

CASTLEREAGH BOROUGH COUNCIL

Minutes of the proceedings of the meeting of Castlereagh Borough Council held in the Council Chamber, Castlereagh Borough Council, Civic & Administrative Offices, Bradford Court, Upper Galwally, Castlereagh, BT8 6RB, on Thursday 25 September 2008 at 7.00 p.m.

PRESENT: Councillor Mrs A M Beattie
(in the Chair)

ALDERMEN: M Copeland (until 8.15 p.m.)
J Norris MBE
Mrs G Rice (until 8.15 p.m.)
Mrs I Robinson (until 8.15 p.m.)
J White

IN ATTENDANCE: J Beattie
Ms J Bunting (until 9.45 p.m.)
Mrs M Chambers
Mrs J Cochrane (until 9.30 p.m.)
D Drysdale
C Hall
B Hanvey
M Henderson (left at 7.30pm and ret at 8.40 pm)
Miss R Hughes MBE
T Jeffers (until 9.15 p.m.)
M Long
Mrs V McCoy
G Robinson (until 9.30 p.m.)
J Spratt MLA
C Tosh
L Walker

IN ATTENDANCE: Director of Finance, Director of Administration & Community Services, Acting Director of Leisure Services, Director of Technical & Environmental Services, Planning Officer, Planning Service Officer, and Assistant Members' Services Officer

APOLOGIES: An apology was received on behalf of Councillor Duncan

2008/611 : OPENING OF MEETING

Reverend Smyth thanked Councillor Mrs Beattie for choosing him as her chaplain in her Mayoral year. Prior to opening the meeting with a prayer, he presented the Mayor with a bible.

Noted.

2008/612 : ALDERMAN MRS G RICE

The Mayor outlined that it was good to see Alderman Rice back at the Council meeting, following her illness.

Alderman Rice thanked all the Members and Officers who had sent her get well messages and flowers.

Noted.

2008/613 : MINUTES

RESOLVED : That

- (a) The Minutes of the Finance & General Purposes Committee meeting held on 11th September 2008 be adopted as a true and accurate record of the proceedings:
- (b) The Minutes of the following meetings be adopted a true and accurate record, subject to the following amendments:
 - (i) Minutes of the Council meeting held on 28 August 2008
Minute No. 2008/536
Delete "Meyrick" and insert "Merok"
 - (ii) Minutes of the Technical & Environmental Services Committee meeting held on 2 September 2008
Delete Councillor Hall from the list of apologies
 - (iii) Minutes of the Finance & General Purposes Committee meeting held on 10th September 2008
 - Delete Councillors Long and Tosh from the list of apologies
 - Delete "Chamber" from the list of those present and insert "Chambers"
- (c) Minutes of the Leisure Services Committee meeting held on 4 September 2008 be adopted as a true and accurate record of the proceedings, with the exception of Minute No. LS2008/138 which would be considered "In Committee".
- (d) Consideration of the following Minutes be deferred to the "In Committee" part of the meeting:
 - (i) Minutes of the Central Services Committee meeting held on 8 September 2008
 - (ii) Minutes of the Special Central Services Committee meeting held on 23 September 2008

**2008/614 : MINUTES OF THE TECHNICAL & ENVIRONMENTAL SERVICES
/ LEISURE SERVICES WORKING GROUP MEETING HELD ON 16
SEPTEMBER 2008**

Councillor Walker proposed that the Council defer consideration of the above Minutes until the "In Committee" part of the meeting.

Councillor Jeffers seconded the proposal.

Alderman Rice stated that as she would have to leave the meeting at 8.30 p.m., she would like to discuss the content of the Minutes at this stage. She added that she had concerns in respect of some of the proposals, in terms of Section 75 issues.

Councillor Mrs Beattie agreed that the Minutes should be considered "In Committee", at the same time as the Director of Leisure Services' report.

Councillor Hanvey expressed the view that he could see no reason why the Minutes and the Officer's report could not be discussed at this stage. He added that rather than defer to "In Committee" that a Special Council meeting be convened.

Councillor J Beattie outlined that the Chairman of that particular Committee had the right to request that consideration of the Minutes be deferred to the end of the meeting.

Following further discussion, it was

RESOLVED : That consideration of the Minutes of the Technical/Leisure Services Working Group and the report from the Director of Leisure Services be deferred to "In Committee".

Councillor Henderson left the meeting at 7.30 p.m.

**SCHEDULE OF PLANNING APPLICATIONS
DATED 28 SEPTEMBER 2008
(copy previously circulated)**

2008/615 : APPLICATIONS WITHDRAWN

The Planning Service Officer advised that Planning Application Y/2008/0161/F had been withdrawn from the schedule by the Planning Service and Planning Application Y/2008/0348/F had been withdrawn by the applicant.

He then clarified the wording on the schedule in relation to Items 1 and 3.

Noted.

2008/616 : PLANNING APPLICATION Y/2007/0003/F – 6-12 BRED A PARK,

BREDA : DEMOLITION OF EXISTING BUILDINGS ON SITE AND THE CONSTRUCTION OF 22 TWO BEDROOM APARTMENTS, 4 THREE BEDROOM DWELLINGS AND 8 TWO BEDROOM DWELLINGS, TOGETHER WITH ASSOCIATED CAR PARKING AND LANDSCAPING

Councillor Hall outlined that, in light of the six objections, he asked for a site visit to be arranged.

Councillor Robinson indicated that the application was for the development of social housing.

The Planning Services Officer advised that the objections had been taken into consideration when reaching a determination.

Councillor Spratt outlined that the application could only be deferred for a site visit based on planning issues.

The Planning Service Officer advised that he would discuss the drawings with Councillor Hall after the meeting.

Noted.

2008/617 : PLANNING APPLICATION Y/2007/0430/0 – ST ANDREW’S PRESBYTERIAN CHURCH, ROSETTA ROAD : SITE FOR RESIDENTS’ DEVELOPMENT

The Planning Service Officer declared an interest.

Councillor Robinson sought clarification on the above development.

The Planning Service Officer advised that the basis of a concept drawing had been submitted, but it was not very detailed at this stage.

Noted.

2008/618 : PLANNING APPLICATION Z/2008/0795/F – EAST BELFAST PARTNERSHIP - LANDS EXTENDING FROM VICTORIA PARK TO CREGAGH GLEN INCLUDING PARTS OF CREGAGH, ETC : PROPOSED CONNSWATER COMMUNITY GREENWAY FOLLOWING THE COURSE OF THE CONNSWATER, LOOP AND KNOCK RIVERS

Councillors Mrs Beattie, J Beattie, G Robinson and L Walker declared an interest.

Councillor Long outlined, that given that the above application related to both Castlereagh and Belfast Councils, he sought clarification as to why the original application had not been tabled at Castlereagh Council.

The Planning Service Officer indicated that he would seek clarification from Belfast City Council on this matter and report back.

RESOLVED : That the Planning Service Officer seek clarification as to why the original application in relation to Connswater Community Greenway had not previously been tabled at a Castlereagh Council meeting.

**2008/619 : PLANNING APPLICATION Y/2008/0293/F – 82
NEWTOWNBREDA ROAD, BREDA : CONVERSION AND EXTENSION OF
EXISTING SHOP TO PROVIDE NEW DWELLING**

The Planning Service Officer advised that further information had been received in respect of car parking but that this did not change the Planning Service's opinion to refuse the application.

Noted.

**2008/620 : NOTES OF THE PLANNING OFFICE MEETING HELD ON 18
SEPTEMBER 2008 (copy previously circulated)**

RESOLVED : That Councillor Spratt be included in the list of those present at the Planning Office meeting held on 18 September 2008.

**2008/621 : MINUTES OF THE SPECIAL PLANNING COMMITTEE MEETING
HELD ON 18 SEPTEMBER 2008 (copy previously circulated)**

RESOLVED : That the Minutes of the Special Planning Committee meeting held on 18 September 2008 be approved as a true and accurate record of the proceedings, subject to Councillor Spratt being included in the list of those present.

**2008/622 : WEEKLY PLANNING APPLICATIONS FOR THE PERIOD 5
AUGUST 2008 TO 8 SEPTEMBER 2008 (copy previously circulated)**

Councillor Chambers asked Members to note the proposal from Sainsbury's Supermarkets to widen Bradford Court, She added that she understood that Sainsbury's had intended for this work to be completed in readiness for the busy Christmas shopping period, and that the work may have implications for a number of the Council's events.

Following discussion, it was

RESOLVED : That the Planning Officer liaise with the Chief Executive in relation to Sainsbury's proposal to widen Bradford Court to ascertain if any of the work would coincide with Council events.

PLANNING CORRESPONDENCE

**2008/623 : CORRESPONDENCE FROM MR & MRS ABRAHAM RE:
PLANNING APPLICATION NO: Y/2007/0618/F – CONSTRUCTION OF NEW
4 UNIT APARTMENT BUILDING (DEMOLITION OF EXISTING BUILDING)
AMENDED PROPOSAL AT 188 KING'S ROAD (copy previously
circulated)**

Councillor Robinson asked that the Planning Officer and the Planning Service Officer bear in mind the objections which had been submitted in respect of the original application.

Following discussion, it was

RESOLVED : That the Planning Officer forward a new objection to the Planning Service outlining the Council's concerns in relation to Planning Application Y/2007/0618/F – Amended Scheme.

2008/624 : CORRESPONDENCE FROM THE DIVISIONAL PLANNING OFFICE RE: ERECTION OF FENCING FOR INPATIENT ADOLESCENT AND CHILD MENTAL HEALTH FACILITIES APPROVED UNDER PLANNING REFERENCE Y/2005/0539/O (copy previously circulated)

Noted.

2008/625 : CORRESPONDENCE FROM THE DIVISIONAL PLANNING OFFICE RE: APPLICANTS: SAINSBURY'S SUPERMARKETS - LAND AT BRADFORD COURT ADJACENT TO SAINSBURY'S PETROL FILLING STATION AND CASTLEREAGH COUNCIL OFFICE - WIDENING OF BRADFORD COURT AND THE INTRODUCTION OF A NEW APPROACH LANE (copy previously circulated)

Noted.

2008/626 : CORRESPONDENCE FROM THE PLANNING APPEALS COMMISSION RE: THE PLANNING (NI) ORDER 1991 APPEAL – 02 (UK) LTD. 12.5M HIGH HUTCHINSON FLEXICELL TYPE 2, 2G COMON STREET FURNITURE CABINET 1430MM HIGH X 1360MM LONG X 352 DEEP (ADDITIONAL INFORMATION) GRASS VERGE OPPOSITE ROUNDABOUT AT JUNCTION OF NEWTON PARK AND CAIRNSHILL ROAD, BELFAST (copy previously circulated)

Following discussion, it was

RESOLVED : That the Planning Officer to submit a written representation to the Planning Appeals Commission detailing the Council's objection to the proposed telecommunications mast at the roundabout at the Four Winds.

ANY OTHER PLANNING BUSINESS

2008/627 : STAKEHOLDER CONFERENCE "SHAPING OUR FUTURE : REVIEWING NORTHERN IRELAND'S REGIONAL DEVELOPMENT STRATEGY" (circulated at the meeting)

RESOLVED : That the Planning Officer attend the Stakeholder Conference being held on 5 November 2008 in Stormont Hotel.

2008/628 : CORRESPONDENCE FROM THE PLANNING SERVICE RE: 30 BRERTON CRESCENT, BALLYDOLLAGHAN, BELFAST

Noted.

HOUSING

2008/629 : MINUTES OF THE 345TH MEETING OF THE NORTHERN IRELAND HOUSING COUNCIL HELD ON 12 JUNE 2008 (copy previously circulated)

Noted.

2008/630 : CORRESPONDENCE FROM THE HOUSING EXECUTIVE RE: EXTINGUISHMENT OF PUBLIC RIGHT OF WAY ORDER NO. 1 2007 DUNDONALD, VIONVILLE WAY (copy previously circulated)

Noted.

FINANCE

2008/631 : ACCOUNTS FOR PAYMENT

RESOLVED : That the Council approve the undernoted payments:

Capital Account (General)	£ 47,674.29
General Account (Salaries)	£504,207.19
General Account (Suppliers)	£845,315.44

2008/632 : FIXED RATE TREASURY ACCOUNT

Following discussion, it was

RESOLVED : That approval be granted for the Director of Finance to set up a Fixed Rate Treasury Account and approve the signatories in respect of the corresponding mandate.

LEGAL

2008/633 : GRANTS OF EASEMENT BETWEEN CASTLEREAGH BOROUGH COUNCIL AND OAKLEE HOUSING ASSOCIATION LIMITED IN RELATION TO LANDS AT CAPPAGH GARDENS

RESOLVED : That approval be granted to sign the Grants of Easement between Castlereagh Borough Council and Oaklee Housing Association Limited in relation to lands at Cappagh Gardens

2008/634 : DEED OF SURRENDER AND DEED OF CONVEYANCE BETWEEN CASTLEREAGH BOROUGH COUNCIL AND NORTHERN IRELAND HOUSING EXECUTIVE IN RELATION TO LANDS AT CAPPAGH GARDENS

RESOLVED : That retrospective approval be granted to sign the Deed of Surrender and Deed of Conveyance between Castlereagh Borough Council

and Northern Ireland Housing Executive in relation to lands at Cappagh Gardens

MAYOR/DEPUTY MAYOR'S BUSINESS

2008/635 : MAYOR/DEPUTY MAYOR'S BUSINESS FOR SEPTEMBER 2008 (copy previously circulated)

Noted.

2008/636 : MUGA AT LISNASHARRAGH PRIMARY SCHOOL

Councillor White stated that he had attended the official opening of the above. He added that this was an excellent centre and the type of the facility that the Council may wish to consider providing in the future.

Noted.

REPORTS FROM OFFICERS

2008/637 : REPORTS FROM OFFICERS

The following reports were tabled:

- (a) Report from the Director of Leisure Services (copy previously circulated)
- (b) Report from the Director of Finance (circulated at the meeting)
- (c) Report from the Building Control Manager (circulated at the meeting)

RESOLVED : That consideration of the reports from the Director of Leisure Services, the Director of Finance and the Building Control Manager be deferred to "In Committee".

GENERAL CORRESPONDENCE

2008/638 : CORRESPONDENCE FROM THE DEPARTMENT OF AGRICULTURE & RURAL DEVELOPMENT RE: CONSULTATION ON THE PROPOSED ROLE OF THE RURAL CHAMPION AND ENHANCEMENT OF THE RURAL PROOFING PROCESS (copy previously circulated)

Noted.

2008/639 : CORRESPONDENCE FROM THE DEPARTMENT OF THE ENVIRONMENT (copy previously circulated)

Noted.

2008/640 : CORRESPONDENCE FROM NEWRY & MOURNE DISTRICT COUNCIL RE: NOTICE OF MOTION – GENETICALLY MODIFIED ORGANISMS (copy previously circulated)

Noted.

**2008/641 : CORRESPONDENCE FROM READING BOROUGH COUNCIL
RE: GURKHA RIGHTS (copy previously circulated)**

Following a proposal from Alderman Copeland which was seconded by Councillor Mrs Beattie, it was

RESOLVED : That the Council writes to Reading Borough Council in support of its campaign for Gurkha Rights.

**2008/642 : CORRESPONDENCE FROM THE DEPARTMENT OF CULTURE,
ARTS AND LEISURE RE: DCAL WATER RECREATION PROGRAMME
2009/10 (copy previously circulated)**

Following discussion, it was

RESOLVED : That the correspondence from the Department of Culture, Arts and Leisure be referred to the Finance & General Purposes Committee for consideration.

**2008/643 : CORRESPONDENCE FROM THE NATIONAL ASSOCIATION OF
COUNCILLORS NI REGION RE: NAC NEWS SHEET AND INFORMATION
ON THE LAUNCH OF THE NEW DIRECTORY AND PLANNER FOR 2010
(copy previously circulated)**

Noted.

**2008/644 : CORRESPONDENCE FROM THE NATIONAL ASSOCIATION OF
COUNCILLORS NI RE: "EXCELLENCE IN LOCAL COUNCILLORS" – NAC
NI AWARDS (copy previously circulated)**

Noted.

**2008/645 : CORRESPONDENCE FROM APSE RE: NORTHERN IRELAND
REGIONAL MEETING BEING HELD ON 17 OCTOBER 2008 (copy
previously circulated)**

Councillor Bunting expressed the view that it may be beneficial for any Member who sat on a Policy Development Committee dealing with human resource issues to attend the above meeting.

Councillor Chambers stated that she understood that she was the only Member of Council who sat on a PDC that dealt with HR issues.

Following a suggestion that the Director of Administration & Community Services attend the meeting, the Director advised that unfortunately the date of the meeting clashed with the Mayor's Installation Dinner and that she would be up at the venue for most of that day.

Following a query from Councillor J Beattie, the Director of Finance stated that he would ascertain if the Council was a member of APSE.

RESOLVED : That

- (a) The Director of Finance to ascertain whether the Council was a member of APSE
- (b) Councillor Chambers attend the APSE Northern Ireland Regional Meeting being held on 17 October 2008 in the Civic Buildings, Banbridge.

2008/646 : CORRESPONDENCE FROM THE DEPARTMENT OF HEALTH, SOCIAL SERVICES & PUBLIC SAFETY RE: CONSULTATION ON OUTCOMES OF DHSSPS EQUALITY SCREENING EXERCISES (copy previously circulated)

Noted.

2008/647 : CORRESPONDENCE FROM PHOENIX GAS RE: NATURAL GAS TARIFF PRICE REVIEW (copy previously circulated)

Alderman White proposed that the Council writes to Phoenix Gas expressing concern at the significant level of increase in its tariff and that a letter should also be forwarded to NIE with regard to its significant increases in electricity charges. He continued by stating that it was irresponsible of the NIE not to give adequate advance notice of its increases to enable customers to take advantage of the pre-payment scheme.

RESOLVED : That the Council writes to Phoenix Gas and Northern Ireland Electricity expressing concern at the significant level of increase in charges.

2008/648 : CORRESPONDENCE FROM THE WILLIAM KEOWN TRUST RE: AVAILABILITY OF PUBLIC DISABILITY TOILETS (COPY ENCLOSED)

Noted.

2008/649 : CORRESPONDENCE FROM HSENI RE: CONSULTATIVE DOCUMENT: PROPOSALS FOR THE HEALTH AND SAFETY INFORMATION FOR EMPLOYEES (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2008 (copy previously circulated)

Noted.

2008/650 : CORRESPONDENCE FROM ARC 21 RE: DELIVERY OF NEW WASTE TREATMENT FACILITIES (copy previously circulated)

Noted.

2008/651 : CORRESPONDENCE FROM THE DEPARTMENT FOR REGIONAL DEVELOPMENT RE: PROMOTION OF SUSTAINABLE TRANSPORT OPTIONS (copy previously circulated)

Noted.

ANNUAL REPORTS

2008/652 : CORPORATE AND BUSINESS PLANS FOR 2008/2009 – 2010/2011 FROM THE NORTHERN IRELAND HOUSING EXECUTIVE (copy letter previously circulated)

Noted.

2008/653 : 2007-08 INVEST NI ANNUAL REPORT AND ACCOUNTS (copy letter previously circulated)

Noted.

2008/654 : CONSULTATION REPORT BASED ON RESPONSES TO A PRE-CONSULTATION HELD LAST AUTUMN RE: NETWORK 4 YOUTH

Noted.

2008/655 : NORTHERN IRELAND FIRE & RESCUE SERVICE, ANNUAL REPORT & STATEMENT OF ACCOUNTS 2007-2008

Noted.

The meeting adjourned for a short break at 8.15 p.m. Aldermen Copeland, Rice and Robinson did not return to the meeting when it reconvened at 8.40 p.m. Councillor Henderson returned to the meeting.

ANY OTHER BUSINESS

2008/656 : MEMBERSHIP OF THE PEACE III PARTNERSHIP BOARD

Councillor Drysdale asked that Councillor Hall replace Councillor Henderson on the above Board.

RESOLVED : That Councillor Hall replace Councillor Henderson on the Peace III Partnership Board.

2008/657 : CORRESPONDENCE FROM THE HONORARY CONSUL OF THE REPUBLIC OF POLAND, NEWRY, NORTHERN IRELAND (circulated at the meeting)

Noted.

IN COMMITTEE

**2008/658 : MINUTES OF THE CENTRAL SERVICES COMMITTEE
MEETING HELD ON 8 SEPTEMBER 2008**

Councillor Robinson sought clarification in respect of Minute No. CS/2008/233 in relation to the Review of Advisory Committee Format, and in particular charges levied for the provision of tea, coffee, etc.

The Director of Administration & Community Services explained that this was a new set up involving focus groups in the various Wards instead of the monthly Advisory Committees. She added that it may result in Community Services having to hire facilities from Leisure Services in some areas and the Officers were simply seeking approval to have the premises free of charge and that tea and coffee would be provided.

The Director of Administration & Community Services then referred to Minute No. CS/2008/231 in relation to a request from Tullycarnet Autism Group for use of a room within the Tullycarnet Resource Centre.

She advised that clarification needed to be sought as to whether the group was requesting use of a dedicated room within the centre. She indicated that she would report further on the matter at the next meeting of the Central Services Committee.

Following further discussion, it was

RESOLVED : That the Minutes of the Central Services Committee meeting held on 8 September 2008 be approved as a true and accurate record of the proceedings, subject to Minute No. CS/2008/231 being referred back to the Committee for further consideration.

**2008/659 : REPORT FROM THE DIRECTOR OF FINANCE RE: REVISED
ESTIMATED PENNY PRODUCT (circulated at the meeting)**

The Director of Finance referred to an email from the Head of Operational Finance, Revenues & Benefits which he had attached to his report informing the Council of the revised Estimated Penny Product (EPP) and the amount the Council could expect to lose as a result. He added that a full round of vacancy inspections would be undertaken, in partnership with the 26 District Councils over the coming months. He outlined that this exercise was to attempt to restore the EPP's and improve on the amount of rate revenue which Councils would receive.

He continued by stating that he and the Building Control Manager had met with an official from the Valuation Office to examine the list of vacancies within the Borough. He added that the Building Control Manager had prepared a report on two options for vacancy inspections and the logistics of the Council's Building Control Service carrying these out.

Noted.

**2008/660 : REPORT FROM THE BUILDING CONTROL MANAGER –
OPTIONS FOR CARRYING OUT VACANCY INSPECTIONS WITHIN THE
BOROUGH (copy circulated at the meeting)**

The Building Control Manager outlined in his report the detail in respect of two options for vacancy inspections, as follows:

- (a) Use of permanent Building Control staff on an overtime basis (payment would only be applicable for hours in excess of 37 hours per week)
- (b) Use of temporary staff

Following discussion, it was proposed by Councillor Spratt, seconded by Councillor Henderson, and

RESOLVED : That the Council agrees to accept Option (A), as outlined in the report from the Building Control Manager, in that, vacant property inspections throughout the Borough would be carried out by permanent staff within the Building Control Service, on an overtime basis (with payment being applicable for hours in excess of 37 hours per week).

**2008/661 : REPORT FROM THE ACTING DIRECTOR OF LEISURE
SERVICES RE: ROBINSON CENTRE ECONOMIC OPTIONS APPRAISAL
(circulated at the meeting)**

The Acting Director of Leisure Services advised that a Robinson Centre Working Group meeting had been convened prior to the Council meeting to consider the above report. She added that, as the meeting had been inquorate, Members agreed that the report should be considered at the Council meeting.

She referred to the report detailing a list of eight companies that had submitted a tender for the preparation of an economic options appraisal to HM Treasury Green Book standard. She advised that, following assessment, four companies had been shortlisted and she was seeking approval to invite the companies in question to make presentations to the Robinson Centre Working Group for final assessment.

Councillor Walker proposed that, given the Boundary Commission's proposals, that consideration of this matter be deferred pending the Minister's final decision.

Councillor Chambers seconded Councillor Walker's proposal

Councillor Long expressed the view that it could be near the end of the Council term before RPA had been sorted. He added that he could see no reason for committing the money at this stage to hear the presentations, particularly given that RPA was an issue that would be considered within the economic appraisal.

Councillor Chambers outlined that it was not being suggested that this matter should be delayed until the new Councils were formed but to wait until the Minister's announcement, which may only a matter of months. She added that she had concerns that if the Council committed money at this stage for an economic appraisal in the knowledge that this facility may come under Belfast City Council, it could be deemed as nugatory expenditure.

Councillor Walker outlined that he agreed with Councillor Chambers' comments and that it was his view that it would be financially prudent to delay spending £25,000.00 of Castlereagh ratepayers' money.

RESOLVED : That the Council agrees to defer consideration of an economic appraisal for the Robinson Centre until a final decision on the boundary proposals had been made by the Minister.

2008/662 : MINUTES OF THE LEISURE SERVICES COMMITTEE MEETING HELD ON 4 SEPTEMBER 2008 – BUSINESS CASES IN RESPECT OF SPORT NI FUNDING (Minute No. LS/2008/138 refers)

Councillor Robinson outlined that the reason for deferring consideration of Minute No. LS/2008/138 was to reflect on the decision made at the Committee meeting. He referred to proposals for Sport NI Funding contained within the Minutes of the Technical & Environmental/Leisure Services Working Group meeting held on 16 September 2008, and he proposed that Minute No. LS/2008/138 be amended to reflect these proposals as the Council's preferred projects.

The Director of Technical & Environmental Services drew Members' attention to a report from the Acting Director of Leisure Services in relation to Technical, Leisure and Community Services' business cases for Sport NI funding which had been referred to "In Committee" at the commencement of the meeting.

Councillor Hanvey indicated that there had been a lot of discussion on this matter at the Joint Working Group meeting and he and Councillor Duncan had expressed a number of reservations. He asked that the Acting Director of Leisure Services provide an overview of the proposals and the respective business plans.

Councillor Walker referred to Alderman Rice's earlier comments and expressed the view that he had never heard Section 75 being so misused. He outlined that he was fully supportive of the proposals to replace the existing sports floor at Lough Moss and also the provision of a 3g pitch at Billy Neill.

Councillor Drysdale indicated that the proposals being submitted to Sport NI represented a balance of sports provision across the Borough and he had pleasure in seconding Councillor Robinson's proposal.

Councillor Bunting outlined that it had been very disingenuous of Alderman Rice to raise Section 75 issues when the Council was attempting to support

leisure facilities across the Borough whilst ensuring that they were accessible to everyone, with no group being excluded.

The Acting Director of Leisure Services advised that her report included a number of slight modifications, in line with what had been agreed at the Technical & Environmental/Leisure Services Working Group meeting. She asked if Members had any queries in this regard.

Councillor Hanvey outlined that he had read the proposals, as outlined in the Director's report and from a Leisure Services' perspective, he felt that it was an excellent business plan. He added that initially this had been a Leisure Services report which included proposals that had the potential to attract Sport NI funding. He added that, at a recent Users Advisory Committee meeting a number of people had been very vocal about the inability to book the Lough Moss facilities due to extensive usage. He added that he was disappointed that the funding application for the 3g pitch was now being submitted in respect of the Billy Neill Centre rather than at Lough Moss.

Councillor Spratt stood on a point of order and stated that he wished to clarify that the Council had previously agreed that all Departments could put forward business cases for consideration and the Acting Director of Leisure Services had been tasked with co-ordinating this exercise on behalf of the other Directors.

Councillor Hanvey stated that he was still of the view that all the proposals should be submitted to Sport NI, including the 3g pitch at Lough Moss.

Councillor Robinson reminded Members that a proposal had been put forward which had been seconded.

The Acting Director of Leisure Services then advised Members that Sport NI had identified funding in the 2008/2009 year of up to an amount of £245,000.00 available per project, subject to the project being delivered by March 2009. She recommended that the proposals in respect of the replacement pitch and replacement floor at Lough Moss be put forward for funding in the 2008/2009 year. She outlined that the submission deadline to Sport NI was 17 October 2008 and that there was adequate capital provision in this year's estimates. She added that, should this submission be unsuccessful, the Council would be eligible to re-apply when the 2009/2010 funding was released.

She indicated that the Council's original proposal for the 2009/2010 year would remain the same, but she did not want to lose out on the opportunity of availing of this early funding.

The Acting Director of Leisure Services advised that each project being funded by Sport NI was subject to a Deed of Charge and in the event that the Council did not progress any of the projects, Sport NI could claim back the funding. She further outlined that a "Report on Title" was also necessary for each project, and again this would be at a cost to the Council.

Following a query from Councillor Hanvey, the Acting Director of Leisure Services advised that a sand dressed pitch was preferable and could be utilised for other sports activities, whereas the water based pitch was exclusively used for hockey.

Discussion ensued in relation to the original proposal from Community Services, in terms of the replacement of the pitch at Cregagh. The Director of Administration & Community Services advised that this project had not met the criteria but that Officers would be pursuing other potential sources of funding.

Following further discussion, it was agreed that Minute No. LS/2008/138 be amended to include the projects as outlined in the resolution of the Minutes of the Technical/Leisure Services Working Group meeting held on 16 September 2008.

RESOLVED : That

- (a) given the timeframe involved, the Council endorses and approves the content of the resolution relating to the Minutes of the Technical & Leisure Services Working Group Minutes of 16 September 2008
- (b) Minute No. LS/2008/138 be amended to include the projects as outlined in the resolution of the Minutes of the Technical/Leisure Services Working Group meeting held on 16 September 2008, and that applications be submitted to Sport NI for funding in the 2009/2010 year in respect of the following projects:
 - Replace existing sports hall floor with composite flooring at Belvoir Activity Centre
 - Replace existing sports hall floor with composite flooring at Lough Moss
 - Replace existing synthetic pitch with either water-based pitch or sand-dressed at Lough Moss
 - Replace one grass pitch with a pitch complete with floodlighting at the Billy Neill Soccer Centre of Excellence. The funding application to Sport NI to include a request for 80% funding for the synthetic soccer pitch at the Billy Neill Centre
 - Provide four additional changing rooms to accommodate the anticipated extra footfall at Lough Moss
 - Provide eight five-a-side cages at Lough Moss (not Sport NI grant funded)
- (c) Approval granted to submit a funding application for 2008/2009 Sport NI Funding in respect of the following:
 - replace existing sports hall floor with composite flooring at Lough Moss
 - replace existing synthetic pitch with either water-based pitch or sand-dressed at Lough Moss

- cages to proceed, but not as part of the Sport NI funding
- (c) Approval granted for a Deed of Charge to be progressed in respect of each funding application being submitted to Sport NI, along with a "Report of Title", subject to legal advice being sought from the Council's solicitor in this respect and all necessary planning applications being progressed.

2008/663 : MINUTES OF THE CENTRAL SERVICES COMMITTEE MEETING HELD ON 23 SEPTEMBER 2008 - MONEYREAGH COMMUNITY FACILITY

Councillor Spratt referred to the 4th paragraph on page 2 of the above Minutes, and sought clarification as to why when there had been a detailed discussion on this matter at the meeting where Members had raised a number of concerns, but the Minutes had only reflected a query that he had raised in relation to landscaping. He added that he could not understand why only one comparatively small item which he had raised had been outlined in the Minutes and not the whole discussion.

He proposed that paragraph 4 on page 2 be deleted from the Minutes, and this was seconded by Councillor Chambers.

Councillor Spratt outlined that he wanted it recorded that there had been serious questions raised at the Special Central Services Committee meeting in relation to the handling of the Moneyreagh Centre by the Project Officer concerned, and he had made it clear that he had wanted an investigation carried out by the relevant line management. He asked that this be dealt with as a matter of urgency and that the file be fully reviewed.

He expressed the view that the Minute did not adequately reflect the concerns and sentiments expressed at the meeting by all of the Members in attendance.

Councillor Chambers brought forward the Minutes of the Special Central Services Committee meeting of 23 September 2008 forward for adoption, subject to paragraph 4 on page 2 being deleted.

RESOLVED : That the Minutes of the Special Central Services Committee meeting of 23 September 2008 be approved as a true and record of the proceedings, subject to paragraph 4 on page 2 being deleted.

2008/664 : REPORT FROM THE CAPITAL PROJECTS OFFICER RE: MONEYREAGH COMMUNITY CENTRE (circulated at the meeting)

The Director of Administration & Community Services advised Members that, as the Capital Projects Officer was not available to attend the meeting this evening, she had agreed to deliver his report. She advised that the report addressed resolution (a) within the Minutes of Special Central Services Committee 23 September 2008.

She outlined that, as requested, the Capital Projects Officers' report addressed Members' previous queries in terms of the following:

- summary of fees paid to date and any outstanding fees
- estimated cost of work/fees as a result of the re-tendering of outstanding building work
- details of any verbal or written agreements with any contractors/sub contractors/local companies/advisers on the matter.

Fees paid to date:

Work carried out up to the tender stage	£24,795.00
Post contract work	£11,547.00
Topographical survey	£ 650.00

The Director of Administration & Community Services outlined that an amount for additional drawings for the dance studio of £1,065.00 remained outstanding due to the fact that the plans had not been submitted to the satisfaction of the Capital Projects Officer. She added that in addition, a further invoice for the re-tendering expenses in respect of printing, etc of £2,809.20 were currently being disputed and therefore also remained outstanding.

She advised that the lead consultant had estimated the cost of the additional work required to have the centre ready for occupation would be in the region of £50,000.00, but this amount could only be determined accurately once it had been re-tendered.

The Director of Administration & Community Services then referred Members to page 3 of the Capital Projects Officer's report, in which he had advised that neither the Quantity Surveyor nor the Architect had entered into any verbal or written agreements with the contractors or sub contractors, local companies or advisers. She reported that the building company concerned, however, had contacted the Capital Projects Officer offering to finish the contract. She advised that the Capital Projects Officer had asked the company concerned to put this in writing, but nothing had been forthcoming in this respect. She outlined that there were therefore serious concerns as to their inability to complete the work, and as a result of the subsequent legal advice received, the contract had been determined.

The Director of Administration & Community Services then referred to page 2 of the Capital Projects Officer's report, which detailed a breakdown of the estimated consultancy fees required to bring the project to completion, in a sum of approximately £16,620.00.

Members expressed their shock that the consultants' costs were so high when set against the completion costs of £50,000.00. It was noted that the consultancy fee in the original contract was in the region of 1.81% of the total cost of building works. Members were therefore of the view that the Capital

Projects Officer needed to quantify how this was made up and advise Council as to what exactly was involved, what had been agreed with the consultants, and what they had been asked to do since the building contract had been determined.

Discussion then ensued in relation to the possibility of dispensing with the services of the current lead consultants.

The Director of Administration & Community Services outlined that she would need to obtain legal advice as to whether this was in order and also clarify if it was possible, within fiscal policies, to obtain a quotation, perhaps from another consultant currently carrying out similar work on behalf of the Council. She also felt that there would be a need to determine whether this would meet tender procedures.

Alderman White expressed the view that if it was feasible, it would be better to appoint a new consultant. He sought clarification as to whether the Bond Company would cover the fees, and whether they could perhaps suggest a company that would be able to progress the consultancy work on the Council's behalf. He then sought details of the Bond and the cover in place.

The Director of Administration & Community Services clarified that the Bond was in place to the value of £64,700.00, which had been based on the overall contract value for the building. She indicated that it had yet to be determined whether this amount was adequate to complete the building, given that the current estimate from the consultants was £50,000.00, together with their additional consultancy fees of £16,620.00. She advised that this would bring the cost of the completion works up to £66,620.00, with additional costs being incurred to provide a security presence in the building.

She continued by stating that the Capital Projects Officer had advised that there was £29,000.00 remaining in the approved Capital budget, which had not been handed over to the builder due to the building not being completed before the company went into voluntary liquidation.

Alderman White proposed that the Director seek a legal opinion in relation to dispensing with the services of the current consultant, and if this was feasible, quotations could be sought for new consultants, on the advice of the Bond Company.

Councillor Mrs Beattie sought clarification in relation to the uncertified items, with particular reference to the lift. She expressed the view that the Council may be incurring additional costs if it was to attempt to remove the lift and engage a new company.

The Director of Administration & Community Services stated that technical queries in this regard would need to be addressed by the Capital Projects Officer.

Councillor Spratt outlined that he agreed with Alderman White, in terms of obtaining legal advice on the Council's position in appointing a new consultant. He added that it was important that the Council obtained the full information, including the exact financial position; what had been paid to date; what had been certified; what was the balance, and whether the payments released were correct. He therefore felt that the Officer concerned needed to provide full details on these matters. He suggested that the complete project file should be reviewed in order to determine what had been documented, agreed, and paid for, including a review of the bill of quantities.

He reiterated the need for an investigation to be carried out as quickly as possible on the handling of the project. He continued by stating that the centre needed to be completed as quickly as possible as the school had included use of the facility in its timetable. He indicated that he was also aware that Castlereagh Arts had a number of events planned over the Christmas period involving the local Primary School.

Councillor Drysdale asked if there were any security implications regarding the threats made by the sub contractors to remove their equipment.

The Director of Administration & Community Services advised that there was currently static security presence within the community centre, but it was hoped that the installation of the alarm system would be completed within the next week and the static cover could be removed.

She then sought clarification as to how Members wished to proceed, in terms of the following options:

- re-tender for work required to complete the centre using the existing design team
- re-tender with a new design team taking the project forward, subject to satisfactory legal opinion

The Director of Administration & Community Services drew Members' attention to the timetable which had been suggested within the Capital Projects Officer's report and also the list of companies to be included on the tender list.

Councillor Chambers stated that before progressing with the re-tendering exercise, she felt that there were a number of serious questions that needed to be answered. She added that she was therefore not prepared to recommend that the Council go forward to the re-tendering stage until such matters had been resolved.

Councillor Hanvey outlined that it appeared that there were a number of serious issues which needed to be determined as a matter of urgency, in order to get the centre opened as quickly as possible. He felt, however, that the people of Moneyreagh should not suffer because of the situation which the Council found itself in.

The Director of Administration & Community Services stated that she would seek the legal advice required, and suggested that, in order to progress the matter as quickly as possible, the Central Services Committee be granted executive powers at its October meeting.

Councillor Hanvey indicated that he did not feel that the responsibility for all the issues should be placed with a Committee, and that the matter should be considered by full Council.

Councillor Tosh asked if receivers had been appointed, as it was his understanding that they could take possession of the building and confiscate the asset from the Council.

The Director of Administration & Community Services outlined that she had already sought a legal opinion in this regard, and she had been assured that as the building was on Council land, and the Council had been paying for the premises on a staged basis, the building was in the Council's ownership. She further outlined that if any sub contractor attempted to enter the property to remove any equipment, this would be deemed as trespassing.

Councillor Tosh stated that he remained of the view that, whether the liquidation was voluntary or not, receivers would be appointed and they could seize the building from Council.

Following discussion, it was

RESOLVED : That

- (a) a Special Council meeting be convened to consider the Moneyreagh Community Centre project on Monday 13 October 2008, following the Central Services Committee meeting
- (b) the Director of Administration & Community Services seek a legal opinion in relation to dispensing with the services of the current lead consultants, and any contractual issues involved
- (c) the Capital Projects Officer be asked to provide a full explanation as to the exact financial position, the amount paid to date, what had been certified, and why the remaining estimated fees from the lead consultants were so high. This detail to include what work they had been asked to do to date since the determination of the contract with the building company, and whether this work could be deemed as part of the existing lead consultancy contract.
- (d) the relevant Line Management to initiate an investigation as to the handling of the Moneyreagh Community Centre project

2008/665 : COUNCILLORS DUNCAN AND DRYSDALE

Following discussion, it was

RESOLVED : That the Mayor's Office forward a card congratulating both Councillor Duncan and Councillor Drysdale on the recent birth of their grandchild.

As there being was no further business the meeting concluded at 10.15 p.m.

CHIEF EXECUTIVE

MAYOR