

# Strategic Policy and Resources Committee

Friday, 8th May, 2009

## MEETING OF STRATEGIC POLICY AND RESOURCES COMMITTEE

Members present: The Deputy Lord Mayor (Councillor D. Browne); and Councillors Adamson, M. Browne, W. Browne, Convery, N. Kelly, Kirkpatrick, Long, A. Maskey, C. Maskey, Newton, Rodway, Smyth and Stoker.

In attendance: Mr. P. McNaney, Chief Executive;  
Mr. G. Millar, Director of Improvement;  
Mr. C. Quigley, Director of Legal Services;  
Mr. S. McCrory, Principal Committee Administrator; and  
Mr. J. Hanna, Senior Committee Administrator.

### Chairing of Meeting

In the absence of the Chairman and the Deputy Chairman, it was agreed that Councillor Rodway take the Chair.

(Councillor Rodway in the Chair.)

### Apologies

Apologies for inability to attend were reported from the Chairman (Councillor D. Dodds) and the Deputy Chairman (Councillor McCann).

### Minutes

The minutes of the meeting of 24th April were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 5th May, subject to:

- (i) the rejection of the minute under the heading "Armed Forces Day"; the Council agreed that, in accordance with existing Council policy, the request to fly the Armed Forces Flag at the City Hall be acceded to but that the approval be for one day only;
- (ii) the rejection of the minute under the heading "Request for Funding – Common Purpose Belfast (Bursaries)"; the Council agreed to provide financial assistance of £2,000 to enable one part-fee bursary to be funded.

### Transition Committee Business

#### Review of Public Administration – Transition Committee in Statute

The Committee considered the undernoted report in relation to a consultation document in respect of the establishment of Transition Committees in Statute:

##### “1.0 Relevant Background Information

- 1.1 Members will be aware that the Environment Minister, Sammy Wilson has already accepted that Belfast City Council manages its own transition process and that the Council’s Strategic Policy and Resources Committee has been designated as the Transition Committee to oversee this process.
- 1.2 The role of the Council’s Transition Committee will evolve over the coming months as it starts to lay the foundations in preparation for the new Council post May 2011. In order to do this it must have the statutory powers to make the decisions necessary to move the process forward.
- 1.3 Accordingly, the Department of the Environment recently issued a consultation document which provides the voluntary Transition Committees with a statutory basis and sets out the proposed roles and responsibilities of this statutory committee.
- 1.4 Members will note that, in compiling the draft Council response to the consultation document, discussions have taken place with the Director of Legal Services and Committee and Members’ Services with regards to the legal and operational implications of the proposals put forward. The deadline for the submission of responses to the consultation document is 31st May 2009.

##### 2.0 Key Issues

- 2.1 Clearly Belfast is in a different position to its local government counterparts as it will not be merging within another Council but rather merely assimilating relatively small geographical areas of Castlereagh and Lisburn within its boundary and, therefore, many of the proposals contained within the consultation document should not apply to Belfast. The special circumstances of Belfast City Council are referred to within the consultation document.

- 2.2 The release of this consultation document is very timely given the fact that the Transition Committees and the Transition Management Teams have been established and, in many instances, are in the process of developing a programme of work to support the RPA transition process which should take account of the evolving role of the Transition Committee.**
- 2.3 The consultation document sets out proposals in regard to:**
- roles and responsibilities of the Statutory Transition Committee;**
  - the size and membership of the Transition Committees;**
  - mechanisms to ensure proportionality in terms of membership;**
  - governance arrangements including the appointment of Chairs and Vice-Chairs;**
  - mechanisms to enable decisions to be ‘called-in’;**
  - code of conduct for Members on the Transition Committee;**
  - meetings of the Transition Committee to be open to the public;**
  - future role of the Local Government Staff Commission in supporting RPA transition;**
  - transition Committees having a power of approval over budgets of constituent Councils in the year preceding the coming into operation of the new Council so as to ensure that constituent Councils do not act in a manner which would have an adverse impact on the incoming new Council; and**
  - the provision of a Power of Direction to the Department to step in where a Transition Committee is failing to take the key decisions in relation to the preparation for the new council.**
- 2.4 An initial draft response to the consultation document has been prepared for the Committee’s consideration and comment. It would be the intention that the response would be submitted to the Department by 31st May 2009 (on the basis that it would be subject to ratification by Council in June 2009).**
- 2.5 Further consideration will need to be given to the potential tensions between the Transition Committee and the role of the Council. The decisions taken by Transition Committee will not be subject to ratification by Council. This should be alleviated somewhat as approval has been granted for the Strategic Policy and Resources Committee to have delegated authority to take decisions of a transitional nature within the context of the guidance to be provided by the DoE.**

2.6 Given the fact that the Environment Minister has already confirmed that the Strategic Policy and Resources Committee would be the Council's Transition Committee and in anticipation of the guidance to be issued by the Department, the Committee had agreed, at its meeting on the 20th March 2009, that delegated authority be given to the Council's Transition Committee (i.e. SP&R) to take decisions on transitional related matters. It would be recommended that within the context of the Transition Committees being given a statutory basis, that this delegated authority be retained by the Council's Transition Committee.

### 3.0 Resource Implications

There are no financial or Human Resource implications contained within this report.

### 4.0 Recommendations

Members are asked to:

- (i) note the contents of this report and the draft response attached at Appendix 2; and
- (ii) approve the submission of the draft response to Department of Environment, subject to the incorporation of any comments received by Members.

### Appendix 2

#### Introduction

The Council welcomes the opportunity to comment on the consultation document issued by the Department in regard to the establishment of Transition Committees in statute and would hope that the comments outlined within this response are constructive in nature and add value to the future drafting of necessary legislation.

The Council believes that the release of this consultation document is very timely given the fact that the voluntary Transition Committees and the Transition Management Teams have been established and, in many instances, are in the process of developing a programme of work to support the RPA transition process. Furthermore, the Transition Committees would only be truly in a position to start to lay the foundations for the new Councils when they have statutory powers to make the necessary decisions in regards to transitional related matters.

The Council would have a number of general comments to make in regard to the content of the consultation document as well as specific feedback, as appropriate, on the consultation questions set out.

### General Comments

Belfast City Council welcomes the recognition by the Department of the unique situation of Belfast in relation to the RPA transition process from the other 25 Councils, since all the other councils are to be abolished and replaced by 10 new Councils.

It is clear that Belfast stands in a different position to the other 25 Councils in relation to the RPA transition process, since all the other Councils are to be abolished and replaced by 10 new Councils. In contrast, Belfast is assimilating relatively small geographical areas of Castlereagh and Lisburn within its boundary. Because the other 25 Councils are merging, they have formed into voluntary Transition Committees, made up of elected Members from constituent Councils, for the purposes of managing the transition and convergence process.

The Environment Minister has supported the proposition that Belfast City Council manages its own transition process through the designation of the Council's Strategic Policy and Resources Committee, which comprises 20 elected Members nominated on the basis of proportionality, as its Transition Committee. It would be the intention that the Belfast Transition Committee would engage with the adjacent Transition Committee for Lisburn and Castlereagh on relevant transitional issues.

The Council recognises that with the Ministerial decision not to introduce a Shadow Council period post elections to the new Councils in May 2011, the statutory Transition Committees will be responsible for a significant programme of work to ensure that the new Councils are in a position to take full executive responsibility for the transferring functions from the outset.

The Council would also highlight the need for the primary enabling power to include a provision which states that the Transition Committees for the emerging Councils need a statutory delegated power (for the purposes of removing any doubt) to take decisions of a transitional related nature. Again, the special circumstances of Belfast City Council need to be reflected in the drafting of any related legislation.

### Specific Comments

*Paragraph 11:* Clearly a number of the activities identified for the Transition Committee will be subject to the outworking of the work of PDPs (e.g. HR, transfer of functions, etc) and the associated drafting of the Local Government (Reorganisation) Bill will give affect to such transitional issues. It is important to recognise that the work to be taken forward by the statutory Transition Committees will need to take account of emerging legislation and relevant guidance issued by the Department.

In terms of the areas of activity identified to be undertaken by the statutory Transition Committees, Belfast City Council would recommend that the proposed primary enabling power should include also provisions in regard to:

- i) management of the agreed staff transfer scheme;
- ii) preparation of appropriate governance arrangements (e.g. draft standing orders) for the new Council; and
- iii) implementation of an appropriate capacity development programme.

**Q1** *Do you agree with the proposed size of the Transition Committees?*

Belfast City Council would be supportive of the proposals put forward in regard to the size of the Transition Committees and, in particular, welcomes the recognition by the Department of the need for some flexibility in terms of numbers to take account of the relative scale of merging Councils (e.g. Causeway Coast Group of Councillors) and the need to maintain proportionality as is the case with the Belfast City Council Transition Committee which consists of 20 members. The principles of inclusiveness, fairness and proportionality should underpin all decisions taken in regard to the size of Transition Committees.

It is also important to recognise that the voluntary Transition Committees have already been established and are operating at the scale proposed within the consultation document.

**Q2** *Do you agree that representation from District Councils in a group should be equal?*

The Council would be fully supportive of the need to ensure proportionality and inclusiveness in a Council's representation on a Transition Committee. Belfast City

Council already makes appointments to its Committees (including its Transition Committee) on the basis of proportionality through the use of D'Hondt. Whilst the situation for the clustering Councils may be somewhat different, it will be important that appropriate mechanisms are put in place which ensures that the membership of the respective Transition Committees is drawn equally from constituent Councils.

**Q3** *Should District Councils have flexibility in their approach to nominating members to a Transition Committee?*

Given the differences in the governance arrangements and political make-up within merging Council areas, the Council recognises the need for the Department not to be prescriptive and specify a single nominating process, but rather exercise flexibility in terms of providing options for the model to be applied. The Council would concur with the view that any model must ensure the proportionality and inclusiveness of a Council's representation on a Transition Committee.

Given its own experience, the Council would support the proposition that in the event that a council cannot agree an approach to making nominations to Transition Committees, the D'Hondt system would be the specified default mechanism.

Again, it is important to recognise that the voluntary Transition Committees have already been established and their membership agreed. However, the Council recognises that these arrangements may be subject to review within the context of the statutory basis being conferred to the Transition Committees and, therefore, there is a need for appropriate nomination mechanisms to be in place to support this process.

**Q4** *Do you support the approach to achieving consistency in the application of the divisor methods?*

The Council would accept the need to ensure consistency across the Councils in regard to the nominations to Transition Committees and the designation of key posts, particularly within the context of the necessary coalition among merging Councils. Belfast City Council would seek greater clarity as to how the proposed divisor methods (similar to those applied for the allocation of Ministerial positions in the NI Executive) would operate within the context of a Transition Committee for merging Councils. How would the inclusiveness of constituent Councils be retained within this process?

**Q5** *Do you agree that Transition Committees will be able to establish Sub-Committees?*

Belfast City Council would have no objection to the proposal that Transition Committees should have the ability to establish Sub-Committees to consider specific issues as they feel appropriate. It would be better to have this enabling provision in place from the outset rather than a Transition Committee finding that it would be necessary to establish a Sub-Committee and had no statutory powers to do so.

**Q6** *Do you support the process for the allocation of the Chair and Vice-Chair positions, and for determining the membership of Sub-Committees?*

Belfast City Council would support the proposed options outlined within the consultation paper in regard to the allocation of the Chair and Vice-Chair positions of Transition Committees and for determining the membership of sub-committees (if established). In terms of the proposed term stated for the posts of Chair and Vice-Chair positions (i.e. two equal time periods), the Department will note that Belfast City Council appoint the Chair and Vice-Chair of Standing Committees on an annual basis in June using the D'Hondt system of proportionality.

**Q7** *Do you agree that the Chair of a Transition Committee or Sub-Committee (if established) should have a 'casting' vote.*

In relation to the merging Councils, Belfast City Council recognises the need to ensure equity between the constituent Councils on the Transition Committee and the potential risk that a Council may obtain an advantage through the impart of a casting vote to the Chair of the Transition Committee.

It is important to recognise that the position for Belfast is different and, therefore, the Council would state that the Chair of the Council's Strategic Policy and Resources Committee, when acting in a Transition Committee role, should have a casting vote as normal in accordance with the Council's Standing Orders (i.e. law of meetings). This again reflects the different circumstances of Belfast, which must be clearly reflected in the drafting of legislation.

**Q8** *Do you agree that 'call-in' and Qualified Majority Voting (QVM) procedures should be available for the operation of Transition Committees?*

Belfast City Council would be opposed to the proposition that a 'call-in' or 'Qualified Majority Voting' mechanism would be put in place to challenge the decisions taken by the Transition Committees. This has the potential to significantly delay the decision-making process and indeed could adversely impact upon the entire RPA timetable.

**Q9** *If so, do you agree that the levels set for the trigger for 'call-in' and threshold for QMV area appropriate?*

Should not be introduced. Not at all or in any way appropriate to the process which Councils find themselves in.

**Q10** *Do you agree that a Code of Conduct should apply to members of a Transition Committee?*

Belfast City Council would support the proposal to extend the Northern Ireland Code of Local Government Conduct to apply to members of Transition Committees as this is based on good practice.

**Q11** *Do you agree that meetings of Transition Committees should where applicable be open to the public?*

The Council would recommend that further consideration be given to the potential operational implications of this proposal in regard to the facilitation and management of Transition Committee meetings. The Council would propose that this should not be a mandatory duty for Transition Committees but rather be optional for respective Transition Committees to consider. Indeed, public meetings could also be used in particular circumstances to delay decisions being taken and, perhaps, impact upon the entire process and time-frame. Public meetings may well be appropriate for new Councils but they should not be made mandatory for Transition Committees.

**Q12** *Do you agree that the role of the Local Government Staff Commission should be extended to provide support to the Transition Committees?*

Whilst the Council recognises the role of the Local Government Staff Commission in supporting the work of the Local Government sector, Transition Committees and Transition Management Teams in dealing with HR related issues as part of the RPA process (e.g. advice, support, developing model job descriptions, etc), such support should not be prescriptive or mandatory for Transition Committees, particularly given that they are being established as temporary measures for a short-term period.

**Q13** *Do you agree that Transition Committees should have a power of approval over the budgets of the new Councils in the year preceding the coming into operation of the new Council?*

Given the fact that Belfast City Council is not merging with another Council and is managing its own transition process, there is no necessity for this power to be introduced. This must be reflected in the drafting of primary enabling power. Within the context of the merging Council areas, if this power is conferred to Transition Committees greater clarity is required as to the relationship between the Transition Committees and the constituent Council's decision making and established financial management arrangements. Clear guidance would be required.

**Q14** *Do you agree that the Department should have a Power of Direction in relation to Transition Committees?*

The Council would accept the need to have a mechanism in place to ensure that the RPA transition process is not delayed and to ensure that actions are taken to ensure that the new Councils can operate effectively when they are created. However, any Power of Direction conferred to the Department and Minister should be used as a last resort and when there is no alternative option available to ensure that the transition process remains on track. Within the context of Belfast City Council, this Power of Direction would not be necessary and should not apply."

During discussion in the matter, the Chief Executive advised the Committee that correspondence had been received from the Chief Executives of Lisburn City Council and Castlereagh Borough Council requesting the Committee to consider giving both those Councils membership on Belfast's Transition Committee.

A Member pointed out that the response to question 13 should be more explicit and should state clearly that Belfast City Council's Transition Committee did not require to have the power of approval over the budgets of the new Council in the year preceding the coming into operation of the new Council. He stated that Belfast's decision-making process in the run-up to the Review of Public Administration would generally remain the same, so it would be completely inappropriate for the Transition Committee to take total control of budgetary and financial matters.

After further discussion, the Committee:

- (i) approved the submission of the draft response to the Department of the Environment, subject to the comments in relation to the control of budgetary and financial matters being incorporated;

- (ii) agreed that both Lisburn City Council and Castlereagh Borough Council be advised that Belfast's Transition Committee had already been established and the membership agreed by the Environment Minister but that the Committee would be willing to meet with their Transition Committee to discuss areas of mutual concern in relation to the transfer of assets and functions; and
- (iii) noted that the question of appointments to Committees would be dealt with later in the month by the Group Leaders in conjunction with the Chief Executive and, in accordance with normal practice, reported to the Council at its annual meeting on 1st June.

**The Following Business was Transacted by the  
Members Acting as the Strategic Policy and Resources Committee**

**Cross-Cutting Issues**

**Safer City Framework and 2009/2010 Safer City Plan**

(Mrs. S. Wylie, Head of Environmental Health, attended in connection with this item.)

The Committee considered the undernoted report:

**“Relevant Background Information**

The Committee will recall that a number of measures are being put in place to bring about better integration of the Council's contribution to the Safer City Agenda. This includes closer working between the Community Safety Partnership (CSP) and District Policing Partnership (DPP) as well as a more joined up approach to the delivery of services by a number of departments.

At its meeting of 24th April 2009, the Committee was provided with information on the outcome of the safer city workshop for Members held on 6th April 2009. The actions arising from this workshop included bringing together DPP and CSP staff under one Service and management structure, putting in place a single point of contact within the Council and developing mechanisms for better aligning the work of the DPP and CSP in terms of planning, engagement, monitoring and delivery. Further reports are to be brought back to the Committee as each of these elements is developed further.

The Committee also agreed at this meeting to provide an interim response to the NIO's recent consultation document '*Local Partnership Working on Policing and Community Safety: a way forward*', stating that it is in agreement with the principle of creating fully integrated partnerships in the longer term and on taking steps as soon as possible to more closely align the work and approaches of CSPs and DPPs.

This report provides Members with an update on the steps taken to improve the internal co-ordination of those services which contribute to making Belfast Safer. These Services include:

- Community Safety,
- Cleansing Services,
- Good Relations,
- Community Services,
- Parks & Leisure Services,
- Noise Team,
- Dog Wardens, and
- Building Control (licensing).

The Council also plays a lead role in a range of multi-agency forums with a direct link to community safety, which in addition to the CSP and DPP includes the Good Relations Partnership, the Healthy Aging Strategic Partnership, the Young Peoples Steering Group, the Get Home Safe Partnership, the Holyland Interagency Steering Group, etc.

An internal senior officer group, known as the *Safer City Group* has been set up to ensure co-ordination across these services and partnerships. The Group has developed a Safer City Framework and action plan to assist it in bringing about a 'one council' approach and to ensure that resources devoted to community safety are better co-ordinated and used to best effect.

### Key Issues

The Safer City Framework and action plan will allow the Council to rationalise, oversee and lead the co-ordination of resources, project delivery and the performance and management of the safer city agenda. Implementing the Framework will also ensure clear linkages between the above partnership structures, bringing about synergies between them and avoiding duplication. The document is appended to this report.

The 2009/2010 Safer City Plan (which is internal to BCC) will focus on a number of key areas, with an emphasis on putting in place adequate systems, protocols and software, to allow for better joined up working, particularly around our responses to antisocial behaviour. This will mean that from 2010/2011 onwards we will be in a much better position to focus on improving services to deliver a safer Belfast.

The key areas of work for 2009/2010 are:

- Joining up service responses to Antisocial Behaviour;
- Improving Information Management so there is a clear picture of the problem;
- Developing mechanisms to involve Elected Members

- Integration of service planning and delivery in respect of enforcement on the streets and on our premises;
- Preparing for 2010/2011 Business Planning;
- Developing effective communication processes so that everyone in the Council knows what is happening.

Work will also be needed to bring the staff of the DPP and CSP together as suggested at the Safer City workshop, however a separate report will be brought back to Committee on this. Internally, work around the Safer City agenda will be championed by the Chief Executive and delivered through the Safer City Group and the services represented on this Group, with support from the Safer City Coordinator.

### Resource Implications

#### Financial

A cost of £45,000 has been estimated to enable the delivery of the Safer City Plan 2009/2010, and this amount has been included in the draft corporate plan thematic budgets. A separate report is being presented on this budget. This money is required for implementing the ASB policy, training staff, developing a procedures manual, reviewing Council Byelaws and awareness raising.

#### Human Resources

There will need to be adequate time committed to the Safer City Group and the delivery of the Safer City Plan by all those nominated to sit on the group.

### Recommendations

The Committee is asked to note the contents of the Safer City Framework and Plan.

### Decision Tracking

The Head of Environmental Health will present half yearly progress reports on progress against the Safer City Plan.

### Key to Abbreviations

CSP: Belfast Community Safety Partnership  
DPP: District Policing Partnership  
ASB: Antisocial Behaviour  
NIO: Northern Ireland Office.”

In response to a number of questions, the Head of Environmental Health pointed out that the report outlined the steps which the Council was taking internally to improve on the co-ordination between Departments and Services which contributed to making Belfast a safer City. She pointed out that further reports would be submitted to the Committee in due course on aligning the working arrangements of the District Policing Partnership and the Community Safety Partnership, potential structural changes in respect of staff, community engagement mechanisms and progress against the multi-agency Safer Belfast Plan, including contributions made by other statutory agencies.

Noted.

### **Fuel Stamp Scheme**

(Mrs. S. Wylie, Head of Environmental Health, attended in connection with this item.)

The Committee considered the undernoted report in relation to the pilot fuel stamp scheme:

#### **“Relevant Background Information**

**The officer group facilitating the All Party Reference Group on older people has developed an action plan around the delivery of council services to older people. The plan is designed to facilitate a one council approach by both building on existing services and, where possible, identifying new or innovative ways of meeting the needs of older people.**

**One of the principal areas of concern is around fuel poverty and the impact that it has on older people in particular, which is obviously made more likely by the current economic downturn. A household is in fuel poverty if, in order to maintain an acceptable level of temperature throughout the home, the occupants would have to spend more than 10% of their income on all household fuel use.**

**The officer group therefore suggested that the Council could operate a savings scheme for fuel oil similar to ones that were already operating in certain other district councils. The principle of such a scheme is a relatively simple procedure whereby members of the public are given a card, on request, by a participating retailer or other outlet and they can buy stamps, at £5 each, which they then place on the card and are able to build up credit that will be accepted by specific participating oil companies towards their fuel bills.**

**It was recognised however that a fuel stamps scheme operating across the whole of the Belfast City Council area would be of significantly greater magnitude than any of the existing council**

schemes. In order therefore to measure its feasibility and the potential resource implications of a comprehensive scheme it was suggested that it should be piloted, in the first instance, in a defined area of the city.

At its meeting of 24th October 2008 the Strategic Policy and Resources Committee recommended '*...the piloting of a "Fuel Stamps" scheme by the Council, in partnership with NEA, with a view to rolling it out across the city and that it approves expenditure on this project under section 115 of the Local Government Act (Northern Ireland) 1972*'.

The Committee also noted that a review of the pilot scheme would be undertaken after the winter period.

A pilot scheme has now been operating in an area of North Belfast since 8th January 2009. A small team continues to project manage the scheme and has carried out an evaluation of the first 3 months from January to March 2009.

The evaluation report is now available and provides detail on the delivery of the project, operational issues, stakeholder surveys and resources.

### Key Issues

It is estimated that over 38% of households in Belfast are currently in fuel poverty. To help people, particularly older people, budget for expensive winter oil bills, a pilot fuel stamps scheme has been operating successfully in North Belfast since 8th January 2009.

An evaluation of the pilot scheme over the first three months of its operation shows that:

- £5,845 worth of stamps were sold to the public in the pilot area between January and March 2009;
- There is a high level of support for the scheme, particularly amongst the users;
- More promotion of the scheme is required;
- Credit unions had most success in terms of sales of stamps;
- £5 stamps appear to be appropriate;
- The Council now has the processes, technical guidance and skills to operate a citywide scheme.
- The scheme has been organised and project managed by a small number of Council staff but a city wide scheme would require a significant increase in resource.

An amount £60,000 has been included as part of the proposed Corporate Plan Thematic Budget for the roll out of the fuel stamps scheme. A report on the corporate plan and thematic budgets is to be presented to the Committee on 22nd May. In addition, to ensure that the Council has the vires to deliver such a scheme, the expenditure needs to be approved under section 115 of the Local Government Act (Northern Ireland) 1972.

The Minister for Social Development has commissioned a report on existing fuel stamps schemes across Northern Ireland. The outcome of this review will be reported back to the Committee and any necessary adjustments to the citywide scheme made.

### Resource Implications

#### Financial

##### Costs incurred for the pilot up to 31st March 2009

- 20,000 Fuel Stamps  
(R.W.Pierce, Secure Printers) £5,436
- Other operating Supplies £1,349.26
- *Total* £6,785.26

The initial cost for stamps included the set-up costs. Future orders however would be in or around £4,020 for 20,000 stamps

##### Costs for Citywide Scheme for 09/10 (approximate)

Employment of a Co-ordinator	£25,000
Cost of support officer for first 6 months	£10,000
Cost of Stamps	£10,000
Cost of Promotion (area highlighted in survey as needing more work)	£10,000
Cost stationery	£5,000

### Human Resources

The pilot has been delivered by a small team of officers who have accepted this responsibility in addition to their other full-time duties. The redeployment of these officers however cannot be sustained indefinitely and this level of resource would fall short of what is required to deliver a city wide scheme.

It would therefore be essential that to run a citywide scheme, a full time co-ordinator would need to be recruited and in addition, as the initial phase of the scheme involves a significant amount of frontline operational engagement, an additional support officer would be required for up to six months.

### Recommendations

The Committee is asked to approve the roll out of a saving stamps scheme for fuel oil across the Belfast City Council area, subject to:

- Approval of this element of the corporate plan thematic budget (report to be presented to Committee on 22nd May);
- Appropriate adjustments being made if required following the report commissioned by the Minister for Social Development; and
- A review of the scheme being carried out in 2010.

In addition, subject to approval being granted in respect of this element of the corporate plan thematic budget, the Committee is asked to grant authority under Section 115 of the Local Government Act (Northern Ireland) 1972 to incur this expenditure, it being the opinion of the Committee that the expenditure would be in the interest of, and would bring direct benefit to, the District and the inhabitants of the District, with the Committee being satisfied that the direct benefit so accruing would be commensurate with the payment to be made.

### Decision Tracking

The Director of Improvement will present a report on the corporate plan and thematic budgets to the Committee on 22nd May 2009.

The Head of Environmental Health will bring a further report to the Strategic Policy and Resources Committee in March 2010 regarding the progress of the scheme.

### Key to Abbreviations

- NEA - National Energy Action.”

After discussion, during which some concern was expressed about the cost associated with the extension of the scheme across the remainder of the City, the Committee adopted the recommendations and agreed that a further progress report on the roll-out of the scheme be submitted to the Committee within three months of commencement.

### **Pandemic Flu Contingency Planning**

(Mr. W. Francey, Director of Health and Environmental Services, attended in connection with this item.)

The Committee considered the undernoted report:

#### **“Relevant Background Information**

Following the recent emergence of a new strain of Influenza A (H1N1) in Mexico the World Health Organisation (WHO) is co-ordinating the global response and monitoring the threat of an influenza pandemic. WHO has categorised the prevailing circumstances as being at alert level 5 on a 6 point scale. This does not indicate that progression to a full pandemic is inevitable although this appears increasingly likely.

At national level the Cabinet Office Briefing Rooms (COBR) has been activated and meetings are being held daily to co-ordinate the national response. These meetings are chaired by the Secretary of State for Health and attended by Minister McGimpsey and his counterparts from Wales and Scotland.

The purpose of this report is to inform Members of the steps already taken to prepare the Council to cope with the situation where there is a risk of major disruption in circumstances such as a pandemic and of the ongoing review of these arrangements.

#### **Key Issues**

Since 2007 the council has had in place a specific corporate contingency plan (Strategic Pandemic Plan) to cope with a pandemic situation. This overall plan provides a framework and addresses issues such as:

- The external groups necessary to ensure that infrastructure and resources were in place to provide services.
- Action to be taken by the council at each of the 6 alert levels.
- The critical services necessary in a pandemic.

This strategic plan is supported by individual pandemic contingency plans for critical public services such as refuse collection, cemeteries and some environmental health functions. All Services also have more general business continuity plans. All of these are subject to regular review and appropriate desk-top testing.

A meeting at which all Council departments were represented on 28 April initiated an immediate review of these plans to ensure that they can be implemented at short notice. This was to include revisiting the actions at each level, considering any current resource or training needs and also ensuring that stated actions within the plans are still relevant in line with the officially recommended best practice. In addition, the strategic plan itself was to be reviewed to ensure that it meets current best practice. Two further meetings have taken place to oversee the review of the Strategic Pandemic Plan and, in parallel with this, a communications group has been established to ensure that relevant advice issued by central Government is communicated effectively across the organisation. This group is also ensuring that arrangements are in place to meet the requirements of Members to be kept informed, especially in circumstances where there is potential service disruption.

The initial focus of internal staff communications has been on providing reassurance that the council has been preparing for such events for some time. General advice on personal, preventive measures has been issued by email with links to information on Interlink and has also been included in the current team brief. It is also being emphasised that all media enquires must be referred to Corporate Communications. The Council's building cleaning provision is also being adapted in line with official guidance and staff informed accordingly. Information was posted on the Council's website on 28 April with links to useful official sites such as DHSSPS, Health Protection Agency, NI Direct, Foreign and Commonwealth Office (FCO) and WHO.

The Council has links to the Health Protection Agency and the Northern Ireland Civil Contingencies Group through which daily situation reports are received. To promote clarity and speed of transmission of all relevant information and preserve confidentiality where necessary, all incoming official advice is channelled through the Council's emergency co-ordination officer.

In terms of Council governance, the Director of Legal Services has indicated that, in the event of it not being possible for Committees or the Council to carry out business (through difficulty in achieving the quorum) there is sufficient scope within the existing delegated authority to Chief Officers for emergency decisions to be taken. There is a general requirement within the scheme that in certain circumstances Chief Officers should, where possible, consult with the Chair of the Committee and Members can be assured this would be done in the event of a pandemic situation.

As the situation has been developing rapidly the Committee will be provided with the most up-to-date information both nationally and regionally at the meeting.

### **Resource Implications**

There are no specific resource implications arising from this report as work to manage the risks to business continuity are integral to the role of individual managers. However some costs may arise if additional materials need to be procured, for example for cleaning or other critical purposes or if specific protective equipment or measures are needed.

### **Recommendations**

The Committee is requested to note that contingency arrangements are in place and are being reviewed in light of the current threat level. As the situation is changing rapidly further and updated information will be provided at the meeting. The Committee is also requested to note the comments of the Director of Legal Services regarding the taking of decisions should Committees not be able to carry out business.”

The Committee adopted the recommendations and agreed that, in the case of business travel to be undertaken by Councillors or officers during potential pandemics or similar emergency situations, the advice of the Foreign and Commonwealth Office on travelling be adhered to.

## **Democratic Services and Governance**

### **Council Annual General Meeting - Location**

The Committee considered a report in relation to the location for the holding of the Council's Annual General Meeting on 1st June and agreed, due to the ongoing works and refurbishment of the City Hall, that the meeting take place in the Council Chamber, Third Floor Adelaide Exchange, Adelaide Street.

### **Allowances for the Lord Mayor, Deputy Lord Mayor and High Sheriff**

The Committee was advised that it had been the practice for the Entertainment and Personal Allowances paid to the Lord Mayor, the Deputy Lord Mayor and the High Sheriff to be reviewed annually. The Lord Mayor's Personal and Entertainment Allowances for the year 2008/2009 were £33,200 and £24,700 respectively. The Deputy Lord Mayor's and the High Sheriff's Entertainment Allowances had each been £700 and the Personal Allowance of both Office Bearers was £5,000.

The Personal and Entertainment Allowances should take into account increases in the cost of living and it was recommended that the Committee approve the increasing of the Lord Mayor's Personal and Entertainment Allowances and the Deputy Lord Mayor's and the High Sheriff's Personal and Entertainment Allowances in accordance with the Consumer Price Index as at 1st June, 2009.

The Committee adopted the recommendation.

**Finance**

**Minutes of Meeting of Audit Panel**

The Committee approved and adopted the minutes of the meeting of the Audit Panel of 28th April.

**Alleygates at Various Locations – Term Contract**

The Committee was reminded that, at its meeting on 24th April, it had considered a report in relation to the establishment of a term agreement (“call-off contract”) for the maintenance and erection of alleygates. At that meeting, certain concerns had been raised by a number of Members in relation to the proposal and, following advice having been given by the Director of Legal Services, the Committee had agreed that consideration of the award of the contract be deferred to permit a further report to be submitted concerning the processes which had been followed in relation to the tendering exercise.

The Director of Legal Services reported that he had since met with the relevant officers in order to review the processes which had been undertaken in relation to the tender exercise. During the review, it had become apparent that there had been an oversight in the process in so far as a report had been submitted to the Committee only at the stage following the invitation and scoring of tenders, rather than, as would be the usual case, prior to tenders being advertised. The oversight had been due to human error. However, the Director had reviewed the procedure which had been undertaken in relation to the assessment of the tenders which had been received and he was satisfied that the process had been undertaken in a fair, transparent and non-discriminatory manner and therefore complied with best practice in terms of procurement procedures. In addition, there was nothing in the scoring exercise which would give any rise for concern on that particular aspect. The tender which had been submitted by the Red Sky Group had been evaluated as the most economically advantageous submission, on the basis of price and quality, and Red Sky had, in fact, a good performance record with the Council, including work which had been undertaken in relation to previous alleygating schemes for the Council.

Accordingly, from the review of the exercise relating to the scoring of the tenders, there had been nothing to suggest that there were any grounds for reviewing the recommendation to establish a term contract with Red Sky. He stressed however, that in the event that the successful tenderer should at some stage in future perform unsatisfactorily, the term contract agreement allowed for the Council to decide not to award any further work to that contractor.

The Committee was recommended to note the information which had been provided and to enter into the recommended term agreement with the Red Sky Group, subject to the completion of the formal legal documentation.

The Committee adopted the recommendation.

## **Human Resources**

### **Appointment of Head of Human Resources**

The Committee was reminded that, at its meeting on 23rd January, it had approved a recommendation to initiate a recruitment process to fill on a permanent basis the vacant post of Head of Human Resources. The post had been publicly advertised in March, 2009 and the process managed, on behalf of the Council, by the Local Government Staff Commission for Northern Ireland.

The Chief Executive reported that eleven applications had been received and, following shortlisting, nine applicants had been invited to attend an Assessment Centre. As a result, two applicants had been invited to attend for final interview. Following the interviews, the selection panel had recommended unanimously the appointment of Mrs. Jill Minne on the appropriate point of the salary band therefor.

The Committee adopted the recommendation and approved the appointment of Mrs. Jill Minne to the post of Head of Human Resources with effect from 1st June, 2009.

## **Asset Management**

### **Shaftesbury Community and Recreation Centre**

The Committee considered the undernoted report in relation to the Shaftesbury Community and Recreation Centre:

#### **“Purpose of the Report**

To advise the Committee of a situation which has developed in relation to the carrying out of extension works at the Shaftesbury Recreation Centre (SRC) and steps which have been taken by the Director of Legal Services in order to protect the Council’s legal interests.

#### **Relevant Background Information**

The land upon which the SRC is situated was acquired by the City Council in 1980. At that time there were old industrial buildings on the site which were subsequently, apparently, bulldozed into the ground as part of the demolition exercise. It now appears that the material which was crushed into the ground included an old corrugated asbestos roof, comprising of white asbestos material, which is relatively low risk but is nevertheless required to be dealt with under current legislation as a hazardous material.

In October 2000, the Recreation Centre and adjoining ground was leased for a ten year term to the Lower Ormeau and Markets Community Forum, with the building being managed as a

community/recreation centre by the Lower Ormeau Residents Action Group (LORAG). LORAG subsequently approached the Council seeking a longer lease in order to allow it to carry out a major scheme of alteration and extension works to the centre and the Council agreed to grant an extended lease of twenty-five years, running from February 2009, for the purpose of facilitating the scheme. The cost of the scheme is approximately £1.7M plus fees and VAT, and LORAG applied for and received a suite of funding from Sport NI (SNI) and DSD/BRO.

When the construction works commenced in January 2009, fragments of the white asbestos material (the presence of which was hitherto unknown) were discovered in the course of the excavations for the ground beams at the rear of the site.

The consultants involved in the project were then tasked with costing the excavation, testing and removal of the contaminants from the site and the costings which they have produced currently amount to £96,500, although this figure does not include VAT and fees, so that the gross additional cost could potentially amount to a sum of approximately £120,000.

The main difficulty which has arisen as a result of the discovery of the contaminants has been in relation to the funding viability of the scheme, given budgetary constraints which SNI and DSD/BRO are operating under and, at one stage, the entire scheme was under clear threat of having to be closed down.

However, discussions then ensued between the statutory agencies, namely the Council, SNI and DSD/BRO in an endeavour to ensure that the works could proceed at the minimum additional cost and on the basis that all parties agreed to work together in order to find a solution to dealing with the question of the additional costs.

A proposal has now been tentatively agreed that, as between SNI/DSD on the one hand and BCC on the other hand, it is agreed that for purposes of negotiation, all parties will operate on the basis that there will be a cap on the additional expenditure amounting to the sum of £100,000. DSD have agreed to contribute £20,000 of this additional cost, and the proposal now is that BCC and SNI will share the remaining sum of £80,000 between them on an equal basis.

The foregoing suggested settlement is, however, conditional on the basis that these sums will be reduced by any sums left outstanding upon completion of the works and which still remain in the contract contingency funds.

The Director of Legal Services has obtained advice from Senior Counsel as to the appropriateness of the Council participating in such a rescue arrangement, and he will verbally update the Committee in relation to that advice, will appropriate recommendations flowing there from.

#### **Resource Implications**

The Council would be required to contribute up to a maximum of £40,000 towards remedial/ disposal costs, subject to any reductions becoming possible as a result of any contributions which might be available from the contract contingency funds.

#### **Recommendations**

It is recommended that the Committee notes the current position and takes steps on the basis of advice from the Director of Legal Services.

#### **Key to Abbreviations**

- BRO** – Belfast Regeneration Office
- DRD** – Department for Regional Development
- LORAG** – Lower Ormeau Residents Action Group
- SNI** – Sport Northern Ireland
- SRC** – Shaftesbury Recreation Centre.”

The Director of Legal Services elaborated on the main aspects of the report and pointed out that the advice which had been received from Senior Counsel had indicated that the proposal in relation to the £40,000 contribution on the terms outlined would represent a favourable outcome for the Council.

After discussion, the Committee agreed that the Council contribute up to a maximum of £40,000 towards the remedial/disposal costs associated with the hazardous material, subject to any savings which became available from the contract contingency funds.

#### **Connswater Community Greenway Update**

The Committee was reminded that the Council, as part of its City Investment Strategy, had agreed to co-ordinate the acquisition of lands to enable the Connswater Community Greenway Programme to proceed. The Council would secure rights over the land needed for the Greenway and would be responsible for the management and maintenance of that land and any assets on it. The Greenway must be accessible for 40 years to comply with the Big Lottery Fund letter of offer, although the intention was to secure rights for longer if possible.

It was reported that an area of 44.48 square metres immediately south of the Mersey Street Bridge had been identified as being required to provide the Greenway route along that part of the Connswater River. Council officers had agreed, subject to Committee approval, to purchase the freehold interest in the land from the Neill family for £750. The land which was being acquired from the Neill family formed a critical link from the Mersey Street Bridge to existing Council-owned open space and would enable the construction of a three-metre-wide path along that part of the Connswater River.

The Committee granted approval to the purchase of the land at a cost of £750 plus legal fees. The Committee noted that the land purchase cost for the Connswater Community Greenway budget had been included in the City Investment Fund and therefore there would be no additional costs to the Council.

Chairman