

# Parks and Leisure Committee

Thursday, 10th November, 2011

## MEETING OF PARKS AND LEISURE COMMITTEE

- Members present: Councillor Corr (Chairman);  
Aldermen Humphrey and Rodgers;  
Councillors Austin, Haire, Hargey, Hendron,  
Kyle, Mallon, McCabe, McKee, McNamee,  
Mac Giolla Mhín, Mullan, A. Newton, O'Neill,  
Robinson and Thompson.
- In attendance: Mr. A. Hassard, Director of Parks and Leisure;  
Mr. C. Quigley, Assistant Chief Executive and  
Town Solicitor;  
Mrs. R. Crozier, Assistant Director of Parks  
and Leisure; and  
Mr. J. Hanna, Senior Democratic Services Officer.

### Apology

An apology for the inability to attend was reported from Councillor Cunningham.

### Minutes

The minutes of the meeting of 13th 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 1st November, subject to the rejection of the decision under the heading "Facilities Management Agreement – Termination of Contract". Accordingly, the Council agreed to proceed with the renewal of the Facilities Management Agreement at the Dixon Park Playing Fields, on the basis that the financial accounts of the club had now been received. Furthermore, under the heading "Midnight Soccer Programme", at the request of Councillor Spence, the Council agreed that officers submit, to a future meeting, a report on the possibility of the Shore Road area being included within the Programme.

### Proposal from Michael Davitt's Gaelic Athletic Club

The Assistant Director of Parks and Leisure reported that the committee of Michael Davitt's Gaelic Athletic Club had requested that the Council give consideration to a proposal for privileged access and use of the main Gaelic Athletic Association pitch at the Boucher Road Playing Fields. The Club had offered to meet the cost of the provision of a 40 feet ball stop net behind each goal, and erect a 4 feet spectator boundary around the pitch, together with a gated entry. The estimated cost of the work would be in the region of £25,000. The Club had stated that these works would improve and benefit the facility and bring it up to county level competition standard. In return, the Club had asked the Council to:

- provide privileged access to the pitch for the Club;
- provide access for a period of 20-25 years;
- provide total access to the pitch for training and the playing of matches;
- provide key holder status for access to the pitch and the facility for nominated officers from the Club;
- consult the Club before permission was granted for use of the pitch for purposes other than the Club's activities;
- provide use for the County Antrim Board of the Gaelic Athletic Association as a neutral venue.

The Assistant Director requested the Committee to take the following points into account:

- Facilities Management Agreements (FMAs) were still under review as part of the pitches strategy and no decision had been taken regarding the future of such agreements. Members might prefer not to enter into a new type of agreement in advance of the completion of the review;
- The offer from the Club was not in respect of a management arrangement but rather for preferential use. The Council had not entered into similar arrangements to date and there was an issue of any precedent which would be established and the impact that that might have for other sites;
- As part of the pitches strategy, Council officers had engaged with the Gaelic Athletic Association at county level to develop a partnership approach. The discussions were at an early stage and it might appear premature to enter into a bespoke agreement at this time; and
- The Council had not in the past entered into agreements for the length of time suggested, that is, 20-25 years, unless significant investment had been made in the site and the length of the management agreement and lease had been a condition of the funding body supporting the investment, for example Sport NI. The majority of the existing Facilities Management Agreements were for between three and seven years and were currently being extended on a month by month basis pending the outcome of the Facilities Management Agreements review.

The Assistant Director had, therefore, recommended that the Committee defer taking a decision on this request until the review of Facilities Management Agreements had been completed and requested that authorised officers continue to work with Michael Davitt's Gaelic Athletic Club to develop their proposal.

The Assistant Chief Executive and Town Solicitor explained to the Committee that, rather than a Facilities Management Agreement, the request from Michael Davitt's Gaelic Athletic Club was for the preferential use of the facility. He advised that the Committee should seek to develop a framework, within the proposed Pitches Strategy, for dealing with such requests so that they could be considered in a clear, fair and consistent manner, together with principles and a legal agreement, with partnership arrangements where appropriate and which would include the necessary resources to administer the system.

A lengthy discussion ensued, during which a Member pointed out that Michael Davitt's Gaelic Athletic Club was a long established and respected Club in the City and that it would be willing to accept a lease for a term of seven years.

Accordingly, it was

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

That the Committee agrees to accept the proposal from Michael Davitt's Gaelic Athletic Club for the use of the main pitch at the Boucher Road Playing Fields, subject to a lease for a term of seven years.

#### **Amendment**

Moved by Councillor Robinson,  
Seconded by Councillor Newton,

That the Committee agrees to defer consideration of the request until the review of Facilities Management Agreements had been completed, and authorises officers to continue to work with Michael Davitt's Gaelic Athletic Club to develop their proposal, and that a report on the development of a framework for managing pitches within the context of partnership arrangements be submitted to the Committee in January, 2012.

On a vote by show of hands ten Members voted for the amendment and nine against and it was accordingly declared carried.

The amendment was thereupon put as the substantive motion, when ten Members voted for and nine against and it was accordingly declared carried.

#### **Centenary Events**

The Committee noted the contents of a report which clarified the number of requests which had been received from different organisations for a range of dates and venues for centenary and anniversary events over the next year.

**Request from Ballynafeigh Orange  
Hall Management Committee**

The Director of Parks and Leisure reminded the Committee that, at its meeting on 15th September, it had considered a request from the Ballynafeigh Orange Hall Management Committee for a floral display in the Ormeau Park during the summer of 2012 to mark the 125th anniversary of the Ballynafeigh Orange Hall and Reading Room. At that meeting, it was agreed to refer the request to the Historic Centenaries Working Group.

He advised the Committee that the Historic Centenaries Working Group, at its meeting on 17th October, had considered the request and agreed to recommend that the Committee grant approval, subject to an appropriate policy being developed that would open up this opportunity to other bona fide groups celebrating centenaries.

During discussion, a number of Members referred to the Council's proposal to develop a Diversity Strategy and suggested that the Committee should defer a decision in this regard until the Strategy had been introduced, to enable Members to give proper consideration to the request.

After discussion, it was

Moved by Councillor Hargey,  
Seconded by Councillor Austin,

That the Committee agrees to defer consideration of the request until the proposed Diversity Strategy has been introduced.

**Amendment**

Moved by Councillor Robinson,  
Seconded by Councillor Thompson,

That the Committee agrees to approve the recommendation of the Historic Centenaries Working Group that the request from the Ballynafeigh Orange Hall Management Committee be granted, and that a report on an appropriate policy for such requests be submitted to the Committee in December.

On a vote by show of hands thirteen Members voted for the amendment and six against and it was accordingly declared carried.

The amendment was thereupon put as the substantive motion, when thirteen Members voted for and six against and it was accordingly declared carried.

**Request from the Joint Unionist Centenary Committee**

The Director of Parks and Leisure reminded the Committee that, at its meeting on 15th September, it had agreed to refer to the Historic Centenaries Working Group a request from the Joint Unionist Centenary Committee to have a parade to the

Strangford Avenue Playing Fields to commemorate the centenary of the Balmoral Review. Subsequently, at the Council meeting on 3rd October, that request had been amended to refer to the use of the Ormeau Park in May 2012.

He advised the Members that, following the Council meeting, the Good Relations Manager and the Policy and Business Development Manager from the Parks and Leisure Department had met with representatives from the Joint Unionist Centenary Committee to clarify the detail of the application.

The additional information gleaned from the meeting, together with the revised location requested, had been discussed at the Historic Centenaries Working Group on 17th October and again on 26th October, when representatives of the Joint Unionist Centenary Committee were in attendance.

After consideration, the Historic Centenaries Working Group had agreed to recommend to the Parks and Leisure Committee that approval be granted to the request in line with the proviso detailed in the September Committee report that:

1. the event organisers would resolve all operational issues to the Council's satisfaction;
2. an appropriate legal agreement, which would be prepared by the Town Solicitor and Assistant Chief Executive, would be completed;
3. the event organisers would meet all statutory requirements, including entertainment licensing; and
4. the event organisers would ensure that all health and safety requirements are met to the Council's satisfaction.

And, subject to a number of further conditions, namely that:

- there would be no displays of paramilitary emblems or regalia;
- no national flags or symbols are burnt or defaced; and
- all the requirements of the Council's events plan would be fully complied with.

After discussion, it was

Moved by Councillor Hargey,  
Seconded by Councillor Austin

That the Committee agrees to defer consideration of the request until further information and clarification has been received in relation to the routes for the five feeder parades.

### **Amendment**

Moved by Councillor Robinson,  
Seconded by Councillor Newton,

That the Committee adopts the recommendation of the Historic Centenaries Working Group in line with the proviso as detailed.

On a vote by show of hands thirteen Members voted for the amendment and six against and it was accordingly declared carried.

The amendment was thereupon put as the substantive motion, when thirteen Members voted for and six against and it was accordingly declared carried.

### **Departmental Plan Update**

The Committee noted the contents of a report in relation to the six monthly progress with the 2011-12 Departmental Plan.

### **Underutilised Funds**

The Director reminded the Committee that the Strategic Policy and Resources Committee, at its meeting on 19th August, had highlighted the potential for underutilised funds becoming available for re-allocation and that subsequently it had been agreed to allocate £800,000 to Parks and Leisure to supplement the Department's budget on a non-recurrent basis and that the Parks and Leisure Committee should agree the final allocation of money to specific initiatives.

The following areas had been identified as being suitable for non-recurrent financing:

1. A programme of 3G and grass resurfacing which had been identified as being required through the Pitches Strategy;
2. The resurfacing of the cycling track at Orangefield Park which was used as a training facility for national cyclists who competed in the Commonwealth and Olympic games;
3. A programme of improvements and renewals in parks and leisure facilities, including lighting and equipment; and
4. A programme of community initiatives, including playgrounds, community gardens and local community events.

Accordingly, the Committee considered the undernoted portion of the report which set out the proposed areas for allocation of funding:

<u>Proposed allocation of Underspend</u>	<u>Estimated Cost</u>
Provision of Outdoor Gym Equipment at various park sites to be agreed (8 sites @ £10,000, working in partnership with the Public Health Unit)	£80,000
Replacement Leisure equipment now at end of life (all centres)	£250,000
Development of Community Gardens at 4 locations to be agreed across the city	£200,000
Essential work on Orangefield Cycle Track	£220,000
Grass Pitch Maintenance in line with resurfacing needs identified through the Pitches Strategy	£50,000

The Director of Finance and Resources reported to the Strategic Policy and Resources Committee on 4 November that the introduction of the new Local Government Finance Act 2011 would give greater flexibility to how the capital programme is managed. With the new Act, if the full budget for the capital programme loan repayments is not needed in a particular year, that element of the budget which is not required may be reallocated in that year to pay for other capital schemes, on a one-off basis. Members will therefore be able to re-prioritise schemes that the council had not previously been able to commit to for affordability reasons and deliver new smaller scale schemes without impacting on the level of district rate set.

Although the governance arrangements for these smaller schemes has still to be considered by Strategic Policy and Resources it is proposed that a number of projects are developed to a state of readiness to be progressed as funding becomes available and to allow some flexibility in delivery should other projects not progress. These include:

<u>Projects identified to be prepared in readiness for funding</u>	<u>Estimated Cost</u>
Pitch and Mitch Playground development	£130,000
Provision of lighting at sites	£80,000
Resurfacing of various MUGAs	£600,000
Development of MUGAs at various locations	£600,000

**Consultation and work on specifications are required after which projects will be brought before committee for agreement on locations and delivery.**

**A number of procurement exercises will be required to be undertaken to ensure the delivery of the projects within the tight timescale and work is currently underway to work up the relevant specifications.**

After discussion, the Committee approved the proposed use of the underutilised funds as outlined, and noted that further reports would be submitted to the Committee to seek agreement on locations and delivery.

### **Sport NI - Capital Community Funding**

The Director of Parks and Leisure submitted for the Committee's consideration the undernoted report:

#### **"1 Relevant Background Information**

**At its meeting on 11th August, 2011 the Committee was provided with information on three schemes which were progressing under the Sport NI Community Capital Programme funding scheme. The three schemes were for the provision of a:**

- 1. mountain bike trail at Barnett Demesne/Mary Peters Track (CAAN);**
- 2. 3G soccer pitch at Marrowbone Millennium Park (Ardoyne Youth Providers); and**
- 3. a 3G soccer pitch at Hammer Open Space (Shankill United).**

**Sport NI (SNI) has indicated that the applicants have all demonstrated a high level of need for their respective projects and that these projects fit with the criteria of the programme. The three schemes have been prioritised for funding subject to the applicants satisfying Sport NI that they have:**

- 1. security of tenure;**
- 2. secured sufficient matched funding to complete the project; and**
- 3. all the necessary statutory approvals.**



Sport NI has now asked the three applicants to demonstrate their state of readiness.

Committee had authorised officers to enter into further discussions with the applicant groups to agree the nature of any legal arrangements and agree terms prior to referring the matter back to the Parks and Leisure Committee and ultimately the Strategic Policy and Resources Committee in accordance with Standing Orders 46 and 60. Committee also authorised officers to continue to explore ways in which the council might provide financial assistance to the projects.

## **2     Key Issues**

Further discussions have taken place between officers, the grant applicants, and SNI resulting in clarification of the requirements for each party as follows:

- In the case of the Marrowbone and Hammer 3G pitch developments, SNI has stated that while it prefers that the grant applicant hold a lease for ten years from the date of the grant award, it would be satisfied with an appropriate management agreement between the council and the applicant setting out the respective roles and responsibilities of each; this agreement would be underpinned by a deed of dedication which would represent a tie to the land and would require the council to continue to use the land for the agreed purpose for a period of 10 years from completion of the works;
- In the case of the mountain bike trail at Barnett's Demesne/Mary Peters Track, SNI has stated that it does not require the grant applicant to hold a lease and is content that the applicant's security of tenure is by means of a 'permissive agreement'. This is basically an acknowledgement that the track will be installed on the council's land and does not confer any title upon the grant recipient. The council would also enter into a deed of dedication similar to that for the projects at Marrowbone and the Hammer;

- The deed of dedication with the three grant recipients would require the council to take over responsibility for maintaining, operating and (if necessary) replacing or renewing the facility if the grant recipient is unable to do so at any time during the ten years. Alternatively if the council chose not to maintain, operate, or replace the facility, SNI could seek repayment of part of the grant funding (based on a sliding scale over the ten year period).

It is therefore proposed that the schemes at Marrowbone and the Hammer be formalised by way of an agreement for a management arrangement. The terms set out in the agreement would allow for a building licence, during the construction period and would lead to the grant of a management arrangement plus deed of dedication once the construction phase had been satisfactorily completed. It would also require the relevant group to satisfy some prerequisites before commencement of the building works. These would include:

- plans and outline specification to be submitted by grant recipient to the council for approval;
- full planning permission, where necessary, obtained for the project;
- evidence that capital funding is in place for the whole project;
- a sports development plan and business plan for the delivery of the programme of activities/use.

All of the applicants have indicated that they have a current shortfall in funding to match the SNI offer of £245,000 for each project. The exact amount in each case has still to be finally determined but is likely to be as follows:

- Barnett Demesne/Mary Peters approximately £100k.
- Hammer – approximately £100k.
- Marrowbone – approximately £250k.

Discussions have taken place with the Director of Finance and Resources who has indicated that as the schemes are enhancing council assets they should be viewed as capital schemes and therefore the best source for any council match funding would be the capital budget.

The Director of Finance and Resources reported to the Strategic Policy and Resources Committee on 4 November that the introduction of the new Local Government Finance Act 2011 would give greater flexibility to how the capital programme is managed. With the new Act, if the full budget for the capital programme loan repayments is not needed in a particular year, that element of the budget which is not required may be reallocated in that year to pay for other capital schemes, on a one-off basis.

**3 Resource Implications**

**Financial**

In this context it is recommended that the Committee agree that the three schemes should be put forward for inclusion in the council's capital programme. This means that Members will be required to submit the above proposal to the Strategic Policy and Resources Committee and the gates process. If approved, the council's funding element would then be financed on the basis of a one-off payment in the context of the new Finance Act. This means that there would be no additional burden on the ratepayer and the spend would lever external funding totalling up to £735,000.

Should the council make a contribution to the project costs it would be to a maximum of £375k.

**Human Resources**

No additional human resources required or released. Existing resources in Parks and Leisure, Legal Services and Property and Projects Department required in setting up the various legal arrangements.

**Asset and Other Implications**

The projects will have implications for the council's estate in that there will be associated deeds of dedication that tie the council in to a 10 year use of that land for the specified purpose. Should the council default on this there may be financial implications imposed through a claw back clause. However, the completion of the works will provide an enhanced facility and will make a positive contribution to health and well being of the city.

**4 Equality and Good Relations Considerations**

The proposed agreements and deeds of dedication will include requirements related to Section 75 compliance via the sports development plans.

**5 Recommendations**

It is recommended that the Committee:

1. approve entering into management agreements with each of the applicants and formalise this by agreement to enter into management agreements to the satisfaction of Sport NI;
2. agree that the management arrangement be for a period of 10 year;
3. agree to 10 year deeds of dedication with Sport NI and the prospective grant recipients to provide a safety net to Sport NI in the event that the aforementioned grant recipients are unable to sustain the facilities and/or the leases. This recommendation is subject to the further approval of the Strategic Policy and Resources Committee in accordance with Standing Orders 46 and 60;
4. agree to provide the necessary licence agreements to facilitate construction works at the appropriate times; and
5. agree to recommend to the Strategic Policy and Resources Committee that a financial contribution be made to each of the three projects to a maximum of £125k per project.”

The Committee adopted the recommendations within the report, subject to an amendment that a financial contribution be made to each of the three projects, up to a total of £375,000, allocated with a degree of flexibility as necessary to assist each club to achieve its project.

**Update on Refurbishment of  
Mary Peters Track**

The Committee noted the contents of a report and a presentation of plans on the current progress with the refurbishment of the Mary Peters' Track.

**Outdoor Fitness Equipment Proposal**

The Director of Parks and Leisure submitted for the Committee's consideration the undernoted report:

**“1. Relevant Background Information**

Blythefield Park is located in the Sandy Row area of South Belfast and is the only green space in the area. The park comprises a children’s playground, 18 small allotments and a BMX track, all owned and managed by the council. There is also a nursery school within the park and a primary school, youth club and multi use games area (MUGA) within the surrounding area.

Blythefield Park is included within the neighbourhood renewal action plan for South West Belfast, which makes reference to the improvement of public realm and provision of green and communal spaces in the area.

Areas of South Belfast, including the Sandy Row area, have significantly worse health than other more affluent areas of the city, with higher prevalence of diabetes, circulatory and respiratory disease recorded.

Following local consultation the Sandy Row Community Forum (SRCF) approached the council and Public Health Agency (PHA) regarding potential for the development of Blythefield Park to include outdoor fitness equipment for adults.

The land identified for the installation of outdoor gym equipment is owned by the council.

Discussions have also been ongoing with the PHA about the rolling out of a programme to install outdoor gym equipment in other council parks and open spaces.

**2. Key Issues**

Blythefield is a community led initiative, which has been identified through local consultation undertaken by the SRCF and links to the neighbourhood action plan for South West Belfast.

The proposal links directly to the work of the Local Commissioning Group in South Belfast in promoting physical activity and opportunities for physical activity and the council’s vision of improving quality of life and is supported by the PHA and Belfast Health Development Unit (BH DU) as part of the developing work around ‘Active Belfast’.

This proposal would increase physical activity opportunities for adults living in the Sandy Row and surrounding area.

Blythefield Park has low levels of recorded incidents of anti-social behaviour.

The SRCF has asked council to:

1. agree to the proposed installation of outdoor adult fitness equipment at the Blythefield site;
2. provide assistance in designing the layout for proposed scheme;
3. prepare the land prior to the installation of equipment;
4. undertake the maintenance of the equipment; and
5. accept the public liability responsibility in respect of the equipment.

Officers have been working with the PHA who have expressed a willingness to provide funding to develop a proposal for the purchase and installation of outdoor fitness equipment for another seven sites across the city.

Work is currently being undertaken to develop a selection criteria to identify other potential sites. Once this has been completed the list of potential sites will be brought back to committee for approval.

3. **Resource Implications**

**Financial**

The BHDU has confirmed funding of £25,000 with a further £3,950 confirmed by the PHA, to cover the cost of purchasing and installing the equipment. A small financial outlay may be required to prepare the land for installation. The equipment would be inspected as part of the ROSPA inspection programme in place for children's playgrounds. The cost of installing equipment on an additional seven sites is approximately £160,000. PHA have indicated their willingness to provide £80k to this project. In September 2011 the SP&R Committee agreed to allocate £800k to Parks and Leisure Programmes. It is proposed that this scheme be allocated £80k from that budget.

**Human Resources**

Resources will be required for the additional seven sites.

#### **Asset and Other Implications**

The installation of this equipment will make a significant contribution to the quality of life of the community and will support neighbourhood renewal through delivery of the action plan.

#### **4. Equality and Good Relations Implications**

None.

#### **5. Recommendations**

It is recommended that Committee agree to:

1. the land at Blythefield Park being used to locate adult outdoor fitness equipment;
2. provide assistance in designing the layout for the proposed scheme;
3. prepare the land prior to the installation of equipment;
4. undertake the public liability responsibility in respect of the equipment and ongoing maintenance as required; and
5. the installation of outdoor gym equipment on another seven sites subject to agreement by committee on locations.”

The Committee adopted the recommendations.

#### **Consultation on High Hedges**

The Committee considered the undernoted report and draft consultation response:

#### **“1. Relevant Background Information**

- 1.1 In March 2010, the council responded to the Department of the Environment (DoENI) consultation on the draft High Hedges Bill - which became the *High Hedges Act (Northern Ireland) 2011* (the Act) in May 2011. Following on from this, in September 2011 the council responded to a DoENI consultation on the associated *(Draft) High Hedges (Fee) Regulations (Northern Ireland) 2011* and the *(Draft) High Hedges (Fee Transfer) Regulations (Northern Ireland) 2011* (the Regulations), as approved by this Committee at its September 2011 meeting.

1.2 In summary, the Act will provide a means of redress for people who are suffering because of a high hedge (types of hedges that are covered by the legislation are specified) on a neighbour's land acting as a barrier to light, and will provide district councils with certain powers to deal with complaints about high hedges. The regulations will allow councils to charge a fee for complaints, and to transfer this charge to 'hedge owners' where hedges are found to be a problem.

## 2. Key Issues

2.1 DoENI is currently undertaking further consultation on the *High Hedges Act (Northern Ireland) 2011- Draft Guidance*, to which responses are required by the deadline of 11 November 2011. The consultation seeks views on five draft guidance documents to support the *High Hedges Act (Northern Ireland) 2011*, specifically:

- Draft Guidance for Councils;
- Technical Guidance;
- Draft Guidance for Complainants;
- Draft Guidance for 'Hedge Owners'; and
- Draft Guide to Appeals.

2.2 The consultation documents are available through the Consultations page of the DoENI website at <http://www.doeni.gov.uk/index/information/foi/recent-releases/publications-details.htm?docid=8356> (these are too large to provide with this report).

2.3 A draft response has been prepared though consultation with relevant officers across the council including staff from the Public Health and Regulatory Services Division in Health and Environmental Services (see Appendix).

2.4 There are staff resource requirements to implement the legislation. These are dealt with in the section below.

## 3. Resource Implications

### 3.1 Financial

As detailed in the report to Committee in September 2011, the DoENI recommends that the charge levied be in the region of £320 to £350 per case. At present it is anticipated that we would be required to deal with a figure in the region of 200 cases per year, generating potential revenue of between £64,000 and £70,000. However the Department does not currently have the resources to deal with this anticipated caseload. Therefore it is estimated that additional staff will be required.



Revenue generated:	£64,000	£70,000
Staff cost:	£55,000	£55,000
Net cost saving:	(£9,000)	(£15,000)

### 3.2 Human Resources

To effectively manage the scheme it is anticipated that 2 additional staff should be recruited; one administrative and one technical for a range of duties which will include:

- dealing with daily queries/requests and assessing if the complaint falls within the scope of the High Hedges Act;
- providing advice and information packs;
- detailed site visits which will enable the gathering and assessment of evidence in each individual case;
- issuing various letters to complainants and hedge owners;
- enforcement;
- monitoring 'Remedial Notices';
- dealing with appeals; and
- updating the High Hedges database on a daily basis

- 3.3 These posts are not currently in the establishment for the Department. The indicative grade at this stage is scale 4 for the administrative post and S01 for the technical post with a combined cost of £55,000 per year, to include NIC and superannuation. Given that the level of demand is not yet known, it is envisaged that these posts would be recruited as fixed term in the first instance. A review would then take place at an agreed future date with a view to establish whether or not a business case can be made for permanency.

#### Asset and Other Implications

None at this stage.

### 4. Equality and Good Relations Implications

- 4.1 In the consultation documents, DoENI states that it undertook an equality impact screening of the draft High Hedges Bill and the High Hedges fee regulations, concluding that "there is no adverse impact for any of the nine categories listed under Section 75". From this, DoENI considers that separate screening of the supporting guidance is not necessary.
- 4.2 DoENI also considers that its proposals are compatible with the Human Rights Act 1998.

5. **Recommendations**

5.1 **Members are asked to:**

- (i) **Approve submission of a final consultation response to DoENI, subject to any comments provided, by the deadline of 11 November 2011. This would be with the proviso that the response is subject to full council approval on 1 December 2011; and**
- (ii) **Approve the creation of 2 posts, one administrative and one technical, to discharge the council's new responsibilities under the High Hedges Act (Northern Ireland) 2011. These posts will be fixed term in the first instance with the Department presenting a further report at a future date, providing an analysis of demand and cost and the associated staffing implications.**

6. **Decision Tracking**

**Report to Committee By the Woodland and Recreation Manager in January 2012, providing an update on progress towards the draft regulations coming into operation.**

**Appendix**

**Consultation Issues**

***Q1 – Do you have any comments on the draft High Hedges Act (Northern Ireland) 2011 – Guidance for Councils?***

**There are concerns surrounding the timescale 2.17 (page 29) for Councils to arrive at a decision. There is an expectation that it could take at least 12 weeks as well as the indeterminate length of time it may take for the hedge owner to take action, for example; a complaint may be made in December and a decision may not be through until March which would run into the beginning of the bird nesting season.**

**Where the Council is party to a complaint concerning its own evergreen/semi evergreen hedges within its properties, would it be fair to charge a generic fee in this instance, considering the Council should be maintaining to a degree, boundary vegetation?**

**Although this guidance is made for Councils it is likely to be available to the public and the reference in 2.19 (page 30) may be unhelpful in relation to refund if a complaint is withdrawn. Councils should be able to decide their own policy on refunds.**

Compliance period in Section 3.6 (page 35) is very clear that there is only one enforcement date i.e. compliance date of notice. In cases where very high hedges must be lowered by stages, could it not be timetabled into what steps must be carried out annually with an enforceable date attached at each stage. The alternative to this is that a hedge owner may receive a notice to reduce the hedge to 2 metres from 30 metres and may be given 4 years to complete this in staged reductions. That hedge owner may decide to continue with the 30 metre hedge until just before the enforcement date and then remove the hedge. Some may be aggrieved at seeing no action in that 4 year period.

In section 3.7 (page 36) there appears to be a directive that Councils should apply a statutory charge against an outstanding fee applied to the hedge owner. It was our understanding that this charge could be pursued as a civil debt through small claims court.

In section 2.4 (page 70) there is a reference to 'view' which cannot be a consideration for this legislation.

*Q2 – Are there any further aspects that need to be covered in the Guidance for Councils?*

Can the Department issue advice in relation to a situation where a high hedge is complained about and the investigation finds that no remedial work is required in relation to distance to the dwelling? If the complainant in later years extends their house towards the hedge, does this initiate a new complaint and assessment or is there an onus on relevant authorities to assess this e.g. planning, or in some cases no planning permission may be required for a small extension?

In the case of a complainant making a complaint about multiple hedge where notices are served on these multiple hedge owners, does the fee transfer onto those that don't carry out remedial work at the full rate or at the relevant fraction of the full rate? (E.g. three hedge owners receive notice and none do the remedial work, then would the maximum fee be transferred onto each of them or is it one third of the maximum fee onto each of them?)

*Q3 – Do you have any comments on the High Hedges Act (Northern Ireland) 2011 – Technical Guidance?*

No comments.

*Q4 – Do you have any comments on the draft High Hedges Act (Northern Ireland) 2011 – Guidance for Complainants?*

No comments.

***Q5 – Do you have any comments on the draft High Hedges Act (Northern Ireland) 2011 – Guidance for ‘Hedge Owners’?***

No comments.

***Q6 – Do you have any comments on the draft High Hedges Act (Northern Ireland) 2011 – Guide to Appeals?***

No comments.

***Q7 – Are there any other aspects of the High Hedges Act that could benefit from guidance being produced by the Department?***

No comments.”

After discussion, the Committee adopted the recommendations within the report.

### **Alexandra Park Update**

The Director of Parks and Leisure submitted for the Committee’s consideration the undernoted report:

**“1. Relevant Background Information**

In late 2008 Groundwork NI was awarded £998,000 under the European Regional Development Fund Peace III Programme, Priority 1.1 Building Positive Relations at a Local Level, to deliver the Reconciling Communities through Regeneration (RCTC) programme.

In consultation with the council and the local community, Alexandra Park was chosen as a specific project within RCTC, with a budget allocation of £50,000 towards physical regeneration works. In November 2009, a community/inter-agency project steering group (the Steering Group) was established

In November 2010, Committee approved regeneration proposals made by the Steering Group including development of a nature trail, installation of seating and interpretive panels on the history and wildlife within the park and development of a picnic area. Site work was completed earlier this year with the assistance of an additional £50,000 secured from the Alpha Programme (the Landfill Communities Fund distribution body).

Members will be aware of the funding agreement, agreed at the September 2011 committee, between Groundwork NI and the Council regarding Alexandra Park. This agreement was to ensure that the progress to date is built upon and that sustainable partnerships and relationships continue to be developed.

Groundwork continue to work with the cross community steering group, the Community Park Manager, Community Outreach Manager and the Department's Antisocial Behaviour Co-ordinator to extend the activities that came about through the RCTR and ALPHA funding.

2. Key Issues

In February of this year Groundwork NI carried out consultation with residents to gauge opinions on installing an access point in the peace wall running through Alexandra Park. The survey responses were in favour of opening the peace wall temporarily as a pilot with possible extension following evaluation. It was agreed that the gate would be constructed in time for a formal opening in September 2011 and would trial for three months to December 2011. Currently the gate is open from 9.00am to 3.00pm Monday to Friday.

The formal opening of the peace wall took place on Friday 16 September 2011. It was opened by Justice Minister David Ford and school children from Currie and Holy Family primary schools. The Chair of the Parks and Leisure Committee also attended the launch event and spoke on behalf of Belfast City Council. The launch was well attended and received positive media coverage not only locally but also nationally and internationally.

Since the opening, several prestigious visits have taken place to the park. On Thursday 6 October 2011 the park was visited by the Joint Oireachtas Committee on the Implementation of the Good Friday Agreement upon request by one of the project funders, SEUPB; and on Thursday 13 October 2011 Ms Jane B Zimmerman and Ms Kamala Shirin Lakhdhir, who are representatives of the US Embassy, visited the park and the Deputy Chair of the Parks and Leisure Committee also attended on this occasion. As a result of her visit the US Consul has offered to host the Steering Group's planning day in December when the group will discuss future plans for the park and develop an action plan for the way forward.

On Saturday 17 September the community enjoyed a wide range of activities at a family fun day to celebrate the completion of the regeneration works. The event was free for all to attend and activities included:

- bouncy castles;
- a zip line across the peace wall;
- a penalty shoot out;
- an environmental scavenger hunt;
- fishing demonstrations;
- a climbing wall;
- a variety of art workshops, musical entertainment, face painting, magician and street entertainment; and
- a birds of prey display

Attendance on the day was estimated at just over 500 people. The Lord Mayor attended the fun day and walked throughout the whole park to see the variety of activities on offer at the fun day.

Since then several workshops have been organised with the surrounding schools to work on both historical and environmental artwork for the interpretive panels installed within the park as part of the regeneration work. Work will also be commencing with the local youth clubs to try and engage some of the more marginalised young people who 'hang out' in the park and give them a more positive role in the regeneration of the park. This ongoing engagement with young people within the community ensures community buy-in and ownership. The artwork and information should be printed on the interpretive panels by January/mid February and will add educational value to the park and its users.

Groundwork NI and the council continue to monitor and evaluate the success of the pilot through community feedback and reports of incidents or antisocial behaviour directly linked to the access gate. To date there have been no incidents of antisocial behaviour reported to the antisocial behaviour officer or to the PSNI.

On completion of the pilot Groundwork NI in partnership with the council will carry out any further necessary evaluation and consultation around the possibility of extending the opening hours of the access gate in line with park opening and closing times and making it permanent. Following her visit to the park, the Committee Deputy Chair has suggested that the Committee might want to receive a presentation on the pilot once it has concluded.

3. **Resource Implications**

This work is being carried out by Groundwork with involvement from the Department's outreach and parks staff in line with the agreement with Groundwork. The cost to the council is £11,000 in the 11/12 financial year.

4. **Equality and Good Relations Implications**

The Alexandra Park project has been developed with the full involvement of the good relations team, local communities and all relevant stakeholders and is completely in line with the Council's responsibilities in this area.

5. **Recommendations**

Members are asked to note the content of this update report and to agree to a presentation on the project at the conclusion of the pilot of the opening of the gate in the park."

The Committee noted the report and agreed to receive a presentation on the project at the conclusion of the pilot of the opening of the gate in the park.

**Reservoir Supervision and Maintenance**

The Committee considered the undernoted report:

"1 **Relevant Background Information**

In February 2011 there was a minor overflow of water from the upper pond in the Waterworks. In investigating the underlying reasons for this, discussions were held with the Rivers Agency. During these discussions they indicated that in Great Britain duties are placed on owners of reservoirs and water retaining structures under the Reservoirs Act 1975 (as amended) to have required inspections carried out by 'qualified' reservoir panel engineers to ensure that necessary measures are taken to ensure the integrity of water retaining structures.

The Act is considered as established good practice in the supervision and maintenance of reservoirs. The term 'enforcement authority' as used within the Act, being the body which has legal powers to ensure action is taken to carry out all measures recommended in the interests of safety is not currently applicable in Northern Ireland. However, there is still an onus on the reservoir owner to put into practice any recommendations made in that they are ensuring best practice.

Northern Ireland is in the process of developing a separate Reservoirs Bill in a similar manner to the "Reservoirs (Scotland) Act 2011". The development of the proposed Bill is at consultation stage involving representatives of various organisations including local district councils, NI Water, NI Environment Agency, the Ulster Farmers Union, the Ulster Angling Federation and the Institution of Civil Engineers (ICE). The proposed legislation is scheduled to be introduced by 2013 and will ensure that reservoirs are managed and operated to minimise the risk of failure thereby protecting human life, the environment, cultural heritage and economic activity from flooding.

Three water retaining structures owned by the council have been identified as:

- Waterworks Upper Pond and Lower Pond dam structures;
- Boodles Dam at Ligoniel Park; and
- Half Moon Lake, off Suffolk Road.

The council has been pro-active in commissioning a survey for the first of these structures, the Waterworks Upper Pond and Lower Ponds.. The inspection was carried out by URS Scott Wilson, Belfast and the report was produced in July 2011.

The report was followed by recommendations from URS Scott Wilson, Belfast regarding the implementation of a formal inspection and reporting system for the Waterworks Upper Pond and Lower Pond structures.

A number of recommendations for remedial measures were identified by their report and steps are currently being taken to implement these recommendations.

## **2 Key Issues**

There is no current framework for the regular formal inspection and provision of condition surveys for any water retaining structures within council parks estates.

Failure to undertake regular formal inspections may mean that repairs which otherwise would be minor, may require major work, resulting in significant cost.

The council needs to implement a formal inspection and reporting system for its water retaining structures, in line with current best practice and forthcoming legislation.



It is anticipated that once inspection reports for all sites are completed a plan for remedial works will be put in place.

**3 Resource Implications**

**Finance**

In order to undertake a robust inspection process, independent inspections will be required at each of the three dam sites identified.

A previous inspection of the Waterworks Upper Pond and Lower Pond dams cost £7,835.00 excluding VAT. It is anticipated that inspections of Boodles Dam, Ligoniel Park and Half Moon lake may have similar costs.

**Human Resources**

Staff from the Landscape Planning and Development Unit within the Parks and Leisure Department will be required to procure, engage and liaise with external consultants regarding inspection of the three dam structures city wide.

Inspection and survey reports will be carried out by external consultants. The system of inspections may make provision for the regular visual inspections of the dam structure by Landscape Planning and Development Unit staff of the Parks and Leisure Department. This will be incorporated alongside other existing inspections therefore incurring minimal resource issues.

**4 Equality and Good Relations Implications**

None.

**5 Recommendations**

Members are asked to agree to the establishment of an inspection process in line with current best practice for all appropriate water retaining structures.”

The Committee noted the contents of the report and agreed to the establishment of an inspection process in line with current best practice for all appropriate water retaining structures.

**Institute of Cemetery and Crematorium  
Management Annual General Meeting**

The Assistant Director of Parks and Leisure advised the Committee that a request had been received from the Branch Secretary of the Scotland and Northern Ireland Branch of the Institute of Cemetery and Crematorium Management asking if the Council would host its Annual General Meeting in spring 2012.

She pointed out that, at this stage, the Institute was unsure as to how many members wished to travel to Belfast. However, based on 36 people attending, the cost, on the current scale of charges, was approximately £1,324 including bus hire, room hire and conference catering.

The Committee agreed to host the Annual General Meeting of the Scotland and Northern Ireland Branch of the Institute of Cemeteries and Crematorium Management in spring 2012.

**Closure Report on People in Parks Initiative**

The Director of Parks and Leisure submitted for the Committee's consideration the undernoted report:

**"1. Relevant Background Information**

The People in Parks initiative is a pilot project that was developed as part of the Parks and Leisure Department's Antisocial Behaviour Programme. Members will recall previous reports updating the committee on the development of the initiative (12 August 2010 and 10 February 2011). The delivery of the initiative cost £27,000.

**2. Key Issues**

The People in Parks Initiative consists of activities that:

- involve young people in legitimate use of council parks;
- involve young people in creating safer parks; and
- reduce antisocial behaviour.

The pilot initiative has been delivered by Challenge for Youth.

The project has delivered youth participation opportunities in park hotspot areas in north, south, east and west Belfast. The hotspot areas were identified as Falls Park, Orangefield Park, Ormeau Park and Alexandra Park. These locations were chosen based upon evidence gathered by the Safer Belfast Tasking Process and the Parks and Leisure department ASB Co-ordinator.

#### **Main findings of the Evaluation Report**

The initiative has attempted to deliver 2 projects in each park as follows:

- Orangefield Park: access to the bowling pavilion for young people and a community fun day to tie in with the Royal Wedding in April 2011
- Ormeau Park: the design and development of a tourist information board/art piece and the delivery of a community fun day targeted at young people
- Alexandra Park: access to the football pitches and facilities and a Lark in the Park community fun day
- Falls Park: the erection of a plaque to a local young person who had passed away in the park and the delivery of a Schools Out for Summer community fun day.

#### **Outputs achieved from the work have included**

- Engaging 110 young people in the activities, 64% of these were male.
- The provision of more than 400 hours direct youth work delivery.
- Engaging the local community in the work being undertaken.
- Young people progressing on to other forms of support including training in child protection and health and safety and leadership programmes.

#### **Outcomes from the initiative**

- A reduction in antisocial behaviour in the areas targeted.
- An increase in the number of young people that have been engaged with, empowered and supported to change their behaviour.

- An opportunity for young people to get involved in their local communities and to influence the provision of future services in Council parks.
- Identifying young people that could potentially be the lead animators for community work in the future.

### Recommendations

As a result of the evaluation process, the following recommendations are put forward for the future delivery of the People in Parks initiative.

- **Project Planning and Management:**
  - A project management group should be formed and be attended by key stakeholders including Parks Managers and community representatives. If necessary, a group should be established for each park targeted with minutes kept for each meeting.
  - Work should, where possible, feed into other existing groups such as the area based antisocial behaviour partnerships.
  - Standard documentation should be established, including templates for monitoring the work.
  - There should be more opportunities for the groups of young people to meet with decision makers in the council.
  - Meetings involving the young people should be in a place and at a time that is suitable to their needs.
- **Outreach, Recruitment and Engagement:**
  - A balance needs to be achieved between working with existing groups of young people and targeting those individuals that are detached and may be actively involved in antisocial behaviour.
  - Detached street outreach work and attendance at community events will be required to identify suitable young people.

- **Timescales:**
  - Any future contract should be awarded for a 12 month period and factor in times when it is difficult to achieve active engagement, such as school holidays.
  - Individual projects should be delivered over 12 months as opposed to 6 months with potentially two groups engaged in each area simultaneously.
  - Additional time should be built in to project delivery to allow development work to be carried out with both the young people targeted and the communities in which they live to ensure active buy in.
  
- **Types of projects to be delivered:**
  - A list of examples of other projects that had been successfully delivered in Parks in the past should be produced to give examples of what would be admissible for support and realistic with the time and resources available.  
Each park area should deliver a community engagement event (fun day) as well as an event targeted at the identified needs of the particular park.
  
- **Recognition of achievement and media coverage:**
  - Young people engaged with work such as this should be considered for the Community Safety Partnership's Young People's Awards.
  - The work could be better promoted to the local community through the wider media and better use of Council resources such as City Matters magazine, in conjunction with the Council's communications department.
  
- **Additional support to the young people:**
  - Young people should be given opportunities to achieve accredited qualifications as a part of the support provided, including volunteering qualifications. This could be done by bringing young people from across Belfast into one group and learn from one another's experiences.

- **Links to other council initiatives taking place:**
  - **Future delivery should be linked into other Council initiatives operating in those areas to achieve better value for money and reduce any duplication in delivery.**

#### **Next steps**

The evaluation report has made a recommendation to incorporate the People in Parks Initiative into the ongoing work of the Safer Neighbourhoods Antisocial Behaviour Programme. The council and the Belfast Community Safety Partnership have invested resources into youth outreach work.

Currently, the Community Safety Coordinator with thematic responsibility for Antisocial behaviour and the Parks and Leisure ASB Coordinator are exploring a one-Council approach to the provision of Youth outreach/participation opportunities across the city. This work will provide better management of a citywide project and ensure that where there are efficiencies these savings could be redirected into service provision.

### **3. Resource Implications**

#### **Financial**

£30,000 would be required for the People in Parks initiative to continue for another year. These resources have been allowed for in the 2012/2013 Safer Neighbourhoods Antisocial Behaviour budget estimate which has been put forward by the department for approval.

#### **Human Resources**

None.

#### **Asset and other implications**

None.

### **4. Equality and Good Relations Implications**

The antisocial behaviour programme work spans activities related to reducing interface tensions and bringing youth together to take part in positive programmes and activities. All of the programme work is in line with the council's equality and good relations policies and procedures.

5. **Recommendations**

The Committee is asked to:

- note the content of this report and the attached evaluation, and
- agree to the development of a city-wide council programme for youth intervention and engagement to help combat antisocial behaviour.”

The Committee noted the contents of the report and agreed to the development of a city-wide Council programme for youth intervention and engagement to help combat antisocial behaviour.

**Support for Sport Development Grants**

The Committee noted a schedule of Support for Sport applications in relation to development grants and hospitality applications which had been approved by the Director of Parks and Leisure in accordance with the authority delegated to him.

Chairman