some general Arts programme budget would be transferred, totalling £9,000 (£6,000 Arts development budget, and £3,000 from general Arts programme artistic costs); that would be carried out through normal Council budget transfer procedures.

Officers felt those reductions would not have a significant outward impact on this year's festival within the context of short-term public perception, however longer term the matter must be addressed. Council previously committed to the development of Aspects as an event that contributed to the cultural offer within North Down, and indeed much further afield. That would take financial commitment and would be the subject of a future Report dependent upon future ACNI funding.

A linked matter related to the position of Arts Marketing Officer, currently a fixed term position funded through the Aspects Festival budget. It had become evident through the current incumbent's work that that position was invaluable to not only the marketing of Aspects, but also the wider substantial year-round Arts programme.

The current post-holder's contract was due to expire on 30 June 2009. It was recommended that that position be extended for one year at that time, whilst the future funding arrangements relating to Aspects were considered.

Two tables showing a summary comparison of the 2008, and planned 2009 Festivals' expenditure and income, were shown below:

#### **Expenditure**

<b>Budget</b>	<b>2008 Costs</b>	<b>2009 Planned</b>
Artistic	£23,722	£18,150
Marketing	£9,667	£5,000
Salaries/overtime	£22,869	£23,030
Printing	£6,039	£6,000
Catering/sundries	£535	£1,000
<b>Total:</b>	<b>£62,832</b>	<b>£53,180</b>

#### **Income**

<b>Budget</b>	<b>2008 Income</b>	<b>2009 Estimated</b>
ACNI	£20,000	Nil
Sponsorship	£4,700	£6,000
Box Office	£6,107	£6,000
Book sale commission	£217	£200
Council	£31,808	£31,980

Budget transfer	Nil	£9,000
<b>Total:</b>	<b>£62,832</b>	<b>£53,180</b>

**RECOMMENDED:-** that Council approve the planned expenditure for the 2009 Aspects Literature Festival, as well as the extension of one year to the Arts Marketing Officer's contract, to 30 June 2010.

Councillor Montgomery expressed concerns regarding the Festival and that there was no equivalency for the Ulster Scots community. He felt that the budget was excessive for the festival and proposed that additional grant aid be looked into as well as the reduction of the marketing budget. In response the Chief Executive and Town Clerk explained that no grant aid would be made available and the marketing budget had already been decreased.

Alderman Dunne referred to the extension of the contract for the Arts Marketing Officer highlighting the recent termination of the contract for the Art of Regeneration Officer. He also stated that the Council already had a Marketing Officer within another department and stressed the importance of Council utilising resources in the run up to RPA. The Chief Executive and Town Clerk stated that the extension of the Arts Marketing Officer's contract was required for the Festival to go ahead referring to the uptake of tickets from the previous year of the Festival.

Councillor Farry highlighted the success of the event in previous years and recognised the wide level interest that existed within the community for the Festival.

Councillor Weir expressed concern regarding the Festival and felt that if the event was to continue it would have to be more financially sustainable.

The Chief Executive and Town Clerk stated that if funding was not forthcoming the following year the future of the Festival would have to be looked into.

Councillor Chambers referred to the success of the Festival in recent years and felt that it brought positive PR to the Borough. He felt that Council should promote the festival to the best of its ability.

Proposed by Councillor Chambers, seconded by Councillor Farry and

**RESOLVED:-** that the recommendation be adopted.

Arising from Item 2 (c) – Report of Art of Regeneration meeting dated 6 March 2009

**PREVIOUSLY CIRCULATED:-** Copy of the above report.

Proposed by Councillor Leslie, seconded by Councillor McKerrow and

**RESOLVED:- that the report be approved and adopted.**

Arising from Item 9 – Bangor Sportsplex – Use of Track “Infield” (FILE 59016)

**PREVIOUSLY CIRCULATED:-** Report from the Director of Leisure, Tourism and Community Services detailing that the Leisure Tourism & Community Development Committee, at its meeting in June 2009, considered the matter of the request from Bangor Football Club to use the grass “in field” area of the Bangor Sportsplex Athletics Track for training purposes.

It was agreed that a further report would be brought to the Council meeting following further consultation with Bangor Football Club and North Down Athletics Club. In addition, an assessment was to be made of the feasibility of training facilities being suitable for both Clubs without conflict of use or risk to users.

Bangor FC had requested use of the grass floodlit training area on the Track “in field” on Tuesday and Thursday evenings from 7.00pm to 8.30pm from August to May. However that conflicted with North Down Athletics Club use as their main season was from April to September. The main issue was the use of the in field for throwing events. It had been established, following consultation with the Club Coaches of the throwing events, that the off season required only 2 or 3 sessions of use per week. The throwing area required for the disciplines of hammer and discus was restricted to about 60m from the “throwing cage”. That would leave sufficient area of grass, about 30m x 65m, for football training where the ground would not be damaged by throwing.

The option would be to consider permitting Bangor FC to train on two nights per week with the remainder of the Track closed to other Members or Clubs. That was to minimise risk of injury from conflict of use. If permission was granted on a trial basis for one season commencing in September 2009 until the end of March 2010, outside the main Athletics season, it could be reviewed after that.

Bangor FC would be charged for the use of the Track as per the existing Pricing Policy and other users would be advised of the closure of the facility from 1<sup>st</sup> September to 31<sup>st</sup> March on Tuesday and Thursday evenings from 7.00pm to 8.30pm.

**RECOMMENDED:-** that Council approves the hire of the restricted grass area at the Athletic Track in field at Bangor Sportsplex to Bangor Football Club for exclusive use for training on a trial basis from 1<sup>st</sup> September 2009 to 31<sup>st</sup> March 2010 on Tuesday and Thursday evenings 7.00pm to 8.30pm.

Proposed by Councillor Weir, seconded by Councillor Irvine and

**RESOLVED:- that the recommendation be adopted.**



**(d) Corporate Committee dated 9 June 2009**

Proposed by Alderman Mrs McKay, seconded by Councillor McKerrow that the report be approved and adopted.

In respect of Item 20, Page 14 – Bonfire Management Programme: Councillor Farry wished to speak on the item in the exclusion of the public/press.

**AGREED:- that the report of the Corporate Committee be approved and adopted with the exception of Item 20 to be taken in the exclusion of the public/press.**

**(e) Planning and Public Services Liaison Committee dated 16 June 2009**

Proposed by Councillor McKerrow, seconded by Alderman Dunne that the report be approved and adopted.

In respect of Item 2, Page 3 – Presentation by representatives of NIHE re North Down District Housing Plan & Local Housing Strategy 2009-2010; On behalf of Councillor Henry, Alderman Mrs McKay advised within the presentation, Dr McPeake had highlighted the grant aided projects and advised that because of financial cut backs projects would be affected but that 'Adaptations and builds for people with Disabilities would not be affected'. Councillor Henry would wish for that comment to appear in the minutes.

Councillor Chambers stated that he had not been in attendance at the meeting during the presentation however he wished to be associated with the comments made by Members.

**AGREED:- that the report of the Planning and Public Services Liaison Committee, as amended be approved and adopted.**

**(f) Art of Regeneration dated 18 June 2009**

Proposed by Councillor Leslie, seconded by Councillor McKerrow and

**RESOLVED:- that the report be approved and adopted.**

**(g) Audit Committee dated 18 June 2009**

Proposed by Councillor Mrs Dunlop, seconded by Councillor Farry and

**RESOLVED:- that the report be approved and adopted.**

**(h) Finance Committee dated 18 June 2009**

Proposed by Councillor Farry, seconded by Alderman Mrs McKay and

**RESOLVED:- that the report be approved and adopted.**

**(i) Policy Committee dated 23 June 2009**

Proposed by Alderman Mrs McKay, seconded by Councillor Mrs Dunlop that the report be approved and adopted.

Arising from item 2(b) – Combined Heat & Power Plant – Further Update (FILE 141366)

**\*\*\*COMMERCIAL IN CONFIDENCE\*\*\***

The report of the Policy Committee dated 23 June 2009 was then approved and adopted.

**(7) STANDARD OPERATING PROCEDURES: COUNCILLORS ALLOWANCES (FILE 230904)**

PREVIOUSLY CIRCULATED:- Report from the Chief Executive and Town Clerk and Copy DOE Circular LG 10/09. The report detailed that the purpose of the report was to provide members with the revised current maximum rates of travelling allowance effective from 1 April 2009. A copy of the Departmental Circular was attached to the report.

Council had previously given delegated authority to update the Standard Operating Procedures: Councillors' Allowances to reflect any changes in maximum allowances notified by the Department of the Environment or changes in tax legislation, subject to the approval of the Town Clerk and Chief Executive. On that basis, the changes notified would now be incorporated into the Standard Operating Procedure.

RECOMMENDED:- that Council notes the report.

Proposed by Councillor Mrs Dunlop, seconded by Alderman Dunne and

**RESOLVED:- that the recommendation be adopted.**

**(8) STANDARD OPERATING PROCEDURE: COUNCILLORS' ALLOWANCES (FILE 230904)**

CIRCULATED:- Report from the Director of Corporate Services attaching DOE Circular regarding the above. The report detailed that the purpose of the report was to provide members with the revised current maximum rates of Councillors' Allowances effective from 1 April 2009.

The revised payment of Basic Allowance and Special Responsibility Allowance was summarised in the following table:

MEMBER NAME COMMITTEE	BASIC ALLOWANCE	SPECIAL RESPONSIBILITY ALLOWANCE
--------------------------	--------------------	-------------------------------------

<b>MEMBER NAME COMMITTEE</b>	<b>BASIC ALLOWANCE</b>	<b>SPECIAL RESPONSIBILITY ALLOWANCE</b>
	<b>£</b>	<b>£</b>
Mayor	9,738	5,125
Deputy Mayor	9,738	2,050
Corporate Committee	9,738	3,690
Planning Committee	9,738	3,690
Leisure Committee	9,738	3,690
Env & Amenities Committee	9,738	3,690
Policy Committee	9,738	3,690
Waste Management	9,738	1,025
Finance	9,738	1,025
Economic Development	9,738	1,025
Community Safety	9,738	1,025
Audit	9,738	1,025
<b>TOTAL:</b>		<b>30,750</b>

Council had previously given delegated authority to update the Standard Operating Procedures: Councillors' Allowances to reflect any changes in maximum allowances notified by the Department of the Environment or changes in tax legislation, subject to the approval of the Town Clerk and Chief Executive. On that basis, the changes notified would now be incorporated into the Standard Operating Procedures.

**RECOMMENDED:-** that Council notes the report.

Proposed by Councillor Mrs Dunlop, seconded by Alderman Dunne and

**RESOLVED:-** that the recommendation be adopted.

**(9) ENFORCEMENT OF ENERGY PERFORMANCE OF BUILDINGS  
(CERTIFICATES & INSPECTIONS) REGULATIONS (FILE 20054)**

**PREVIOUSLY CIRCULATED:-** Report from the Director of Environmental Services and copy draft EPC Enforcement Policy and letter from Group Chief, South Eastern Area. The report detailed in June 2008, legislation was brought into force by the Department of Finance and Personnel (DFP) requiring Energy Performance Certificates (EPC's) to be produced for existing buildings in a number of situations.

The DFP currently enforce that legislation in relation to existing buildings, although its retention is that that responsibility would transfer to the Building Control services of local councils, who continue to enforce the EPC requirements relating to new buildings.

The DFP propose to provide funding for a pilot project for one year and to be reviewed at the end of that time.

The proposal was to create a central resource of 3-4 Building Control officers employed by one employer Council, by secondment from existing staff. That central resource would be funded by DFP and would provide the publicity, awareness and education aspect of that enforcement programme, as well as providing the expertise to provide support to individual Councils for any prosecutions required.

The proposal provides for the DFP to underwrite the cost of prosecutions on the understanding that the Department was made aware in advance of each case and for the Council to retain the income from Penalty Charge Notices.

The Building Control Departments across the province were moving forward on that recommendation, as provision to that service on such a basis was only possible with the agreement of all councils.

**RECOMMENDED:-** that the Council agree in principle to the proposed transfer of enforcement to the Council using this model.

In response to a question from Alderman Dunne regarding resources, the Director of Environmental Services advised that 3-4 Building Control Officers employed by one employer Council was viewed as a sufficient amount.

Alderman Dunne questioned the work that would be carried out as he viewed the whole concept of encouraging Energy Performance Certificates (EPC's) not to be working therefore no enforcement was required.

Proposed by Alderman Dunne, seconded by Alderman Mrs McKay and

**RESOLVED:-** that the recommendation be adopted.

**(10) CONTROL OF ALCOHOL ON THE EISENHOWER PIER AND  
PICKIE BREAKWATER (FILE 106)**

**CIRCULATED:-** Copy letter dated 22 June 2009 from the Sector Commander, Bangor Central, PSNI regarding the above.

**PREVIOUSLY CIRCULATED:-** Report from the Director of Environmental Services detailing that there had been a number of incidents lately involving groups of people taking alcohol onto the Eisenhower Pier and causing nuisance to the other users of the facility.

The PSNI and Council had carried out patrols to enforce the no drinking byelaws, but the fact that alcohol cannot be confiscated, with the exception of open containers, means that once the officers have left the scene, the drinking invariably continued.

In discussions with the PSNI, it had been proposed that an additional approach to that problem would be to prevent people bringing alcohol onto the Pier in the first place.

The authority to introduce such a ban on alcohol would derive from Council's right, as owner of the property, to control access that area, as opposed to the use of byelaws or other statute. Enforcement of the policy would have to take place through civil action – so therefore it would be difficult to enforce. It was considered that by advocating and promoting the no alcohol policy, that would act as a sufficient deterrent.

It was proposed that the policy would only cover the Eisenhower Pier and Pickie Breakwater and that the ban would be reviewed in 12 months.

To enforce the ban, the PSNI and Council would continue to patrol the area and advise members of the public not to bring alcohol onto the above-designated areas, or they would be asked to leave if they are found to be in possession of alcohol.

Appropriate signage would be displayed at the entrance to and along the designated areas.

The only exception to the policy would be in respect of anyone taking alcohol onto a vessel moored at the pier.

**RECOMMENDED:-** that the Council adopts a policy that alcohol may not be brought onto the Eisenhower Pier or Pickie Breakwater and erects appropriate signage to that effect.

Proposed by Alderman Dunne, seconded by Alderman Mrs McKay that the recommendation be adopted.

In response to a question from Alderman Dunne, the Director of Environmental Services explained that currently the Council and PSNI only had the powers in the area to confiscate opened alcohol containers. He stated that the policy would be run as a pilot for a period of six months and if successful the Council could look at the possibility of rolling out the policy within other areas.

Councillor Mrs Dunlop advised that she had received a request from the Area Commander, Bangor PSNI and proposed that the same policy would include Seapark and Ballyholme. In response the Director of Environmental Services was of the view that Council should wait until the outcome of the pilot with concentration on the two main problem areas before rolling out the policy elsewhere.

In response to a question from Councillor Mrs Dunlop, the Director of Environmental Services advised that the policy would take immediate effect and Council were currently awaiting advice from the PSNI with regards to the wording that was to appear on the signage.

**AGREED:- that the recommendation be adopted.**

**(11) APPLICATION FOR AN OUTDOOR PLACE OF ENTERTAINMENT  
(FILE 100)**

PREVIOUSLY CIRCULATED:- Report from the Director of Environmental Services detailing that an application had been received for an outdoor musical event from Mencap, 4 Annadale Avenue, Belfast.

The Event was to take place in the garden of No. 48 Glen Road, Cultra on Sunday 16<sup>th</sup> August 2009.

It was proposed to be a picnic with music, for up to 250 people and would take place on the day of the Tall Ships leaving parade. The intention was to give patrons of the Event a grandstand view of the Tall Ships as they leave Belfast.

The Event would run from 9 am until 5 pm and alcohol would be sold there.

This area of the coastline and Glen Road would be a popular venue to view the Tall Ships. It had been agreed that there would be no cars permitted to the site on the day, or parking permitted in Glen Road. Patrons would be advised to use local train services.

There were no objections to the Event from residents or the PSNI. The Fire & Rescue Service had inspected the site and was satisfied with the proposed arrangements.

**RECOMMENDED:- that Council grants the Entertainment Licence.**

Alderman Dunne referred to the car parking problems that existed within the area and asked that the parking be restricted and that be enforced.

**AGREED:- that the recommendation be adopted.**

**(12) NILGA NEWS – MAY 2009**

PREVIOUSLY CIRCULATED:- Copy of the above.

**RECOMMENDED:- that the information be noted.**

Proposed by Councillor Weir, seconded by Councillor Dunlop and

**RESOLVED:- that the recommendation be adopted.**

**(13) APPOINTMENT OF MEMBERS TO THE FIVE LOCAL  
COMMISSIONING GROUP**

PREVIOUSLY CIRCULATED:- Copy letter dated 16<sup>th</sup> June 2009 from the Department of Health, Social Services and Public Safety regarding the above.

**NOTED.**

**(14) EUROPEAN STANDARDS FOR SWIMMING POOL DESIGN AND OPERATION SEMINAR (FILE 140230)**

PREVIOUSLY CIRCULATED:- Report from the Director of Leisure, Tourism and Community Services detailing that the Institute of Sport and Recreation Management would stage a series of seminars entitled the Impact of European Standards for the Design and Operation of Swimming Pools throughout the UK.

The content of the Seminar included the legal implications of the new European Standard, its development and practical out workings, its impact on management and supervision of pools and the way forward for pool providers and operators. That would be an important seminar for the Council to send an Officer to understand more about the Standard and its implications in particular as part of the planning for the new Leisure Centre in Bangor.

RECOMMENDED:- that the Council approves the attendance of the Principal Leisure Services Officer at the ISRM Impact of European Standards for the Design and Operation of Swimming Pools Seminar to be held at the Palace of Art, Glasgow on Wednesday 15 July 2009 at a cost of £110.00 excluding VAT plus travel and subsistence from Belfast to Glasgow with no overnight accommodation required.

Proposed by Councillor Chambers, seconded by Councillor Irvine and

**RESOLVED:- that the recommendation be adopted.**

**(15) RESOLUTIONS FROM OTHER BODIES**

**(a) From Derry City Council re Refinancing of Council's Loans Fixed at High Interest Rates without Penalty**

PREVIOUSLY CIRCULATED:- Copy letter dated 4 June 2009 from the Town Clerk and Chief Executive, Derry City Council. The letter detailed that at a meeting of Derry City Council, the Council passed unanimously a Notice of Motion in respect of refinancing of Council's Loans Fixed at High Interest Rates without Penalty. Following further discussion at the Policy and Resources Committee on 14 May 2009, the Council requested the support of NILGA, SOLACE and ALGFO in making the case to the Northern Ireland Assembly for the refinancing of loans above 5% without penalty for all Councils.

The Chief Executive and Town Clerk advised that in terms of the issue for North Down Borough Council, the Council would have loans in the excess of £15m that were subject to interest rates in the excess of 5%. The ability to

refinance those loans without penalty to current interest rates could potentially result in a significant annual saving for Council.

Councillor Weir stated that it would be advantageous if that could occur however he could not see the treasury agreeing to such a request.

Proposed by Alderman Mrs McKay, seconded by Councillor Weir and

**RESOLVED:- that Council support the resolution from Derry City Council.**

**(16) NOTICES OF MOTION**

**(a) Councillor McKerrow**

"That this Council recognises the discrimination that members of the armed forces, their families and also veterans are subjected to at the hands of the public services, commits to reducing this in North Down, commends England, Scotland and Wales for adopting Command Paper 7424 which addresses this issue, deplores the delay in adopting this measure in Northern Ireland, and calls on the Office of First and Deputy First Minister to bring the Command Paper before the Assembly with a recommendation for adoption at the earliest opportunity".

**(b) Councillors Irvine and Easton**

"This Council is deeply concerned and disappointed with the situation surrounding the pensioners' bungalows at Ballyree Drive and Balloo Road, Bloomfield. The Council therefore calls upon the DSD to release the necessary funds to complete the much needed improvements that are so badly needed and which residents have been waiting for since the year 2000."

**(c) Councillor Weir**

"This Council expresses concern at the decision of Kingspan to close the Thermomax plant in Bangor and relocate to Portadown. We further call upon the company to ensure that a fair deal is put in place for all workers within the former Thermomax site, both for those who hope to relocate to Portadown, and those who are accepting redundancy."

**AGREED:- that the Notices of Motion be referred to the relevant Committees.**

**(17) CONSULTATION DOCUMENT**

**(a) A Public Consultation Document – Draft Rathlin Island Policy**



PREVIOUSLY CIRCULATED:- Copy letter dated June 2009 from DRD Regional Planning and Transportation Division. Document available at [www.drdni.gov.uk](http://www.drdni.gov.uk). Response date of 18<sup>th</sup> September 2009.

**NOTED.**

**(b) Northern Ireland Audit Office – Performance of the Planning Service**

PREVIOUSLY CIRCULATED:- Copy letter dated 18<sup>th</sup> June 2009 from Eddie Bradley. Response date of 3<sup>rd</sup> July 2009.

**NOTED.**

**(c) Housing (Amendment) Bill**

CIRCULATED:- Copy letter dated 26 June 2009 from the Committee for Social Development, Northern Ireland Assembly regarding the above. A copy of the Bill could be obtained from [www.niassembly.gov.uk/legislation/primary/2008/nia7\\_08.htm](http://www.niassembly.gov.uk/legislation/primary/2008/nia7_08.htm). Closing date of 17th July 2009.

**NOTED.**

**(18) MINUTES AND REPORTS**

CIRCULATED:- List of undernoted minutes and reports of other bodies.

- (a) North Down DPP Meeting in Public – 18<sup>th</sup> May 2009
- (b) Minutes of the South Eastern Health and Social Care Trust dated 22 April and 27 May 2009
- (c) Fact Sheet (April 2009) from Environment Link – The Science of Climate Change: What you need to Know
- (d) Policy Priorities for Northern Ireland Environment – The Way Ahead 2009 – document from Environment Link
- (e) The Community Foundation for Northern Ireland – Summer 2009 edition
- (f) Rural Matters – Spring/Summer 2009 – NI Housing Executive
- (g) Northern Ireland Houses in Multiple Occupation Strategy 2009 – copy strategy and copy Statutory Registration Scheme (amended September 2008)

**NOTED.**

**(19) LETTERS OF THANKS**

CIRCULATED:- List of undernoted letters of thanks.

- (a) Copy letter dated 19 May 2009 from Holywood Chamber of Commerce re: congratulating Council on the May Day events in Holywood.
- (b) Copy letter from Roberto Pasquali thanking Council for its hospitality extended to him, his wife and choir during their recent visit as part of Bangor's Choral Festival.
- (c) Copy letter dated 8<sup>th</sup> June from Mary Peters Trust, thanking Council for its contribution of £700 to the Trust for 2009

NOTED.

**(20) ADDITIONAL SIGNATORY FOR BANKING FACILITIES (FILE 231308)**

PREVIOUSLY CIRCULATED:- Report from the Director of Corporate Services detailing that the following Officers as currently authorised signatories on the Council's bank accounts:

Mr Trevor Polley	Town Clerk & Chief Executive
Mr Jackie Snodden	Deputy Town Clerk & Director of Amenities and Technical Services
Mrs Clare Escott	Director of Corporate Services
Mrs Sharon McCullough	Financial Accountant
Mr James Kilpatrick	Senior Administrative Officer

In addition to the above, the Management Accountant, Mr Stephen Grieve was previously given authorisation to be a signatory on a temporary basis.

To ensure that adequate cover arrangements were in place, particularly for the payment of weekly wages and during holiday periods, an additional signatory for Council bank accounts and e-banking facilities was now required. That could be addressed by the Management Accountant being given permanent approval.

RECOMMENDED:- that Mr Stephen Grieve, Management Accountant is appointed as a cheque signatory for all Council bank accounts and as a payment authoriser on the Bacstel-IP and business e-banking facilities.

Proposed by Alderman Mrs McKay, seconded by Councillor Irvine and

**RESOLVED:- that the recommendation be adopted.**

**(21) EXCLUSION OF PUBLIC/PRESS**

Proposed by Councillor Irvine, seconded by Councillor Dunlop and

**RESOLVED:-** that the public and press be excluded from the undernoted items of confidential business.

**(22) REPORT OF LEISURE, TOURISM AND COMMUNITY  
DEVELOPMENT COMMITTEE DATED 2 JUNE 2009 CONTINUED...**

Arising from Item 14 – Tender for Repairs to Pitch at Bangor Sportsplex (FILE 59046)

**\*\*\* COMMERCIAL IN CONFIDENCE \*\*\***

Arising from Item 15 - Armagh Down Regional Tourism Partnership (FILE 141086)

**\*\*\* LEGAL IN CONFIDENCE\*\*\***

**(23) REPORT OF CORPORATE COMMITTEE DATED 9 JUNE 2009  
CONTINUED...**

**(24) OUTCOME OF INVESTIGATIONS ON COUNCIL TIPPING  
VEHICLES (FILE 79001)**

**\*\*\*COMMERCIAL IN CONFIDENCE\*\*\***

**(25) RATHGAEL DEPOT – CONTAMINATION MONITORING (FILE  
123456)**

**\*\*\*COMMERCIAL IN CONFIDENCE\*\*\***

**(26) APPOINTMENT OF SPORTS PITCH CONSULTANTS (FILE 141329)**

**\*\*\*COMMERCIAL IN CONFIDENCE\*\*\***

**(27) COMPLETION OF PROBATIONARY SERVICE (FILE HR)**

**\*\*\*STAFF IN CONFIDENCE\*\*\***

**(28) APPROVAL TO APPOINT TO POST OF ADMINISTRATIVE  
ASSISTANT PART-TIME (PEACE III) (FILE HR)**

**\*\*\*STAFF IN CONFIDENCE\*\*\***

**(29) APPROVAL TO APPOINT TO POST OF CLERICAL OFFICER  
(AMENITIES AND TECHNICAL SERVICES AND CORPORATE  
SERVICES) (FILE HR)**

**\*\*\*STAFF IN CONFIDENCE\*\*\***

**(30) APPROVAL TO APPOINT TO POST OF ASSISTANT MARKETING  
OFFICER (FILE HR)**

**\*\*\*STAFF IN CONFIDENCE\*\*\***

**(31) APPROVAL TO APPOINT TO POST OF ARTS ADMINISTRATIVE  
ASSISTANT (FILE HR)**

**\*\*\*STAFF IN CONFIDENCE\*\*\***

**(32) APPROVAL TO APPOINT TO POST OF ADMINISTRATIVE  
ASSISTANT (QLC) (FILE HR)**

**\*\*\*STAFF IN CONFIDENCE\*\*\***

**(33) TERMINATION OF MEETING**

The meeting terminated at 11.15 pm.



**ANTRIM BOROUGH COUNCIL,**  
**ARDS BOROUGH COUNCIL,**  
**BALLYMENA BOROUGH COUNCIL,**  
**BELFAST CITY COUNCIL,**  
**CARRICKFERGUS BOROUGH COUNCIL,**  
**CASTLEREAGH BOROUGH COUNCIL,**  
**DOWN DISTRICT COUNCIL,**  
**LARNE BOROUGH COUNCIL,**  
**LISBURN CITY COUNCIL,**  
**NEWTOWNABBEY BOROUGH COUNCIL,**  
**NORTH DOWN BOROUGH COUNCIL,**

**and**

**arc21**

**Supplemental Agreement to the Terms of Agreement  
dated 1 July 2003  
for the Procurement and Management of the  
Residual Waste Treatment Plant**

**THIS AGREEMENT** is made the

day of

2009

**BETWEEN**

**ANTRIM BOROUGH COUNCIL** of Civic Offices, 50 Stiles Way, Antrim, Co. Antrim, BT41 2UB;

**ARDS BOROUGH COUNCIL** of 2 Church Street, Newtownards, Co. Down, BT23 4AP;

**BALLYMENA BOROUGH COUNCIL** of Ardeevin, 80 Galgorm Road, Ballymena, Co. Antrim, BT42 1AB;

**BELFAST CITY COUNCIL** of City Hall, Belfast, BT1 5GS;

**CARRICKFERGUS BOROUGH COUNCIL** of Town Hall, Carrickfergus, Co. Antrim, BT38 7BL;

**CASTLEREAGH BOROUGH COUNCIL** of Bradford Court, Upper Galwally, Castlereagh, BT8 6RB;

**DOWN DISTRICT COUNCIL** of 24 Strangford Road, Downpatrick, Co. Down, BT30 6SR;

**LARNE BOROUGH COUNCIL** of Smiley Building, Victoria Road, Larne, Co. Antrim, BT40 1RU;

**LISBURN CITY COUNCIL** of The Island, Lisburn, Co. Antrim, BT27 4RL;

**NEWTOWNABBEY BOROUGH COUNCIL** of Mossley Mill, Newtownabbey, Co. Antrim, BT36 5QA;

**NORTH DOWN BOROUGH COUNCIL** of Town Hall, The Castle, Bangor, Co. Down, BT20 4BT;

**AND**

**arc21** of Walsh House, Fortwilliam Business Park, 35 Dargan Road, Belfast, BT3 9LZ;

each a "Party" and together the "Parties".

**WHEREAS**

- (a) Each of the Councils entered into the Terms of Agreement to form a joint committee on 1<sup>st</sup> July 2003 (a copy of which is contained in Annex A hereto). The Terms of Agreement imposes a number of obligations on the Councils in relation to the establishment of arc21 and sets out how arc21 should function. In the Terms of Agreement each Council also signed up to a Statement of Principles for arc21.
- (b) The joint committee established under the Terms of Agreement was constituted as a body corporate with the name, arc21, pursuant to The Local Government (Constituting a Joint Committee a Body Corporate) Order (Northern Ireland) 2004 (S.R. 2004 No. 49) and the Local Government (Constituting a Joint Committee a Body Corporate) (Amendment) Order (Northern Ireland) 2007 (S.R. 2007 No. 505). The 2007 Order clarified the powers of arc21 and applied certain rights and powers applicable to the Councils to arc21 in its own capacity.

- (c) In connection with the award of the Contracts by arc21, arc21 and the Councils have resolved to further clarify the rights of the Councils both between themselves and in relation to arc21 and have resolved to work together to seek a long term solution to their needs and requirements.

**IT IS HEREBY** agreed as follows –

**1. Interpretation**

- 1.1 In this Agreement unless the context otherwise requires the following expressions have the following meanings –

**“Agreement”** means this Agreement comprising the terms and conditions together with the Annexes attached hereto. For the avoidance of doubt this Agreement supplements the Terms of Agreement.

References to **“the Councils”** shall be taken as references to Antrim Borough Council, Ards Borough Council, Ballymena Borough Council, Belfast City Council, Carrickfergus Borough Council, Castlereagh Borough Council, Down District Council, Larne Borough Council, Lisburn City Council, Newtownabbey Borough Council and North Down Borough Council and **“the Council”** shall mean one of the Councils.

**“Commencement Date”** means the date on which this Agreement is executed by the Parties.

**“Contract”** means any contract entered into by arc21 on behalf of the Councils in connection with the Projects.

**“Contractor”** means any contractor appointed by arc21 to a Contract in accordance with this Agreement.

**“Department”** means the Department of the Environment.

**“Funder”** means the funders to a Contractor in respect of a Project.

**“Loss”** includes any loss and liability directly suffered by a Party together with any damage, expense, liability or costs reasonably incurred in contesting any claim to liability and quantifying such loss and liability.

**“Principles”** means the principles stated in Clause 6.5 of this Agreement.

**“Procurement”** means the procurement of a Contract, and **“the Procurement Phase”** means that phase of a Project which relates to the procurement of the relevant Contract.

**“Project”** means any waste project procured by arc21 on behalf of the Councils relating to the Waste Management Plan.

**“Service Phase”** means the phase of a Project related to the management of a Contract.

**“Statement of Principles”** means the Statement of Principles contained in the Annex to the Terms of Agreement.



**"Terms of Agreement"** means the terms of agreement entered into by the Councils on 1<sup>st</sup> July 2003 (which for the avoidance of doubt includes the Statement of Principles).

**"Waste Management Plan"** means the Sub-regional Waste Management Plan which was jointly adopted in 2003 by the Councils as amended from time to time.

**"Working Day"** in respect to a Council, means any day other than weekends and bank or privileged holidays in Northern Ireland.

- 1.2 Reference to any statute or statutory provision includes a reference to that statute or statutory provision as from time to time amended extended or re-enacted.
- 1.3 Words importing the singular include the plural words importing any gender include every gender, words importing persons include bodies corporate and unincorporated; and (in each case) vice versa.
- 1.4 Reference to Clauses and Annexes are references to clauses and annexes of this Agreement and any reference to a sub provision is unless otherwise stated a reference to a sub provision of the provision in which the reference appears.
- 1.5 The Clause and paragraph headings and titles appearing in this Agreement are for reference only and shall not affect its construction or interpretation.

## **2. Term**

This Agreement shall come into effect on the Commencement Date and shall continue in force until all residual liabilities of arc21 under all Contracts have been satisfied.

## **3. General Principles**

- 3.1 This Agreement has been entered into by the Parties to establish and effect provisions for performance of the Projects and to clarify the Parties' responsibilities in respect thereof and to each other.
- 3.2 The Parties will work together in good faith and in an open, co-operative and collaborative manner for the duration of this Agreement. The Parties' members and officers will work together in the spirit of mutual trust in order to endeavour to procure the successful implementation of the Projects and will respond in a timely manner to all relevant requests from other Parties.
- 3.3 The Councils will continue to comply with the provisions of the Terms of Agreement (and in particular the Statement of Principles contained therein).
- 3.4 Each of the Parties hereby represents to the other that it has obtained all necessary consents sufficient to ensure the delegation of functions provided for by this Agreement for the purposes of the Projects.
- 3.5 The Parties shall use all reasonable endeavours to, at all times, act in the best interests of the Projects. The Parties expressly acknowledge that their members and officers involved in carrying out activities under this Agreement or otherwise in connection with the Projects will have regard to the benefits to all Parties and accordingly may be required to act in conflict with their duty to their relevant Party, and the Parties hereby authorise them to act in such a manner.
- 3.6 The Parties commit to share data and knowledge relevant to the Projects where appropriate.

- 3.7 Whilst this Agreement details the arrangements between the Parties for the Procurement Phase of Projects, the Parties agree to work together in good faith to agree such amendments and amplification of this Agreement as may be necessary to enable the Parties to work together throughout the Service Phase of such Projects.

**4. Status of this Agreement**

- 4.1 The Parties agree that this Agreement shall take the form of a legally binding relationship and mutual commitments between them created by this Agreement shall from the date hereof be construed accordingly.

**5. Intellectual Property**

- 5.1 All intellectual property in any material created by or on behalf of the Projects shall be owned jointly by the Parties and shall be available equally to each Party.
- 5.2 Each Party warrants that any intellectual property created by its officers for the purposes of any Project will not infringe any third party's intellectual property rights.
- 5.3 Where existing intellectual property of a Party has been used for the purpose of a Project, that Party agrees that, if such Project does not proceed, it will if requested licence the other Party on commercial terms to use that intellectual property for the purpose of its waste disposal functions.

**6. Further Supplemental Agreement**

- 6.1 The Parties will agree prior to entry into each Contract, a further Supplemental Agreement applying the following Principles.
- 6.2 Such supplemental agreement shall include:
- (a) drafting based on the Principles;
  - (b) such other provisions as the Parties agree (or as may be determined by the dispute resolution procedure in Clause 13) as a consequence of the terms of the relevant Contract; and
  - (c) a copy of the relevant Contract and any relevant direct agreements (as referred to in Clause 6.5(e) below).
- 6.3 The Parties will negotiate and agree such supplemental agreement prior to and in conjunction with the negotiation and agreement of the relevant Contract.
- 6.4 In respect of the obligations contained in this Clause 6 all Parties:
- (a) (without prejudice to paragraph 6.3) will at all times act in good faith;
  - (b) acknowledge that they have agreed the Principles but accept that they may need to be expanded to reflect the Contracts and, accordingly, no Party shall attempt to move significantly away from their intention or purpose;
  - (c) will ensure that sufficient time is set aside to conduct the negotiations on the terms of the Principles either through correspondence or by holding meetings or a combination of both to ensure that the terms of such supplemental agreements are agreed in a timely manner; and

- (d) if a dispute or difference arises between the Parties in relation to a proposed provision of such supplemental agreements and such dispute or difference cannot be settled by the Parties within ten (10) Working Days of it first arising, any Party may refer such dispute or difference for determination in accordance with Clause 13.

## **6.5 Principles**

The Principles are as follows:

### **(a) Exclusivity**

Each Council will be required to provide all waste specific to each Contract that is collected in their Council area to the relevant Project.

### **(b) Contamination / Composition of Waste**

Each Council will be required not to provide contaminated waste (outside of the specification agreed with the Councils) to the Projects. In the event that this does happen the Council will compensate arc21 for any Loss suffered in connection with the supply of the contaminated waste.

### **(c) Guarantee of arc21's obligations**

- (i) Each Council will guarantee the obligations and liabilities of arc21 under the Contracts (including all payments to be made), making payments to arc21 in accordance with this Agreement.
- (ii) Each Council will also indemnify arc21 for any direct or indirect loss suffered by arc21 in carrying out its obligations under the Contracts.

### **(d) Minimum Guaranteed Tonnage**

Each Council will commit a specified tonnage to arc 21 for each Contract, in order that arc21 can deliver its guaranteed minimum tonnage to a Contractor. If arc21 suffers Loss under any Contract as a result of a Council's failure to meet its tonnages, then arc21 shall pass on this liability to the relevant Council (pro-rata to its proportion of the overall shortage).

### **(e) Collateral warranty to Contractor / Funder**

In addition to the execution of the further supplemental agreements with arc21, each Council will also enter into a collateral warranty (substantially in the form set out in Annex C hereto) with the relevant Contractor and/or the Funder (as required) whereby each Council will warrant the performance of such Council's obligations to arc21 under such further supplemental agreement.

### **(f) Cross Indemnities and Liabilities**

Each Council will indemnify and guarantee that in the event that such Council (the "Defaulting Council") is responsible for a default by arc21 under the relevant Contract then such Defaulting Council will reimburse the other Councils to the full extent of their loss attributable to the individual Defaulting Council's actions.

**(g) Revenue Share**

If arc21 earns revenue under any Contract then such revenue will be returned to the Councils by arc21 in the proportion that each Council is responsible for providing tonnages or indemnifying arc21 in respect of other obligations under such Contract as more particularly set out in such Contract.

**(h) Changes in Legislation**

Any obligations and liabilities of arc21 arising from arc21's compliance with changes in legislation will be the responsibility of the Councils.

**(i) Residual Value of Capital Assets**

If arc21 is required to pay for the residual value of capital assets under the Contracts, this liability will be met by the Councils in accordance with the Assets and Borrowing Policy of arc21 which is contained in Annex B hereto and which must be complied with by all Parties.

**7. Acquisition of Capital Assets by arc21**

- 7.1 The Parties hereby agree that where capital assets are acquired by arc21 pursuant to the Contracts then the capital costs incurred by arc21 shall be passed on to the Councils on the basis set out in the Assets and Borrowing Policy of arc21 which must be complied with by all Parties.

**8. Remediation and Dispute Resolution**

- 8.1 Where a Party is of the opinion that another Party is failing to comply with the provisions of this Agreement in respect of any matter, including the provisions of Clause 3.2 to work together in good faith and in an open, co-operative and collaborative manner, the Parties shall use their best efforts to resolve any such matter amicably without resort to the formal remediation and dispute resolution procedures set out below.
- 8.2 Notwithstanding Clause 8.1, above, at any time the Chief Executive of either Party ("the first Party") may serve on the Chief Executive of the accused Party ("the second Party") a "Default Notice", alleging that the second Party has failed to comply with its obligations under this Agreement, setting out any suggested remedial action and any damage which the first Party has or is likely to suffer as a result of the alleged failure.
- 8.3 A Party in receipt of a Default Notice shall have 14 days within which to serve on the Chief Executive of the first Party who served the Default Notice a "Counternotice", setting out in respect of every matter contained in the Default Notice proposals for the remediation of the alleged failure and making good any loss which the first Party may have suffered or may suffer as a result of the failure or the reasons why that alleged failure is disputed.
- 8.4 Within 14 days of receipt of a Counternotice, the Chief Executive of the first Party shall send to the Chief Executive of the second Party a "Notice of Acceptance" of any proposals contained in the Counternotice in so far as those proposals are accepted by the first Party, and may send a "Notice of Dispute" in so far as no proposal satisfactory to the first Party is contained in the Counternotice, setting out in respect of each proposal which is not accepted by the first Party why it is considered to be unacceptable.

- 8.5 Where any proposal in a Counternotice is accepted in a Notice of Acceptance, the second Party shall implement that proposal.
- 8.6 Where any matter is contained in a Notice of Dispute, it shall fall to be dealt with under the Disputes Procedure set out in Clause 13.

**9. Information Undertaking**

- 9.1 The Councils hereby undertake that all information provided or to be provided by the Councils to arc21 in respect of the Projects (including but not limited to estimates of waste tonnages) are complete, accurate and correct. If any such information proves to be inaccurate or incorrect the Councils will indemnify arc21 fully for any Loss which arc21 suffers as a result of its reliance on such information.

**10. Confidential Information**

- 10.1 Subject to Clause 11, the Parties shall at all times use their reasonable endeavours to keep confidential and ensure that such information is used only for the purpose of the Projects (and to procure that their respective employees' agents, consultants, contractors and sub-contractors shall keep confidential and shall use such information only for the purpose of the Projects) all Confidential Information concerning the Projects or the business and affairs of the other Parties which may now or at any time hereafter be in its possession and shall not disclose it except with the consent of the other Parties, such consent not to be unreasonably withheld.
- 10.2 For the purpose of this Agreement "Confidential Information" means any information imparted to any Party or their employees agents, consultants, contractors or sub-contractors ("the Receiving Party") which was imparted to the Receiving Party on the basis that it is to be kept confidential or would by its nature normally be regarded as being confidential or to the knowledge of the Receiving Party was obtained by the other Party on the basis that it was to be kept confidential or is of commercial value in relation to a Project but shall not include any information which is for the time being in the public domain otherwise than by reason of its wrongful disclosure by the Receiving Party.
- 10.3 This Clause 10 shall not prevent the disclosure of any Confidential Information relating to the Projects which is reasonably disclosed for the furtherance of the Projects or the promotion of the Projects provided that the Party or person disclosing the information takes all steps that are commercially practicable to preserve the confidentiality of the information and shall not prevent the disclosure of any Confidential Information where required by law.

**11. Compliance with Laws**

- 11.1 The Parties agree that they will at all times comply with all laws including but not limited to the Data Protection Act 1998 and will, where appropriate maintain a valid and up to date registration or notification under such laws.
- 11.2 Each Council shall grant to the other Councils and arc21 the right of reasonable access to all records of Personal Data relevant to the Projects, as defined in the Data Protection Act 1998, and shall provide reasonable assistance at all times during the currency of this Agreement to ensure the quality and security of data collected.

## **12. Freedom of Information Act 2000 and Environmental Information Regulations 2004**

- 12.1 Each Party acknowledges that the other Parties are subject to the requirements of the Freedom of Information Act 2000 ("FoIA") and the Environmental Information Regulations 2004 ("EIR") and each Council shall where reasonable assist and co-operate with the other Councils and arc21 (at their own expense) to enable the other Councils and arc21 to comply with these information disclosure obligations.
- 12.2 Where a Party receives a request for information under either the FOIA or the EIR in relation to information which it is holding on behalf of any of the other Parties in relation to the Projects, it shall (and shall procure that its sub-contractors shall):
- (a) transfer the request for information to the other Parties as soon as practicable after receipt and in any event within two Working Days of receiving a request for information;
  - (b) provide the other Party with a copy of all information in its possession or power in the form that the Party requires within ten Working Days (or such longer period as the Party may specify) of the Party requesting that information; and
  - (c) provide all necessary assistance as reasonably requested by the other Party to enable the Party to respond to a request for information within the time for compliance set out in the FOIA or the EIR.
- 12.3 Where a Party receives a request for information under the FOIA or the EIR which relates to the Agreement or the Projects, it shall inform the other Parties of the request for information as soon as practicable after receipt and in any event at least two Working Days before disclosure and shall use all reasonable endeavours to consult with the other Parties prior to disclosure and shall consider all representations made by the other Party in relation to the decision whether or not to disclose the information requested.
- 12.4 The Parties shall be responsible for determining in their absolute discretion whether any information requested under the FOIA or the EIR:
- (a) is exempt from disclosure under the FOIA or the EIR;
  - (b) is to be disclosed in response to a request for information.
- 12.5 Each Party acknowledges that the other Parties may be obliged under the FOIA or the EIR to disclose information:
- (a) without consulting with the other Parties where it has not been practicable to achieve such consultation; or
  - (b) following consultation with the other Parties and having taken their views into account.

## **13. Dispute Resolution**

- 13.1 Upon service of a Notice of Dispute the relevant Parties will attempt to settle the issue in dispute ("Dispute") by mediation in accordance with the Centre for Dispute Resolution ("CEDR") Model Mediation Procedure or any other model mediation procedure as agreed by the Parties. To initiate a mediation, either Party may give notice in writing (a "Mediation Notice") to the other requesting mediation of the

Dispute and shall send a copy thereof to CEDR or an equivalent mediation organisation as agreed by the relevant Parties, asking them to nominate a mediator. The mediation shall commence within twenty (20) Working Days of the Mediation Notice being served. If there is any point in respect of the conduct of the mediation upon which the relevant Parties are unable to agree within ten (10) Working Days from the date of the Mediation Notice, CEDR will, at the request of either Party, decide that point for the relevant Parties, having consulted with them. The relevant Parties will co-operate with any person appointed as mediator providing him with such information and other assistance as he shall require and will pay his costs as he shall determine or, in the absence of such determination, such costs will be shared equally.

13.2 No Party may commence any court proceedings in relation to any Dispute until they have attempted to settle it by mediation under Clause 13.1 and/or such mediation has terminated. The Parties will take no further steps in the court proceedings until any such mediation commenced under Clause 13.1 has terminated. Nothing in this Clause 13 shall prevent a Party from having recourse to a court of competent jurisdiction for the sole purpose of seeking a preliminary injunction or such other provisional judicial relief as it considers necessary to avoid irreparable damage.

13.3 If the Dispute has not been resolved by the mediation procedure detailed in Clause 13.1 within one (1) month of the initiation of such procedure, the Dispute shall be referred to the courts for resolution.

#### **14. Severance**

14.1 If any condition, provision or Clause of this Agreement shall become or shall be declared by any court of competent jurisdiction to be void, invalid, illegal or unenforceable in any way, such invalidity or unenforceability shall in no way impair or affect any other provision all of which shall remain in full force and effect.

#### **15. Waiver**

15.1 The failure to exercise or delay in exercising a right or remedy provided by this Agreement or by law does not constitute a waiver of the right or remedy or a waiver of other rights or remedies.

15.2 A waiver of a breach of any of the terms of this Agreement or of a default under this Agreement does not constitute a waiver of any other breach or default and shall not affect the other terms of this Agreement.

15.3 A waiver of a breach of any of the terms of this Agreement or of a default under this Agreement will not prevent a Party from subsequently requiring compliance with the waived obligation.

#### **16. General**

16.1 Nothing contained or implied herein shall prejudice or affect the Parties' rights and powers duties and obligations in the exercise of (i) the Councils' functions as local Councils and (ii) arc21's functions as a "Joint Committee" and/or in any other capacity and all rights powers discretions duties and obligations of the Parties under all laws may at all times be fully and effectually exercised as if the Parties were not Party to this Agreement and as if this Agreement had not been made.

- 16.2 The Parties shall only represent themselves as being an agent, partner or employee of any other Party to the extent specified by this Agreement and shall not hold themselves out as such nor as having any power or authority to incur any obligation of any nature express or implied on behalf of the other Parties except to the extent specified in this Agreement.
- 16.3 This Agreement shall be governed by and construed in accordance with the law of Northern Ireland and shall be subject to the jurisdiction of the Courts of Northern Ireland.
- 16.4 This Agreement is personal to the Parties and no Party shall assign transfer or purport to assign or transfer to any other persons any of its rights or sub-contract any of its obligations under this Agreement.
- 16.5 No person other than the Parties shall be entitled to enforce any of its terms under the Contracts (Rights of Third Parties) Act 1999.
- 16.6 Any notice required or permitted to be given by a Party to another Party under this Agreement shall be in writing and addressed to the Chief Executive of each Party at his principal office.
- 16.7 This agreement cannot in itself lawfully purport to bind what is now the territory of Down District Council in the teeth of what the post RPA newly merged Council might validly consider to be its duty under the Waste and Contaminated Land (NI) Order 1997 and as such, nothing in this agreement shall constitute any attempt to prejudice the duties of any successor council under the Waste and Contaminated Land (NI) Order 1997.



**IN WITNESS** whereof this Agreement is attested to by the respective Chief Executives of the Participant Councils and by arc21 subscribing their signatures hereto in manner hereinafter appearing.

ANNEX A

TERMS OF REFERENCE (INCLUDING STATEMENT OF PRINCIPLES)

Dated this 1<sup>st</sup> day of July 2003

EASTERN REGION WASTE MANAGEMENT GROUP

***TERMS OF AGREEMENT***

*re: Proposal to establish a Joint Committee*

***arc 21***

C Quigley  
Director of Legal Services  
City Hall  
BELFAST  
BT1 5GS

**THIS AGREEMENT** made this                      day of                      2003  
**BETWEEN :-**

1.     **ANTRIM BOROUGH COUNCIL** of The Steeple, Antrim, Co. Antrim, BT41 1BJ
2.     **ARDS BOROUGH COUNCIL** of 2 Church Street, Newtownards, Co. Down, BT23 4AP
3.     **BALLYMENA BOROUGH COUNCIL** of Ardeevin, 80 Galgorm Road, Ballymena, Co. Antrim, BT42 1AB
4.     **BELFAST CITY COUNCIL** of City Hall, Belfast, BT1 5GS
5.     **CARRICKFERGUS BOROUGH COUNCIL** of Town Hall, Carrickfergus, Co. Antrim, BT38 7BL
6.     **CASTLEREAGH BOROUGH COUNCIL** of Bradford Court, Upper Galwally, Castlereagh, BT8 6RB
7.     **DOWN DISTRICT COUNCIL** of 24 Strangford Road, Downpatrick, Co Down, BT30 6SR
8.     **LARNE BOROUGH COUNCIL** of Smiley Building, Victoria Road, Larne, Co. Antrim, BT40 1RU
9.     **LISBURN CITY COUNCIL** of The Island, Lisburn, Co. Antrim, BT27 4RL
10.    **NEWTOWNABBEY BOROUGH COUNCIL** of Mossley Mill, Newtownabbey, Co. Antrim, BT36 5QA
11.    **NORTH DOWN BOROUGH COUNCIL** of Town Hall, The Castle, Bangor, Co. Down, BT20 4BT

**1.     DEFINITIONS**

**In this Agreement, the expressions:-**

- 1.1    'the 1972 Act' means the Local Government Act (NI) 1972.
- 1.2    'the 1997 Order' means the Waste & Contaminated Land (NI) Order 1997.
- 1.3    'the Ancillary Functions' and 'the Core Functions' shall be construed in accordance with the provisions of the Principle of Functional Responsibilities, as set out in the Statement of Principles.
- 1.4    'the Department' means the Department of the Environment for Northern Ireland.
- 1.5    'ERWMG' means the Eastern Region Waste Management Group (described in Clause 2.3).
- 1.6    'the Joint Committee' means the Joint Committee agreed to be established by the Participant Councils pursuant to Clause 3 of these Terms of Agreement.
- 1.7    'the Participant Councils' mean those above-named district councils expressed to be parties to these Terms of Agreement.

- 1.8 'the Statement of Principles' means those principles as set out in the Annex to these Terms of Agreement.
- 1.9 'the Waste Management Plan' means the Sub-regional Waste Management Plan which has been jointly adopted in this year 2003 by the Participant Councils as further described in Clause 2.4.

## **2. BACKGROUND**

- 2.1 Article 23 of the 1997 Order establishes a requirement for each district council in Northern Ireland to prepare a waste management plan, taking into account (inter alia) the Waste Strategy prepared by the Department pursuant to Article 19 of the 1997 Order, and including information as to (inter alia) what arrangements that council expects to make with other district councils.
- 2.2 The Department published its Northern Ireland Waste Management Strategy in May 2000, one of the objectives of which was stated therein as being to put in place a framework for preparation of joint waste management plans to develop an integrated network of regional waste management facilities which would be cost effective to the public.
- 2.3 In furtherance of the sub-regional approach promoted by the Department in its strategy, the Participant Councils agreed to form the Eastern Region Waste Management Group for the purpose of developing a joint waste management plan.
- 2.4 ERWMG have now jointly adopted, having consulted with the Department in accordance with the provisions of Article 23 of the 1997 Order, the Waste Management Plan which sets out the proposals of the Participant Councils as to how they would collectively deal with their waste arising over the period of the next 20 years.
- 2.5 The Participant Councils have agreed that, for the purpose of establishing an appropriate legal vehicle tasked with implementing those major procurement arrangements which will arise from the Waste Management Plan, they shall form a Joint Committee pursuant to the provisions of section 19 of the Local Government Act (NI) 1972.
- 2.6 As a preliminary step towards the formation of the Joint Committee, the Participant Councils have separately and effectively adopted the Statement of Principles as those fundamental principles which underpin the role and purpose of the Joint Committee, and which establish the parameters within which the Joint Committee shall function and operate.

## **3. ESTABLISHMENT OF JOINT COMMITTEE**

- 3.1 The Participant Councils, acting pursuant to the powers conferred on them by section 19 of the 1972 Act, hereby collectively agree as follows: -
- 3.1.1 that they shall establish a Joint Committee for the purpose of implementing the policies set out in the Waste Management Plan;
- 3.1.2 that an application shall as soon as practicable be made to the Department to have the Joint Committee constituted a body corporate with perpetual succession by the name of 'Arc 21' with power to employ staff, enter into financing arrangements, including the borrowing of money, hold property and funds, and enter into contracts;
- 3.1.3 that the functions of the Joint Committee shall be fixed by reference to these Terms of Agreement (including the Statement of Principles);

3.1.4 that the Order to be made by the Department under section 19 of the 1972 Act shall make such further incidental and consequential provision as shall be reasonably necessary to implement the requirements of these Terms of Agreement, including provision that section 19 of the Interpretation Act (NI) 1954 shall apply to the Joint Committee.

#### **4. DELEGATED POWERS**

4.1 The Participant Councils hereby agree that the Joint Committee shall have delegated powers and responsibilities as more particularly described and delimited in the Statement of Principles.

4.2 In relation to the acquisition of assets or the incurring of liabilities, a threshold of £250,000 shall apply and over which the unanimous agreement of the Joint Committee and approval of all of the Participant Councils shall be required (as referred to in the 'Principle of Limit of Delegation').

#### **5. ESTABLISHMENT AND OPERATING COSTS**

5.1 In accordance with the Principle of Equitable Shared Funding, the costs of establishing and operating the Joint Committee (including contract administration and management costs) shall be borne by the Participant Councils by reference to their respective populations, the percentage calculations of which are set out in the Schedule to these Terms of Agreement, but which shall be reviewed by the Joint Committee every three years, and adjusted as appropriate.

5.2 The Joint Committee may (subject to the Principle of Consensus) award contracts for the provision of waste disposal and/or treatment facilities by external contractors on the basis that the costs of constructing the facilities will be amortised over the relevant contract periods or on the basis of such other commercial arrangements as might be appropriate. In determining the specifications of such contracts, the Joint Committee shall endeavour to ensure that:-

- contracts are appropriately bundled to achieve best value for money for the ERWMG as a whole;
- contracts shall provide for a suitable number of treatment facilities and waste transfer stations which shall, when taken with other contracts, reflect an equitable geographical distribution of such facilities and stations, having regard at all times to the overall objective of achieving due economies of scale;
- the pricing specification of each contract shall, where circumstances permit, provide for a standard waste tonnage acceptance charge at transfer stations, subject to an economic appraisal being commissioned by the Joint Committee to ensure that, when taken with the pricing structure of other contracts awarded by the Joint Committee, there is no material element of cross-subsidisation of costs within the Participant Councils.

5.3 In relation to those waste disposal and/or treatment facilities (including, where appropriate, waste transfer stations) which are procured by the Joint Committee at a capital cost ('the procured facilities'), the costs incurred shall be re-charged to the Participant Councils on the same basis as set out in Clause 5.1. The Joint Committee shall hold the procured facilities in trust for the Participant Councils on a basis commensurate in percentage terms with the costs so re-charged. Tonnage charges shall, unless otherwise agreed, be assessed by reference to the Joint Committee's costs of operating the procured facilities.

In establishing the charges for acceptance of waste at such facilities, the Joint Committee shall consider, where appropriate, the aggregate cost of operating groups of procured facilities of similar treatment types for the purpose of establishing a common rate, but ensuring that no material element of cross subsidisation of tonnage charges arises within the Participant Councils.

**6. COMPOSITION AND PROCEDURE OF JOINT COMMITTEE**

- 6.1** In accordance with the Principle of Equal Committee Representation, each of the Participant Councils shall have equal representation, agreed at 2 Members each.
- 6.2** The provisions of sections 19 – 22 and 142 and Schedules 2 and 7 of the 1972 Act shall apply to the Joint Committee.
- 6.3** The quorum of the Joint Committee shall be ten, provided that at least six of the Participant Councils are represented.
- 6.4** The proceedings of the Joint Committee shall be regulated by Standing Orders to be agreed and adopted by the Participant Councils.

**7. DISPUTE RESOLUTION**

In the event of any disagreement between the Participant Councils in relation to any matter arising pursuant to these Terms of Agreement, but entirely without prejudice to the provisions set out in the Statement of Principles (and in particular the Principle of Consensus), the Joint Committee may request the Department or such other body as it might agree to act as a conciliator in accordance with such procedure as shall be agreed by the parties, and to the intent that the parties shall endeavour to resolve their differences in the spirit of achieving the objectives of the Waste Management Plan.

**8. EFFECTIVE DATE**

These Terms of Agreement shall be deemed to come into effect on the day and year first herein written, being a date following the affixing hereto of all of the signatures of the respective Chief Executives of all of the Participant Councils as hereinafter provided for.

**IN WITNESS** whereof this Agreement is signed by the respective Chief Executives of each of the Participant Councils and each subscribing his signature hereto in manner hereinafter appearing.

## SCHEDULE

### POPULATION JUNE 2001 (MID-YEAR ESTIMATES)

Council	Actual Population	% of Total
Antrim	48,761	5.28%
Ards	73,435	7.96%
Ballymena	58,801	6.37%
Belfast	277,170	30.02%
Carrickfergus	37,730	4.09%
Castlereagh	66,533	7.21%
Down	64,147	6.95%
Larne	30,811	3.34%
Lisburn	108,997	11.81%
Newtownabbey	80,144	8.68%
North Down	76,578	8.29%
<b>Total</b>	<b>923,107</b>	<b>100%</b>

Annex

STATEMENT OF PRINCIPLES

ARC 21

PROPOSAL FOR ESTABLISHMENT OF A JOINT COMMITTEE

EASTERN REGION WASTE MANAGEMENT GROUP

The Participant Councils are the eleven district councils of the ERWMG (ARC 21). Subject to their joint adoption of this Proposal Statement and Statement of Principles, the Participant Councils shall then enter into a formal Collaborative Agreement which will contain such further detail as shall be necessary to give legal efficacy thereto. The terms of the Collaborative Agreement shall also be subject to the prior approval of the Participant Councils.

PROPOSAL STATEMENT - CONTEXT OF ESTABLISHMENT

The Joint Committee shall be established by the Participant Councils as a body corporate under section 19 of the Local Government Act (NI) 1972 (pursuant to statutory order). It shall be set up solely in the context of the policies of the Eastern Region Waste Management Group as described in the ARC21 Waste Plan (including the Procurement Plan and the Implementation Plan). As a corporate body, the Joint Committee will have a distinct legal status with power to employ staff, enter into financing agreements, including the borrowing of money, hold property and funds, and enter into contracts.

THE FIVE PRINCIPLES

- Principle of Consensus
- Principle of Limit of Delegation
- Principle of Functional Responsibilities
- Principle of Equitable Shared Funding
- Principle of Equal Committee Representation

PRINCIPLE OF CONSENSUS

It shall be an overarching principle that all policy decisions and decisions with significant financial implications for the Joint Committee shall be taken on the basis of the consensus of all the Participant Councils, within the framework of the Waste Plan and this Proposal and Statement of Principles. Accordingly, any material change in the Waste Plan or any decisions in relation to the acquisition or use of significant assets, or the incurring of significant liabilities will require the prior approval of the Participant Councils.



## **PRINCIPLE OF LIMIT OF DELEGATION**

The Participant Councils shall delegate powers and functions to the Joint Committee to the extent necessary to enable it to carry out its Core Functions and Ancillary Functions. This delegation shall be with a view to achieving economies of scale and minimising of costs. No further functions are to be transferred to the Joint Committee except with the prior approval of the Participant Councils. The Collaboration Agreement shall specify thresholds in relation to the acquisition of assets or the incurring of liabilities over which the unanimous agreement of the Joint Committee or the referral back to the Participant Councils shall be required.

## **PRINCIPLE OF FUNCTIONAL RESPONSIBILITIES**

The Joint Committee shall have Core Functions and Ancillary Functions. The Core Functions shall be the acceptance, treatment and disposal of waste in accordance with the Waste Plan. In relation to the Core Functions (as affecting both short and long-term contracts) the Joint Committee shall:-

- Develop specifications and award criteria for the contracts
- Obtain the approval of the Participant Councils to the specifications and award criteria
- Invite tenders for and award the contracts
- Operate the contracts
- Have the power to acquire, hold and use assets
- Recover the contract operating costs from the Participant Councils on an equitable basis.

The Ancillary Functions shall be matters such as waste minimisation schemes, education programmes and other initiatives as may be agreed from time to time with the individual Participant Councils and to be operated on the basis of annual programmes and/or service level agreements.

## **PRINCIPLE OF EQUITABLE SHARED FUNDING**

- The costs of establishing and operating the Joint Committee shall be pre-estimated as far as possible by reference to a business plan, and/or operating plan, and shall be recovered on an equitable basis (by reference to respective populations) from the Participant Councils in accordance with the provisions of the Collaborative Agreement.
- The Joint Committee's net costs of operating the Core Functions shall be recovered on an equitable basis from the Participant Councils in accordance with the provisions of the Collaborative Agreement, having regard to all relevant cost factors arising in relation to the acceptance, treatment and disposal of waste of each of the Participant Councils.

- The costs of operating the Ancillary Functions shall be in accordance with the relevant annual service level agreements.

#### **PRINCIPLE OF EQUAL COMMITTEE REPRESENTATION**

The Joint Committee shall be constituted on the basis of equal representation, with ... member(s) to be nominated by each of the Participant Councils. The proceedings of the Joint Committee shall be regulated by Standing Orders to be set out in the Collaboration Agreement."

## ANNEX B



## ASSETS AND BORROWING POLICY

## **CONTENTS**

**INTRODUCTION**

**GOVERNANCE ARRANGEMENTS**

**DEFINITION OF CAPITAL ASSET**

**ACQUISITION OF CAPITAL ASSETS**

**ASSET REGISTER**

**DE MINIMIS VALUE**

**REVALUATION**

**FINANCING OF CAPITAL ASSETS**

**LOAN FINANCING – LOAN CHARGES**

**GRANT AID**

**CAPITAL RECEIPTS – PROCEEDS FROM THE SALE OF CAPITAL ASSETS**

**CAPITAL FUND AND RENEWAL AND REPAIRS FUND**

**REVENUE CONTRIBUTIONS**

**REVIEW OF PUBLIC ADMINISTRATION**

## **INTRODUCTION**

Since becoming established in 2004, arc21 has incurred only revenue expenditure, receiving revenue funds from Member Councils to fund operational expenses, and contractual obligations.

As part of the ongoing development of the organisation, arc21 will soon become funded through Revenue and Capital sources of finance.

This document sets out the proposed treatment of Capital Assets and their associated funding. The policy will also be in accordance with Local Government Accounting Legislation, the Financial Reporting Standards, the DOE Accounting Directives, the Code of Practice on Local Authority Accounting in the United Kingdom: a Statement of Recommended Practice (SORP). In addition guidance will be taken from the Prudential Code.

## **GOVERNANCE ARRANGEMENTS**

As a Local Government Body, arc21 is subject to the rules and regulations established by the Department of the Environment, in relation to Borrowing.

The Terms of the Agreement, under which arc21 operates, will also apply to the procedures for the acquisition and disposal of Capital Assets together with any borrowing associated therewith.

In general, a business case will be produced setting out the jurisdiction for the investment in Capital Assets together with the method of financing, for approval, subject to the Financial Limits as outlined in the Terms of Agreement, by the Steering Group, Joint Committee and Member Councils.

The role of Member Councils will be vital due to the substantial value of both the capital assets and associated long term borrowing involved. In order that Member Councils can take due account of the issues, particularly affordability considerations, consultation with the Finance Sub Group will form a key element of the governance arrangements. Comments from the Finance Sub Group will be presented to the Steering Group for consideration.

In addition, in accordance with the Statutory regulations, arc21 will require the approval of the Department to borrow and, as a consequence, will also be subject to the policies and procedures in place by the DOE - Local Government Division, required when seeking such approval.

## **DEFINITION OF CAPITAL ASSET**

An asset will be treated as capital if it brings benefits to the organisation beyond one year.

In accordance with Financial Reporting Standard – FRS 15, all costs associated directly with the asset will also be treated as capital.

## **ACQUISITION OF CAPITAL ASSETS**

The organisation may acquire a range of assets such as:

- Land
- Buildings
- Plant and Machinery
- Vehicles
- Long Term Contracts

Capital assets may be acquired for the purposes of the organisation in general, for example for use by the organisation for operational purposes, or may be specifically acquired for the purpose of carrying out contractual obligations on behalf of Member Councils, for example Land may be acquired in support of a specific waste facility.

## **ASSET REGISTER**

All assets will be recorded on an asset register and will include the following information:

- The Type of Asset
- The name of the supplier (s)
- The date of acquisition
- The cost or value at the date of acquisition
- The estimated useful economic life
- The depreciation method and amount
- The revaluation details
- The method of financing
- The period of borrowing – if any
- The Loan Providers
- The terms of the Loan
- The repayments, including interest

## **DE MINIMIS VALUE**

In general individual assets costing up to £5,000 will be purchased through revenue and will not be capitalised. In some circumstances, similar assets may be grouped and treated as capital although each individual item may be valued at less than £5,000.

## **REVALUATION**

Assets will be revalued at least every five years and the Balance Sheet value adjusted accordingly. Any difference between the cost of the asset and its revaluation will be accounted for in the specific asset category and the Revaluation Reserve Account, in the Balance Sheet.

The revaluation will be conducted by the District Valuer or a suitably qualified valuer.

## **FINANCING OF CAPITAL ASSETS**

Capital assets may be financed as follows:

- Loan Finance including Leasing
- Grant Aid
- Capital Receipts – proceeds from the sale of capital assets
- Capital Funds/Repairs and Renewals Funds
- Revenue Contribution

## **LOAN FINANCING – LOAN CHARGES**

In the event that Capital Assets are acquired by Loans (including Leases), the amount so borrowed plus interest, known together as Loan Charges, will be charged to Member Councils on the following basis:

- Capital Assets acquired for General Use
  - Charged on Annual Population Basis
- Capital Assets acquired for Contractual Obligations:
  - (For those Councils taking part in the related contract)
  - (i) During the Construction Phase
    - Charged on Total Estimated Contract Tonnage
  - (ii) During the Operational Phase
    - Charged on Tonnage Delivered Basis

For cashflow purposes, the amount of Loan Charges payable during the year will be charged in advance to Member Councils to ensure that sufficient funds are available to meet the repayment commitments. Where the Loan Charges are estimated for the year, a year and reconciliation exercise will be undertaken and the appropriate adjustments made to Member Councils.

In terms of Loan Charges specifically related to contractual obligations, the charges applied to Member Councils, when the contract is operational, will be based on the estimated tonnage for the year with adjustments being made at the end of the year to reflect the actual tonnage delivered, subject to any minimum guaranteed tonnage.

## **GRANT AID**

Receipts by way of Capital Grant will be wholly used to reduce the level of borrowing, if any, required to acquire a Capital Asset.

Subject to any repayment conditions, the Capital Grant will be taken to the Deferred Grants Reserve Account and then allocated over the estimated economic life of the asset.

In this way the amount chargeable to Member Councils by way of Loan Charges will be reduced by the Capital Grant.

## **CAPITAL RECEIPTS – PROCEEDS FROM THE SALE OF CAPITAL ASSETS**

In the event of Capital Assets being disposed, the amount received from the proceeds of sale will be treated as a Useable Capital Receipt and, subject to the Legislation, will be utilised to repay any loans outstanding on the specific asset sold with any remaining amount applied to borrowings on other assets.

Any amount remaining after all debt has been repaid may then be used only for the purposes of acquiring other Capital Assets, subject to the approval of the Joint Committee.

## **CAPITAL FUND AND RENEWAL AND REPAIRS FUND**

A Capital Fund and Renewal and Repairs Fund may be established for the purposes of acquiring Capital Assets or for the purposes of funding major Renewal and Repairs Programmes during the estimated useful economic life of Assets.

Where a Capital Asset has been subject to a major Renewal and Repairs Programme, its useful economic life will be reviewed and the Balance Sheet/Asset Register adjusted accordingly.

## **REVENUE CONTRIBUTIONS**

Revenue Contributions will be made out of revenue reserves for the purposes of financing Capital Assets, including the repayment of Loans/Leases, subject to the approval of the Joint Committee.

## **REVIEW OF PUBLIC ADMINISTRATION**

The ongoing Review of Public Administration (RPA) will impact upon the Assets and Liabilities of arc21 in the same way that it will impact on all other Local Government Bodies.

At this stage the impact is unknown and it is presumed that Legislation will be introduced in due course setting out the revised legal arrangements which will apply and at that time a review of the Capital Assets and Liabilities will be undertaken in accordance with RPA.



**ANNEX C**

**FORM OF COLLATERAL WARRANTY**

**ANTRIM BOROUGH COUNCIL,**

**ARDS BOROUGH COUNCIL,**

**BALLYMENA BOROUGH COUNCIL,**

**BELFAST CITY COUNCIL,**

**CARRICKFERGUS BOROUGH COUNCIL,**

**CASTLEREAGH BOROUGH COUNCIL,**

**DOWN DISTRICT COUNCIL,**

**LARNE BOROUGH COUNCIL,**

**LISBURN CITY COUNCIL,**

**NEWTOWNABBNEY BOROUGH COUNCIL,**

**NORTH DOWN BOROUGH COUNCIL,**

**and**

**arc21**

**and**

**[FUNDER]**

**Collateral warranty relating to a further supplemental agreement dated [ ]  
relating to the procurement and management of the  
Residual waste treatment plant**

**THIS DEED** is made the

day of

2008

**BETWEEN**

**ANTRIM BOROUGH COUNCIL** of Civic Offices, 50 Stiles Way, Antrim, Co. Antrim, BT41 2UB;

**ARDS BOROUGH COUNCIL** of 2 Church Street, Newtownards, Co. Down, BT23 4AP;

**BALLYMENA BOROUGH COUNCIL** of Ardeevin, 80 Galgorm Road, Ballymena, Co. Antrim, BT42 1AB;

**BELFAST CITY COUNCIL** of City Hall, Belfast, BT1 5GS;

**CARRICKFERGUS BOROUGH COUNCIL** of Town Hall, Carrickfergus, Co. Antrim, BT38 7BL;

**CASTLEREAGH BOROUGH COUNCIL** of Bradford Court, Upper Galwally, Castlereagh, BT8 6RB;

**DOWN DISTRICT COUNCIL** of 24 Strangford Road, Downpatrick, Co Down, BT30 6SR;

**LARNE BOROUGH COUNCIL** of Smiley Building, Victoria Road, Larne, Co. Antrim, BT40 1RU;

**LISBURN CITY COUNCIL** of The Island, Lisburn, Co. Antrim, BT27 4RL;

**NEWTOWNABBEY BOROUGH COUNCIL** of Mossley Mill, Newtownabbey, Co. Antrim, BT36 5QA;

**NORTH DOWN BOROUGH COUNCIL** of Town Hall, The Castle, Bangor, Co. Down, BT20 4BT;

each a "Council" and together the "Councils"

**AND**

arc21 of Walsh House, Fortwilliam Business Park, 35 Dargan Road, Belfast, BT3 9LZ;

**AND**

**[FUNDER]** (the "Beneficiary")

each a "Party" and together the "Parties".

**WHEREAS**

- (a) Each of the Councils entered into the Terms of Agreement to form a joint committee on 1<sup>st</sup> July 2003 (a copy of which is contained in Annex A hereto). The Terms of Agreement imposes a number of obligations on the Councils in relation to the establishment of arc21 and sets out how arc21 should function. In the Terms of Agreement each Council also signed up to a Statement of Principles for arc21.

- (b) The joint committee established under the Terms of Agreement was constituted as a body corporate with the name, arc21, pursuant to The Local Government (Constituting a Joint Committee a Body Corporate) Order (Northern Ireland) 2004 (S.R. 2004 No. 49) and the Local Government (Constituting a Joint Committee a Body Corporate) (Amendment) Order (Northern Ireland) 2007 (S.R. 2007 No. 505). The 2007 Order clarified the powers of arc21 and applied certain rights and powers applicable to the Councils to arc21 in its own capacity.
- (c) In connection with the award of the Contract by arc21, arc21 and the Councils entered into a supplemental agreement and the further supplemental agreement to further clarify the rights of the Councils both between themselves and in relation to arc21 and resolved to work together to seek a long term solution to their duties for the treatment of residual controlled waste by procuring a Contractor to construct, provide and operate facilities for the treatment and disposal of such residual waste for the Councils and for managing the resulting Contract on behalf of the Councils.
- (d) By an agreement ("the Finance Agreement") dated [ ] made between the Contractor (1) and the Beneficiary (2) the Beneficiary has subject to the terms and conditions thereof agreed to provide finance or re-finance to assist inter alia in carrying out the Contract.
- (e) It is a term of the Finance Agreement that the parties hereto enter into this Deed

**IT IS HEREBY** agreed as follows –

#### **1. Defined terms**

Defined terms shall have the meaning given in the further supplemental agreement, unless otherwise defined herein.

#### **2. Warranties/Undertakings**

The Councils hereby warrant and undertake to the Beneficiary that they have performed and shall continue properly and diligently to perform all of their obligations under the further supplemental agreement and will owe the same contractual duties (including without limitation duties of care) to the Beneficiary as those owed by the Councils to arc21.

#### **3. Liability of Councils**

The obligations of the Councils under or pursuant to clause 2 hereof shall be without prejudice to any other present or future liability of the Councils to the Beneficiary (including without prejudice to the generality of the foregoing any liability in negligence) and shall not be released diminished or in any other way affected by any independent enquiry into any relevant matter which may be made or carried out by or on behalf of the Beneficiary by any person nor by any action or omission of any person whether or not such action or omission might give rise to an independent liability of such person to the Beneficiary.

#### **4. Continuing Effect**

Notwithstanding the termination of the further supplemental agreement or any part thereof this Deed shall continue to have effect, provided that no action or proceedings for any breach of this Deed shall be commenced against the Councils by the Beneficiary after the expiry of twelve (12) years from the date of termination of the Contract.

#### **5. Arc21's Consent**

Arc21 by its execution hereof agrees to the terms and conditions of this Deed.

## 6. Assignment

[This Agreement is personal to the Parties and no Party shall assign transfer or purport to assign or transfer to any other persons any of its rights or sub-contract any of its obligations under this Agreement].

## 7. Limitation of Liability

The Councils shall owe no duty or have any liability under this deed which are greater or of longer duration than that which it owes to arc21 under the further supplemental agreement.

## 8. Governing law

This Agreement shall be governed by and construed in accordance with the law of Northern Ireland and shall be subject to the jurisdiction of the Courts of Northern Ireland.

## 9. Third party Rights

No person other than the Parties shall be entitled to enforce any of its terms under the Contracts (Rights of Third Parties) Act 1999.

IN WITNESS whereof this Deed has been executed by the Councils, arc21 and the Beneficiary and is intended to be and is hereby delivered on the day and year first above written

**EXECUTED AS A DEED** by )  
[ Councils] )  
acting by:- )

**EXECUTED AS A DEED** by )  
[ arc21] )  
acting by:- )

**EXECUTED AS A DEED** by )  
[ Beneficiary] )  
acting by:- )



## Council Meeting

Date of Meeting: 23<sup>rd</sup> February 2009

Item Number:

Title: arc21 Supplemental Agreement

For: Decision [☒] Consideration [☐] Information Only [☐]  
-----

### Purpose of Report

To present to Council for approval the arc21 Joint Committee Supplemental Agreement.

### Report

The current Collaboration Agreement, under which arc21 was established, was signed by Member Councils on 1<sup>st</sup> July 2003. Recently it has been deemed necessary to review and supplement the Collaboration Agreement in order to assure the waste sector of the cohesion of the Group and the robustness of the commitment of Constituent Councils in the run up to the Residual Waste tender. This is being undertaken in the interests of receiving sufficient competition and ultimately delivery of a Best Value solution.

The attached Supplemental Agreement is a product of detailed consideration by the arc21 legal advisors, in association with arc21 and Member Councils, and was approved by the Joint Committee on 9<sup>th</sup> October 2008.

Unlike all other Councils in arc21, under RPA proposals, Down District Council will merge with a council that is not a part of arc21, that being Newry & Mourne Council, which is affiliated to SWAMP.

Given the unique concerns this presented to Down District Council, in terms binding an as yet non-existent body (the new merged Council) to potentially significant financial commitments, Down District Council sought independent legal advice as to whether we could or could not sign up to this Supplementary Agreement.

That advice, (attached for your consideration) indicated that it would be:

....perfectly proper for the council to commit itself to Arc21 as long as it does not do so in the way which seeks to restrain the new council from a proper discharge of its duties. It might be safe therefore to include in any contractual document a formula such as "nothing in this agreement shall constitute any attempt

to prejudice the duties of any successor council under the Waste and Contaminated Land (NI) Order 1997"

It has therefore been agreed to add the following clause to the Supplemental Agreement:

- 16.7 *This agreement cannot in itself lawfully purport to bind what is now the territory of Down District Council in the teeth of what the post RPA newly merged Council might validly consider to be its duty under the Waste and Contaminated Land (NI) Order 1997 and as such, nothing in this agreement shall constitute any attempt to prejudice the duties of any successor council under the Waste and Contaminated Land (NI) Order 1997.*

It should be noted that the Supplemental Agreement is not a specific contractual document as such, but simply an extension to the collaborative signed by Member Councils on 1<sup>st</sup> July 2003, and while Down District Council can approve it with the additional clause indicated above, any subsequent contracts entered into by arc21 and signed by Down District Council prior to our RPA merger, must also clearly indicate a conditional phrase such as "nothing in this agreement shall constitute any attempt to prejudice the duties of any successor council under the Waste and Contaminated Land (NI) Order 1997" is clearly included in any subsequent contract entered into by arc21.

#### Recommendation

Accordingly, it is recommended that Council considers and approves the Supplemental Agreement to original arc21 Collaboration Agreement.

Canice O'Rourke

February 2009





## **DOWN DISTRICT COUNCIL**

### **COUNCIL MEETING**

**Minutes of Council Meeting held in the Boardroom, Council Offices,  
24 Strangford Road, Downpatrick on Monday 23 February 2009  
at 6.00 pm.**

In Attendance: Councillor McGrath – Chairman  
Councillors Bowles, Burgess, Clarke, Coogan, Curran,  
Dick, Doris, Enright, Fitzpatrick, Johnston, McAleenan,  
Mac Con Midhe, O'Neill, Patterson, Rea, Toman, Walker  
and Wells

Officers in Attendance: Mr J McGrillen, Clerk & Chief Executive  
Mr W McCulla, Director of Corporate Services  
Mr M Todd, Director of Recreation & Community Service  
Ms S O'Connor, Director of Cultural & Economic  
Development  
Mr C O'Rourke, Director of Environmental Services  
Mr J Dumigan, Group Chief Building Control Officer  
Mr L McLernon, Equality & Policy Officer  
Mrs D Starkey, Committee Clerk

Also in Attendance: Ms Rachel Doak, Senior Planning Officer

The meeting concluded at 8.40pm.

### **BUSINESS**

#### **11/2 CHAIRMAN'S REMARKS**

##### **Chairman's Annual Dinner**

The Chairman informed all members that the Chairman's Dinner would be taking place in Downpatrick on Friday 24 April 2009 and that formal invitations would be issued in due course with all Councillors invited to attend.

##### **Review of Local Government Boundaries Revised Recommendations Report (EL/372)**

The Chairman advised members that the Local Boundaries Commission was due to publish a revised recommendations report on Friday 27 February 2009. Members were reminded of its importance as Council had put forward a robust case to increase and maximise representation for the people of both Newry and Down District.

**ACTION: It was AGREED that the revised recommendations report be considered by the Strategic Policy & Resources Committee at the meeting on 2 March 2009.**

C/23/02/2009

4:29 PM 24/07/2009

**Saul GAC**

The Chairman took the opportunity to extend full congratulations to Saul GAC on winning the All Ireland Junior Scor Ballad Group.

**All-Ireland Talent Show**

The Chairman referred to a letter received from Newry & Mourne District Council advising that a musical family from Mayobridge had made it through to the final stages of RTE's All-Ireland Talent Show. The Chairman wished the family every success and best wishes in the competition.

**The Chairman permitted the following items to be taken under Chairman's Remarks.****Tender for procurement of electricity**

The Group Chief Building Control Officer outlined a request for Council approval to go to tender for the procurement of electricity.

**ACTION: It was AGREED on the PROPOSAL of Councillor Craig, SECONDED by Councillor Burgess, to approve the Officer's recommendation.**

**Councillor Training**

The Equality Officer informed members that they were required to confirm attendance at two training courses, one for equality & disability training and the other for Governance training, by filling in the appropriate form as provided for them.

**Proposed Rural Anti-Poverty & Social Inclusion Framework**

The Clerk & Chief Executive informed members that a workshop on the proposed Rural Anti-Poverty & Social Inclusion Framework was taking place on 4 March 2009 at CAFRE, Loughry Campus, Cookstown. Members were informed that Council was asked to make a response to the consultation and that any Councillors wishing to put forward a response or attend the workshop to advise at the earliest opportunity.

**ACTION: Details of the workshop on the proposed framework to be emailed to all Councillors.**

**11/1 APOLOGIES**

Apologies were received from Councillors McDowell and O'Boyle.

**11/3 DECLARATIONS OF INTEREST**

Councillors Dick, Patterson, Walker and Wells declared an interest in item 7 (b).

Councillor O'Neill declared an interest in item 7 (f).

**11/4      FOR INFORMATION****Action Sheet arising from Council Meeting held on 26 January 2009****Item 7 (c)**

The Director of Recreation & Community Service provided an update on the Kindle Primary School, Ballykinlar informing members that consultants had been appointed to carry out a feasibility study in the area at a cost of £4,000 and that it was likely to take 2/3 months to complete.

Councillors Curran and Toman both expressed concern in relation to the delay in obtaining the facilities for Ballykinlar.

The Director of Corporate Services informed members that the Principal Administrative Officer was progressing the short term lease agreement with SEELB.

The Clerk & Chief Executive further advised that both the short and long term courses of action were being progressed as quickly as possible.

Following discussion it was **AGREED** on the **PROPOSAL** of Councillor Curran, **SECONDED** by Councillor Toman that information on long and short term courses of action be brought before Council as it becomes available.

**ACTION:**            **Information on long and short term courses of action be brought before Council as it becomes available.**

The Action Sheet was **NOTED**.

**11/5      MINUTES FOR ADOPTION AND SIGNING**

- (a)      **Minutes of the Council Meeting held on 26 January 2009**, copy of which had been circulated were **ADOPTED** on the **PROPOSAL** of Councillor Patterson, **SECONDED** by Councillor Burgess.

- (b)      **Minutes of the Special Council Meeting held on 9 February 2009**, copy of which had been circulated were **ADOPTED** on the **PROPOSAL** of Councillor Burgess, **SECONDED** by Councillor Curran.

**The Chairman AGREED to take item 7 (a) – Schedule of Planning Applications next, in order to facilitate the Planning Officer.**

**11/7 DISCUSSION/DECISION****(a) Schedule of Planning Applications – Department of Environment for NI – Divisional Planning Office Opinion (PL/226)**

Councillor Clarke enquired about the current status of planning applications in Newcastle following a planning meeting on 20 January 2009. The Senior Planning Officer advised that it was being considered at a directorate level between NI Environment Agency and NI Water and that the planning service was awaiting the outcome.

**ACTION: Report on outcome of discussions between NI Environment Agency & NI Water to be brought to Council.**

The Planning officer circulated a schedule of additional information as follows:

**APPROVALS**

R/2007/0147/F	Application removed from schedule – proposal description has been changed
R/2007/0153/LB	Application removed from schedule – proposal description has been changed
R/2007/1340/F	Application removed from schedule – reduced scheme requires re-advertised and neighbour notified.

**REFUSALS**

R/2007/1328/F	Application withdrawn by agent
---------------	--------------------------------

The Chairman asked members to consider the Planning Schedule as follows:

**REFUSALS**

Application No	Requested by Councillors	Decision
R/2008/0506/O	Coogan, O'Neill	Hold for 10 days, subject to receipt of amended plans

The opinion of the Department was accepted in respect of all other applications.

Councillor Wells expressed his delight in relation to an approved application for new healthcare facilities in Clough and stated that it was excellent news for the people of Clough and the surrounding area.

C/23/02/2009

4:29 PM 24/07/2009

**11/6 MINUTES FOR CONSIDERATION AND ADOPTION**

- (a) **Minutes of External Affairs Committee Meeting held on 19 January 2009**, copy of which had been circulated, were confirmed as a correct record on the **PROPOSAL** of Councillor Toman, **SECONDED** by Councillor Dick.

Councillor Toman presented the minutes.

The minutes were **ADOPTED** on the **PROPOSAL** of Councillor Coogan, **SECONDED** by Councillor O'Neill.

- (b) **Minutes of Cultural and Economic Development Committee Meeting held on 20 January 2009**, copy of which had been circulated, were confirmed as a correct record on the **PROPOSAL** of Councillor Patterson, **SECONDED** by Councillor Coogan.

Councillor O'Neill called for point of order on reasons why an item in relation to the Downpatrick Market was considered at the Cultural and Economic Development Committee Meeting.

Following discussion it was agreed that a report clarifying the roles of Council Committees be provided at the next Council meeting in March 2009.

**ACTION:** Report clarifying the roles of Council Committees to be provided at the next Council Meeting in March 2009.

Councillor Coogan then went on to present the minutes.

The minutes were **ADOPTED** on the **PROPOSAL** of Councillor Burgess, **SECONDED** by Councillor Clarke.

**ADDITIONAL ITEM**

**Minutes of Cultural and Economic Development Committee Meeting held on 26 January 2009**, copy of which had been circulated, were confirmed as a correct record on the **PROPOSAL** of Councillor Coogan, **SECONDED** by Councillor Toman.

Councillor Coogan presented the minutes.

The minutes, were **ADOPTED** on the **PROPOSAL** of Councillor Patterson, **SECONDED** by Councillor Toman.

- (c) **Minutes of Strategic Policy and Resources Committee Meeting held on 2 February 2009**, copy of which had been circulated, were confirmed as a correct record on the **PROPOSAL** of Councillor McAleenan, **SECONDED** by Councillor Doris.

Councillor McAleenan presented the minutes.

Councillor McAleenan referred to item 6, the proposed Council Committee System, and it was **AGREED** a copy would be circulated to all Councillors for information. It was also **AGREED** a copy of the draft Resident's Flood Guide would be circulated to all Councillors for consideration.

Councillor Clarke made reference to the flooding in Newcastle and enquired if an evaluation was carried out by the Rivers Agency. The Clerk & Chief Executive informed members that the Rivers Agency would be attending an External Affairs Committee Meeting in April 2009 and that questions would be collated from Councillors and forwarded to the Rivers Agency in advance of the meeting.

Councillor Fitzpatrick referred to the item relating to the Rock Pool, Newcastle and asked that an item in relation to the promotion of the Rock Pool be placed on the next Recreation Committee Meeting.

- ACTION:**      **The following was AGREED:**
- 1)      **Report on Council Committee System to be circulated to all Councillors**
  - 2)      **Draft Resident's Flood Guide to be circulated to all Councillors for consideration at March Council Meeting**
  - 3)      **Questions from Councillors to be collated and forwarded to the Rivers Agency prior to the External Affairs Committee Meeting in April 2009**
  - 4)      **Item in relation to the promotion of the Rock Pool, Newcastle to be placed on the next Recreation Committee agenda**

The minutes, were **ADOPTED** on the **PROPOSAL** of Councillor Toman, **SECONDED** by Councillor Dick.

- (d) **Minutes of Building and Estates Committee Meeting held on 4 February 2009**, copy of which had been circulated, were confirmed as a correct record on the **PROPOSAL** of Councillor Enright, **SECONDED** by Councillor Patterson subject to the following amendment:

Item 5 (c)

"This is to include initiatives that could be taken using powers that may be given to the proposed new Councils along the lines of the 'Merton Rule' in England or the 'Finglas Guidelines' in the Republic of Ireland".

Councillor Patterson presented the minutes.

C/23/02/2009

4:29 PM 24/07/2009

Councillor McAleenan referred to item 5 b in relation to the Sustain and Build website and suggested that the email address be forwarded to all Councillors as it would be very useful for all.

The minutes, were **ADOPTED** on the **PROPOSAL** of Councillor Toman, **SECONDED** by Councillor Patterson.

**ACTION:** It was **AGREED** to email the Sustain and Build website address to all Councillors.

- (e) Minutes of the Environment Committee Meeting held on 5 February 2009, copy of which had been circulated, were confirmed as a correct record on the **PROPOSAL** of Councillor Curran, **SECONDED** by Councillor Burgess, subject to the following amendment:

Councillor Walker stated that he was present at the meeting and therefore an amendment was required on the apologies.

In the absence of the Environment Committee Chairman, Councillor Curran presented the minutes.

**The Chairman agreed to discuss the adoption of the Environment Committee minutes In-Committee at a later stage.**

**The Chairman agreed to take item 7 (b) at this point.**

11/7

- (b) Request for support from the Grand Orange Lodge of Ireland for their proposed development plans for Schomberg House, Headquarters of the Orange Order (RF/1742)

The Clerk & Chief Executive referred to a letter received from the Grand Orange Lodge of Ireland requesting support in principle for the proposed development plans for Schomberg House.

During discussion Councillors Wells, O'Neill, Walker and Clarke spoke of their agreement that a letter of support be sent from Council.

Councillor Doris enquired about the information pack referred to in the letter and the Director of Recreation & Community Service informed members that a copy of the pack was available for reference.

**ACTION:** It was **AGREED** on the **PROPOSAL** of Councillor O'Neill, **SECONDED** by Councillor Fitzpatrick to send a letter to the Grand Orange Lodge of Ireland.

(c) **Streamlining the tender approval for the installation of playground equipment at Marian Park, Downpatrick (RF/1732)**

The Director of Recreation and Community Services referred to his report and recommendations which had been previously circulated for information.

**ACTION:** It as **AGREED** on the **PROPOSAL** of Councillor McAleenan, **SECONDED** by Councillor Doris to approve the Officer's recommendation.

(d) **Strangford School Patrol (MS/4331)**

The Clerk & Chief Executive referred to a letter received in relation to the school patrol at St Joseph's Primary School, Strangford.

During discussion all members **AGREED** to support the campaign for the school patrol to be re-instated as soon as possible.

**ACTION:** It was **AGREED** by all to do the following:

- 1) Letter to be sent to the commissioner of SEELB requesting review of decision and immediate re-instatement of school patrol person
- 2) Letter to be sent to the Minister of Education requesting an update on the Education Board
- 3) Contact Sustrans requesting support in relation to campaigning for re-instatement of school patrol person

(e) **Permission to use Donard Park, Newcastle to host a major outdoor event on 19 June 2009 (RF/1361)**

The Clerk & Chief Executive referred members to a report previously circulated in relation to a request to use Donard Park, Newcastle to host a major outdoor festival which attracts approximately 15,000 young people.

During discussion members portrayed arguments for and against such an event taking place in Newcastle however all members were in agreement that the report was not sufficient to enable a decision to be taken.

It was **AGREED** following a lengthy discussion that more information was required in order to make a decision on the event and that a Special Council Meeting be held as soon as possible.

**ACTION:** It was **AGREED** to hold a Special Council Meeting on Monday 2 March 2009 at 6pm to promptly last one hour

C/23/02/2009

4:29 PM 24/07/2009



before the Strategic Policy and Resources.  
It was further **AGREED** to invite the Event organiser, PSNI and Newcastle Chamber of Commerce to attend the Special Council Meeting.

(f) **Request to host Board Meeting of the Northern Ireland Human Rights Commission and Stakeholder Reception (MS/3602)**

It was **AGREED** on the **PROPOSAL** of Councillor McAleenan, **SECONDED** by Councillor Enright to host the Board Meeting of the Northern Ireland Human Rights Commission and Stakeholder Reception.

**ACTION:** Council to host the Board Meeting of the Northern Ireland Human Rights Commission and Stakeholder Reception.

(g) **Arc 21 Supplementary Agreement (DS/1211)**

The Director of Environmental Services outlined his report and recommendation which had been previously circulated for information.

**ACTION:** The Director of Environmental Service's report and recommendation was **AGREED** on the **PROPOSAL** of Councillor Rea, **SECONDED** by Councillor O'Neill.

(h) **Update report on Unauthorised Parking of Boats at The Green, Strangford (MS/4163)**

The Group Chief Building Control Officer outlined a report from the Principal Administrative Officer providing an update in relation to the unauthorised parking of boats at The Green, Strangford.

**ACTION:** Members **NOTED** the Principal Administrative Officer's update report.

(i) **Request to substitute Councillor Clarke on the Rural Development Programme – Joint Committee (MS/3374)**

All members **AGREED** that Councillor Johnston replace Councillor Clarke on the Rural Development Programme – Joint Committee.

**ACTION:** Councillor Johnston to replace Councillor Clarke on the Rural Development Programme – Joint Committee.

**(j) Conference Schedule (CF/752)**

Councillor attendance at conferences was agreed as per the attached schedule.

**ITEMS 11/7 (k) & (l) and ITEMS 11/6 (e), (f) & (g) were discussed In-Committee**

**11/8 FOR INFORMATION****In Confidence****(a) Applications for Planning Permission in Down District for periods ended 21 and 28 January and 4 and 11 February 2009 (PL/225)**

Planning Applications were **NOTED**.

**(b) Schedule of Council Meetings for March 2009**

Councillor McAleenan requested that Councillors be furnished with a schedule of meetings for the year.

**ACTION: Schedule of Meetings for the year to be circulated to all Councillors.**

The schedule of meetings was **NOTED**.

**(c) Letter from the Planning Service: Lands to the rear of Slieve Croob Inn, Clonvarghan Road, Castlewellan (PL/456)**

It was **AGREED** on the request of Councillor O'Neill that a letter in support of the application for the self catering accommodation be sent to the Planning Service.

**ACTION: Letter in support of the application to be sent to the Planning Service.**

**(d) Letter from the Planning Service: New Planning Service Website (PL/456)**

The Letter from the Planning Service was **NOTED**.

**11/9 FOR NOTING**

Members **NOTED** receipt of the following:

C/23/02/2009

4:29 PM 24/07/2009

- (a) **Phase B Redevelopment of the Ulster Hospital, Dundonald (EH/163)**
- (b) **Letter from the Department of the Environment: The Pollution Prevention and Control (Industrial Pollution and Radiochemical Inspectorate) Draft Charging Scheme (NI) 2009 and the Radioactive Substances Draft (Fees and Charges) Scheme 2009 (MS/4332)**
- (c) **Letter from National Trust: National Trust Inalienable Land (MS/4314)**
- (d) **Letter from Planning Service: Consultation Paper on Transporting the Mining Waste Directive (2006/21EC) in Northern Ireland (PL/456)**
- (e) **Schedule of resolutions and correspondence from other Councils and outside bodies (MS/2989)**
  - (i) **Armagh City and District Council: Winter Gritting Service**

**11/10 MINUTES AVAILABLE FOR REFERENCE**

Members **NOTED** that the following minutes were available for reference:-

- (a) **Minutes of a meeting of the South Eastern Health & Social Care Trust Board held on Wednesday 19 November 2008 (EH/91)**
- (b) **Minutes of a meeting of the South Eastern Health & Social Care Trust Board held on Wednesday 17 December 2008 (EH/91)**

**11/11 REPORTS AVAILABLE FOR REFERENCE**

Members **NOTED** that the following reports were available for reference:-

- (a) **Home Energy Conservation Report 2008**
- (b) **Report of Consultative Group on the Past**

Chairman

\_\_\_\_\_

Date

\_\_\_\_\_

C/23/02/2009

4:29 PM 24/07/2009

**DOWN DISTRICT COUNCIL**  
**ATTENDANCE – COUNCIL MEETING**  
**23 FEBRUARY 2009**

	<b><u>ARRIVAL</u></b>	<b><u>DEPARTURE</u></b>
BOWLES, Peter	6.00 PM	8.40 PM
BURGESS, Robert	6.00 PM	8.40 PM
CLARKE, William	6.00 PM	8.25 PM
COOGAN, Michael Anthony	6.00 PM	8.40 PM
CRAIG, Peter	ABSENT	
CURRAN, Dermot	6.00 PM	8.40 PM
DICK, William	6.00 PM	7.50 PM
DORIS, John	6.00 PM	8.40 PM
ENRIGHT, Cadogan	6.00 PM	7.55 PM
FITZPATRICK, Peter	6.00 PM	8.40 PM
JOHNSTON, Liam	6.00 PM	8.30 PM
McALEENAN, Anne	6.00 PM	8.40 PM
MAC CON MIDHE, Éamonn	6.00 PM	8.05 PM
McDOWELL, Francis	APOLOGY	
McGRATH, Colin Paul	6.00 PM	8.40 PM
O'BOYLE, Carmel	APOLOGY	
O NEILL, Eamonn	6.00 PM	8.40 PM
PATTERSON, Desmond	6.00 PM	8.40 PM
REA, Edward	6.00 PM	8.40 PM
RITCHIE, Margaret	ABSENT	
TOMAN, Patrick	6.00 PM	7.20 PM
WALKER, William	6.00 PM	8.40 PM
WELLS, James	6.00 PM	8.40 PM