

Document Pack

**Committee and Members' Services Section
Chief Executive's Department
Belfast City Council
City Hall
Belfast
BT1 5GS**



15th February, 2010

MEETING OF STRATEGIC POLICY AND RESOURCES COMMITTEE

Dear Councillor,

The above-named Committee will meet in the Lavery Room (Room G05), City Hall on Friday, 19th February, 2010 at 10.00 am, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully

PETER McNANEY

Chief Executive

AGENDA:

1. **Routine Matters**
 - (a) Apologies
 - (b) Minutes
2. **Transition Committee Business**
 - (a) Review of Public Administration Update (Pages 1 - 4)
 - (b) Northern Ireland Local Government Association (Pages 5 - 14)
 - (c) Roads (Miscellaneous Provisions) Bill (Pages 15 - 38)
3. **Modernisation and Improvement**
 - (a) Rightsizing Exercise (Pages 39 - 56)

4. **Democratic Services and Governance**
 - (a) Consultation - Draft Local Government (Indemnities for Members and Officers) (Northern Ireland) 2010 (Pages 57 - 90)
 - (b) Publication of Members' Information (Pages 91 - 94)
 - (c) Requests for the Use of the City Hall and the Provision of Hospitality (Pages 95 - 100)
 - (d) Transitional Governance Arrangements for the Education Sector (Pages 101 - 102)

5. **Finance**
 - (a) Meeting of Budget and Transformation Panel (Pages 103 - 104)
 - (b) Meeting of Audit Panel (Pages 105 - 132)
 - (c) Request for Funding - City of Belfast Youth Concert Band (Pages 133 - 136)
 - (d) Corporate IT Middleware Solution (Pages 137 - 138)
 - (e) Publication of the History of Belfast to Mark the City's 400th Anniversary (Pages 139 - 140)

6. **Human Resources**
 - (a) Security Unit Update (Pages 141 - 144)
 - (b) Standing Order 55 - Employment of Relatives (Pages 145 - 146)

7. **Asset Management**
 - (a) Capital Programme Update (Pages 147 - 152)
 - (b) Titanic Signature Project (Pages 153 - 154)
 - (c) Use of City Hall Lawns - Belfast Community Circus (Pages 155 - 156)

8. **Good Relations and Equality**
 - (a) Minutes of Memorabilia Working Group (Pages 157 - 190)
 - (b) Minutes of Good Relations Partnership (Pages 191 - 202)
 - (c) Plaques in the East Entrance, City Hall (Pages 203 - 210)

9. **Cross-Cutting Issues**
 - (a) Consultation Response - Future Provision of Learning Disability Services in Belfast (Pages 211 - 222)

To: The Chairman and Members of the Strategic Policy and Resources Committee

Belfast City Council

Report to:	Strategic Policy and Resources (Transition) Committee
Subject:	Review of Public Administration Update
Date:	19 th February 2010
Reporting Officer:	Peter McNaney, Chief Executive
Contact Officer:	Kevin Heaney, RPA Project Coordinator (ext. 6202)

1.0	<u>Relevant Background Information</u>
1.1	Members will be aware that the Environment Minister, Edwin Poots MLA is locked in ongoing negotiations with Ministerial colleagues within the NI Executive regarding the RPA local government reform process and progressing necessary legislation including the Local Government Boundaries (NI) Order and the Local Government (Reorganisation) Bill. Discussions are also ongoing in relation to how the reform programme will be funded.
1.2	It is understood that if there is no political agreement around these critical issues secured within the coming weeks, then the already tight legislative timetable would be unachievable and the local reform programme (in its current form) could be at significant risk.
1.3	Resulting from the recent Hillsborough Agreement, a cross-party Ministerial Working Group has been established to undertake a trawl of all Executive business (which will no doubt include the RPA) with a view to recommendations being made on how progress could be made on any and all outstanding matters by the end of February. It is understood that this will include a programme of work detailing how any remaining outstanding issues will be resolved.
2.0	<u>Key Issues</u>
	<u>Engagement with Lisburn and Castlereagh</u>
2.1	Notwithstanding that a final decision has yet to be taken on the new Local Government boundaries, the Council had entered into a process of discussion and engagement (at both a Members and Officer level) with the voluntary RPA Transition Committee and Transition Management Team for Lisburn and Castlereagh.
2.2	To date there has been two meetings of the Joint Transition Committees with a high-level joint programme of scoping work agreed politically (refer to Annex 1). This work is essential so that the relevant baseline information is captured (e.g. assets, liabilities, staffing, service delivery standards) to inform future political discussions. It was agreed that this information would be important to inform the planning process and ensure that the transition is managed in an effective and efficient manner and service continuity is maintained throughout.
	The initial officer engagement with Lisburn and Castlereagh had been productive and some progress made in regards to the agreed programme of work. Over recent weeks however, there has been limited engagement from Lisburn and Castlereagh and there has been a cessation to the release of information.
2.3	Belfast City Council officers had compiled an initial asset log identifying those assets from Lisburn and Castlereagh which would fall within the new proposed BCC boundary. A detailed service audit had also been prepared by the Council which identified potential harmonisation issues. Both these pieces of work had been passed to Lisburn/Castlereagh for consideration and input. Again, limited information has been forthcoming to date.

2.4	Furthermore, the next joint meeting of the voluntary Transition Committees was to be arranged by Lisburn/Castlereagh for January 2010 however, despite continuous requests, this has not yet been scheduled.
2.5	Members will note that correspondence, dated 1 st February 2010, has been received on behalf of the Transition Committee for Lisburn and Castlereagh requesting a meeting between the Chairman and Deputy Chairman of the both voluntary Transition Committees to discuss future engagement. While further clarification has been sought as to the proposed agenda for the meeting, there has been no response received to date.
<u>Transfer of Functions</u>	
2.6	Transferring function Departments are finalising draft proposals with regard to how functions will transfer to local government and these are to be submitted to the Strategic Leadership Board on 25 th February and then issued to councils for consideration. While council officials are assisting with pulling these proposals together, under the auspices of the established Transfer of Functions Working Group, the Council will clearly need to give full consideration to the emerging Departmental proposals and the potential resource implications for Belfast.
2.7	It should be noted that the working assumption of the transfer of function Departments in moving forward is on the basis of an 11 council delivery model which will inevitably result in resources being drawn out of Belfast.
2.8	A detailed report will be submitted to Committee in March outlining the emerging departmental proposals and the implications for the Council.

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 the foregoing report;
- ii) consider the request received from Lisburn and Castlereagh seeking a meeting between the Chairman and Deputy Chairman of both Transition Committees; and
- iii) note that a detailed report will be submitted to Committee in March setting out the emerging transfer of functions proposals and associated implications for Belfast.

Lisburn/Castlereagh and Belfast Transition Committee Indicative Programme of Work (Version 2)

RAG KEY:	Delivery on schedule	Delivery likely, however, some minor issues need to be addressed.	Delivery unlikely with immediate correction action required
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	DELIVERABLES	OCT 2009	NOV 2009	DEC 2009	Jan 2010	Feb 2010	Mar 2010	STATUS -RAG-
Governance	1. Consider and agree proposed governance arrangements for taking forward consideration of Transition related issues.	27 th						
	2. Agree schedule of joint meetings between Transition Committees	27 th						
	3. Agree indicative programme of work	27 th						
Scoping and Baseline	4. Agree a process for taking forward joint communications activities; identifying the key milestones in the process, the key messages which need to be conveyed and the proposed methods of delivery. Submit report to Joint Transition Committee for consideration.							
	5. Undertake a service audit and examine potential harmonisation issues and submit report to Joint Transition Committee for consideration.							
	6. Undertake a detailed Asset and Liabilities Audit and submit report to Joint Transition Committee for consideration.							
	7. Examine potential staff transfer issues (taking into account wider discussions and emerging Guidance released by the Local Government Reform Joint Forum) and submit a report to Joint Transition Committee for consideration.							
	8. Examine the potential financial implications (including the impact on the rate) resulting from the proposed boundary changes and identify possible options for how these issues could be addressed. Submit a report to Joint Transition Committee for consideration.							

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Belfast City Council

Report to:	Strategic Policy and Resources Committee
Subject:	Northern Ireland Local Government Association
Date:	19 th February 2010
Reporting Officer:	Peter McNaney, Chief Executive
Contact Officer:	Kevin Heaney, RPA Project Coordinator (ext. 6202)

1.0	<u>Relevant Background Information</u>
1.1	At the Council meeting on 1 st February 2010 it was agreed that a report on the Council's engagement with the Northern Ireland Local Government Association and the associated benefits and detriments to the Council of continuing membership be submitted for the consideration of the Strategic Policy and Resources Committee.
2.0	<u>Key Issues</u>
2.1	Members will be fully aware of the ongoing discussions over the past number of years in regards to the Councils continued involvement and relationship with the Northern Ireland Local Government Association (NILGA).
	<i>Role of NILGA</i>
2.2	The Council recognises the need for a strong Local Government Association (LGA) which is focused on its core business of advocating on behalf of local government on regionally significant policy issues and facilitating engagement between central and local government.
2.3	There is no doubt that NILGA has played a central role in the RPA process to date, supporting the ongoing work of the Strategic Leadership Board and Policy Development Panels to inform the work of the legislative programme. This work is substantially complete and the focus will now switch to implementation of proposals. This work will impact directly on resources and delivery of services at the level of the new Councils. It is therefore essential that this work is owned by and driven by the councils themselves, through the locally elected representatives, who will be responsible for setting the rate and ensuring that the appropriate facilities are provided and services delivered.
2.4	To deliver low rates, better services and a success of the reform programme, we therefore need to ensure that the energy, experience and expertise which resides within councils is fully mobilised to drive forward the implementation/operational aspects of the RPA.
2.5	NILGA has also established a large number of Member and officer Working Groups (e.g. e-Gov, European, Waste Management, Planning, Health and Environmental, Economic Development etc) to consider key policy areas. The Council is engaged on each of these groups.
2.6	There is a risk that NILGA (via its Working Groups and Committees) is duplicating work already being undertaken by councils e.g. BCC has its own internal expertise, capacity and support across these important policy and operational issues. While not undervaluing the role of such groups, there is a general view within the council that there is limited added value gained through its participation. It must be recognised however that some of the smaller councils may find benefit.
	<i>Subscription fee and cost structure</i>
2.7	Given the current financial pressures, the Council is committed to the implementation of an efficiency programme with places greater scrutiny on budgets and spend. All services are being asked to demonstrate value for money. Similarly, any subscription paid by the Council to a third party should be reviewed within the context of its value for money.

2.8	Members will be aware that the Committee had taken a decision to pay a reduced subscription fee to NILGA of £76,230 for 2009/2010 (and not £106,000 requested by NILGA). The release of this payment has been held pending resolution of ongoing discussions with NILGA.
2.9	According to NILGA's annual report 08/09 the net operating cost for 2009 was £1,550,939. This has almost doubled from the previous year (refer to Annex 1). Staff costs equate to approx. £857,719 (refer to Annex 2) for 21.5 full time equivalent staff. The Department of Environment currently provide substantial grant funding to NILGA.
2.10	The Council's reduced subscription fee still accounts for almost 18% of the total NILGA subscriptions and is 3xtimes that of the next highest subscription fee (i.e. Lisburn City Council at £27,239). Please refer to Annex 3 .
	<i>Future role of NILGA?</i>
2.11	Role clarity is important in moving forward. NILGA should not confuse representation with implementation and delivery which is the responsibility of councils. It is councils who are responsible for striking the rate, delivering services, securing efficiencies and are accountable to the citizen (and political process) for their performance.
2.12	Consideration should be given to the sustainability and relevance of the current NILGA organisational structure and associated costs given that it was put in place as an interim measure to assist the policy formulation phase of the RPA process which is now complete. NILGA needs to be a lean and focused organisation which provides added value and value for money to its members.
2.13	If NILGA is to remain sustainable it will need to refocus its attention on those VFM services which will bring added value for the local government sector. It may wish to concentrate its efforts on those issues which may need regional coordination and consistency. For example: <ul style="list-style-type: none"> ▪ Coordinating sector responses to relevant regional policy issues ▪ Enhancing future central / local government relations ▪ Exploring options alongside councils and Transition Committees as to the future role, remit and governance of a new Local Government Association.
2.14	In order to provide Members with the necessary assurances that the Council is getting appropriate value for money from its continued participation within NILGA, it is suggested that a recommendation be made to NILGA that it enters into a formal Memorandum of Understanding (MOU) with the Council which is attached to the 2010/2011 subscription payment.
2.15	By doing this, it is argued that the Council would be better placed to work with NILGA to ensure that it provides value for money services. Members will be aware that a similar approach had been introduced to underpin the relationship between Land and Property Services and the Council.
2.16	The MOU would set out the agreed outcomes to be achieved and provide a framework for NILGA and the Council to work in a spirit of collaboration to deliver them. It is suggested that Council officers would work with NILGA officials to develop the draft MOU and submit for the future consideration of the Committee before it is brought into affect.
2.17	Formal reviews of the MOU and its outcomes will be held biannually and reported to the Strategic Policy and Resources Committee.

3.0 Resource Implications

If agreed, payment of the NILGA annual subscription fee will be approximately £75,000 - £80,000.

4.0 Recommendations

Members are asked to:

- i) note the contents of the foregoing report;
- ii) agree that the Council's NILGA subscription payment for 2010/2011 be calculated on the basis of its population base and not penny rate product; and
- iii) consider the proposal that the Council's subscription payment be based on a Memorandum of Understanding being entered into by NILGA.

5.0 Appendices

Appendix 1: NILGA Annual Report 2008/2009

Appendix 2: NILGA Staff complement

Appendix 3: NILGA Member Subscription Calculations

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EXTRACT from NILGA Annual Report 2008/2009**8. NILGA Financial Report**

The financial performance for 2008/2009 has been better than anticipated. Lower expenditure due to staff vacancies and an increased contribution from the DOE to overheads offset decreased subscription income and increased expenditure leading to a relatively small deficit for the year.

NILGA Accounts

	Total 2009 £	Total 2008 £
Receipts	1,532,121	887,507
Payments		
Administration Expenses	1,063,597	568,669
Other Expenses	325,403	144,338
Specified Bodies	110,520	109,225
NILGA Annual Conference	47,154	32,775
Depreciation	4,265	5,405
	1,550,939	860,412
(Deficit)/Surplus	(18,818)	27,095
Reserves brought forward	278,244	251,149
Reserves carried forward	259,426	278,244

NILGA Project Funds 2008/2009

NILGA Projects	£
FLGA	33,011
EU	30,617
DOE	589,420
Ulster in Bloom	10,500
IS Strategy	163,250
DOE - Support for Strategic Waste Board	30,000
Total	856,798
Additionality to NILGA Subscription	222%

NILGA Staffing Complement
(Based on NILGA submission to PwC Report, October 2009)

Summary

NILGA currently have:

- Staff complement: **21.5 (approx) full time equivalent**
- Staff Costs: **£857,719** (approx)
- Overhead Costs: **£68,560** (approx)

Detail Breakdown

The following provides a detailed breakdown of the staff numbers and costs.

Management and Corporate Services

- **7.5 full time equivalent staff** which costs approx **£264,766** in staff costs & **£21,164** in overhead costs.
 - 1 Chief Executive (NILGA Funded)
 - 1 Corporate Services Manager (DoE Funded)
 - 1 Finance Officer (NILGA Funded)
 - 1 Finance Assistant (DoE Funded)
 - 1 Member Services Officer (NILGA Funded)
 - 1 Office Administrator (DoE Funded)
 - 1.5 receptionist/Office Administrators (DoE/NILGA Funded)

Improvement and Development Team

- **3 full time equivalent staff** which costs approx. **£147,095** in staff costs and **£11,758** in overhead costs.
 - 1 Director (DoE Funded)
 - 1 Policy Officer (DoE Funded)
 - 1 Project Officer (DoE Funded)

Policy Team

- **6.5 full time equivalent staff** which costs approx. **£259,756** in staff costs and **£20,763** in overhead costs.
 - 1 Director (DoE Funded)
 - 1 Head of Policy (NILGA Funded)
 - 1 Policy Assistant (NILGA Funded)
 - 1 Policy officer (DoE Funded)
 - 1 Policy Assistant (DoE Funded)
 - 0.5 Waste Policy Officer (EPG Grant)
 - 1 Administrative Assistant

Communications and Engagement Team

NILGA currently have **2.5 full time equivalent staff** which costs approx. **£100,225** in staff costs and **£8,011** in overhead costs and £12,000 for Ulster in Bloom

- 1 Director (DoE Funded)
- 1 Communications Officer (DoE Funded)
- Casual support to run the NILGA Conference
- Ulster in Bloom Officer (P/T on consultancy basis)

People and Employment Team

NILGA currently have **2 full time equivalent staff** which costs approx. **£85,877** in staff costs and **£6,864** in overhead costs.

- 1 Employers secretary
- 1 HR Researcher & Administration

Annex 3**2009 NILGA Member Subscription Calculations****NILGA 2009/2010 Membership Subscription Calculations**

District Council	1p Rate Product for General Grant (EPP @ January 2009)	Subscriptions 09/10
Antrim	619,140	13,017
Ards	752,810	15,827
Armagh	475,960	10,006
Ballymena	692,050	14,549
Ballymoney	217,690	4,577
Banbridge	395,610	8,317
Belfast	5,071,790	106,627
Carrickfergus	354,910	7,461
Castlereagh	829,490	17,439
Coleraine	729,450	15,336
Cookstown	321,650	6,762
Craigavon	846,580	17,798
Derry	1,141,660	24,002
Down	619,130	13,016
Dungannon	483,050	10,155
Fermanagh	602,030	12,657
Larne	330,730	6,953
Limavady	260,640	5,480
Lisburn	1,295,620	27,239
Magherafelt	340,790	7,165
Moyle	149,050	3,134
Newry & Mourne	921,090	19,365
<i>Newtownabbey</i>	<i>927,090</i>	<i>19,491</i>
North Down	1,030,240	21,659
Omagh	462,660	9,727
Strabane	273,140	5,742
Total	20,144,050	423,500

Lisburn/Castlereagh and Belfast Transition Committee Indicative Programme of Work (Version 2)

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Belfast City Council

Report to:	Strategic Policy and Resources (Transition) Committee
Subject:	Roads (Miscellaneous Provisions) Bill - consultation
Date:	19 th February 2010
Reporting Officer:	Ciaran Quigley, Director of Legal Services
Contact Officer:	Kevin Heaney, RPA Project Coordinator (ext. 6202)

1.0	<u>RELEVANT BACKGROUND INFORMATION</u>
1.1	The Council received correspondence, dated 3 rd February 2010, from the Committee Clerk for the for NI Assembly Regional Development Committee seeking comments in relation to proposals to make a new Roads (Miscellaneous Provisions) Bill. The Council has been asked to consider if it wishes to submit a written response on the draft Bill by 19 th February 2010.
2.0	<u>KEY ISSUES</u>
2.1	The Director of Legal Services has convened a group of officers to carry out a detailed review of the draft Bill and the clauses contained therein and would intend to submit any relevant comments to the Committee at its meeting on 19 th February 2010.
2.2	However, at this stage it would appear there is nothing in the draft Bill which would raise any concerns and necessitate the Council making any specific submission.
	SUMMARY OF BILL
2.3	This Bill is intended to address two particular issues, namely the introduction of traffic restrictions and road closers to enable road works to take place, and prohibiting or restricting the use of roads for holding special events.
2.4	In relation to the carrying out works on roads, the Bill will introduce a permit scheme arrangement, whereby permits will be made under regulation and granted, which set out the provisions on which road works will be carried out.
2.5	The Bill will also contain provisions in relation to the closure of roads for certain special events. This provision will be of particular interest to District Councils because the function of allowing events on roads will be vested in councils. This legislation is essentially a forerunner to the introduction of the RPA (it has always been envisaged that the RPA would involve the transfer of particular roads functions from central to local government including the ability to make provisions to hold relevant events on roads. Within the context of the Council this would include, for example, the Halloween celebrations, Christmas Lights etc.
2.6	A copy of the draft Bill and accompanying Explanatory and Financial Memorandum is attached at Appendix 1 to this report.

2.7	The Director of Legal Services will update the Committee, at its meeting on 19 th February, on any issues identified through discussions with relevant officers.
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3.0 Resource Implications

While any potential resource impact of the Bill is still to be quantified it may have implications for the Council's Events Unit.

4.0 Recommendations

Members are asked to note the forgoing report and, in particular, that a detailed update will be provided to Committee at its meeting on 19th February on any issues and concerns with regard to the Bill.

5.0 Appendices

Appendix 1: Explanatory/ Financial Memorandum and draft Roads (Miscellaneous Provisions) Bill



ROADS (MISCELLANEOUS PROVISIONS) BILL

EXPLANATORY AND FINANCIAL MEMORANDUM

INTRODUCTION

1. This Explanatory and Financial Memorandum has been prepared by the Department for Regional Development in order to assist the reader of the Bill and to help inform debate on it. It does not form part of the Bill and has not been endorsed by the Assembly.
2. The Memorandum needs to be read in conjunction with the Bill. It is not, and is not meant to be, a comprehensive description of the Bill. So where a clause, or part of a clause or schedule does not seem to require an explanation or comment, none is given.

BACKGROUND AND POLICY OBJECTIVES

3. The current framework for managing traffic restrictions and road closures to enable works on roads to take place is contained in various pieces of primary legislation for which the Department for Regional Development, as road authority, has responsibility. These are the Roads (Northern Ireland) Order 1993, the Street Works (Northern Ireland) Order 1995, the Road Traffic Regulation (Northern Ireland) Order 1997 and the Traffic Management (Northern Ireland) Order 2005.
4. The Department's functions as road authority are exercised, on its behalf, by Roads Service.
5. The Bill would introduce arrangements in relation to the authorisation of certain events on roads and for a permit scheme to control works on roads. It would also introduce, to the Road Traffic Regulation (Northern Ireland) Order 1997, a power to hold enquiries and would amend the Traffic Management (Northern Ireland) Order 2005 to take account of changes that have taken place in the functions of both the Lord Chancellor's Office and that of the Lord Chief Justice.

OVERVIEW

6. The Bill proposes to introduce provisions for the management of:

Events on Roads

7. A number of events are held on roads throughout the year. Many of these are entertainment or sporting events, attracting, in some cases, international competitors and large numbers of spectators. There are also occasions when film production

companies need to have restrictions placed on traffic using a road to enable location filming to take place.

8. The Department for Regional Development, in its role as road authority, was advised that there was some uncertainty about the identity of the appropriate authority to authorise such events and decided to clarify the situation.

9. In addition, on 31 March 2008, Minister Foster announced to the Assembly the Northern Ireland Executive's vision for the future, following implementation of the Review of Public Administration. One of the proposed measures was to make local councils responsible for authorising local events on roads.

10. Taking into account both of the foregoing issues the Bill contains arrangements that would make councils responsible for authorising certain events on roads.

Permit Schemes

11. In Northern Ireland roads are the medium through which the movement of people, goods and services for the social and economic benefit of all people is achieved.

12. Works on roads inevitably cause delay. Disruption and congestion often occur and journey times are adversely affected. Beyond the necessary works of the Department to maintain and develop the road network, utility openings alone are in excess of 35,000 in number each year.

13. The Public Accounts Committee's 2009 report on Road Openings by Utilities found that despite utilities having a statutory requirement to notify all road openings in advance, a pattern of late notifications remained. One of the effects of this is to compromise attempts to coordinate works of all kinds on roads.

14. The Department for Regional Development spent some £173m on the construction and improvement of roads and £91.2m on maintaining (including reconstruction, resurfacing and patching) this important public asset. Although some new roads have been constructed and a number of existing roads improved to cope better with traffic volumes (for example, the recently completed M1, M2 and Westlink schemes), often these types of works are simply not possible due to budgetary constraints.

15. The Northern Ireland Transport Statistics for 2008–9 reveal that there were 1,024,396 vehicles licensed in Northern Ireland at 31 December 2008 – an increase of 16,107 vehicles from the previous year. In 2008 the most frequently used method of travel to work in Northern Ireland was by car, van or minibus, with 83 per cent of the workforce interviewed in October to December using these methods.

16. Goods lifted on roads within Northern Ireland by goods vehicles over 3.5 tonnes between 2002 and 2007 increased from 48,116 tonnes in 2002 to 76,674 tonnes in 2007.

17. With the increasing volume of traffic using the road network there is a growing impact on road users, both private and commercial, caused by the execution of works on roads. The Street Works (Amendment) (Northern Ireland) Order 2007 introduced permit requirements in respect of street works (largely the works of utility companies). However, given the response to the consultation the Department determined that those arrangements should be replaced with a wider scheme that would apply to other works on roads.

18. The Bill would therefore repeal the street works permit scheme arrangements and provide a wider scheme to better control the timing and duration of works on roads.

Holding of Inquiries under the Road Traffic Regulation (Northern Ireland) Order 1997

19. A power to hold an inquiry into the exercise, by the Department for Regional Development, of any of its functions under the Road Traffic Regulation (Northern Ireland) Order 1997 would ensure procedural fairness in the Department's decision-making processes and would provide an opportunity for concerned parties to make representations.

Giving effect to the reform of the Lord Chancellor's Office

20. The Constitutional Reform Act 2005 reformed the Office of the Lord Chancellor. The Bill would amend the Traffic Management (Northern Ireland) Order 2005 to take account of that reform.

Consultation

21. The Department consulted stakeholders and the wider public on its policy proposals for a Roads (Miscellaneous Provisions) Bill between 3 December 2008 and 6 March 2009. Documents relating to the consultation, including a report on its findings, can be viewed at <http://www.roadsni.gov.uk/index/consultations/consultations-2c.htm>

22. The utility companies that responded to the consultation were not in support of the general principle of permit schemes. However, given that the Street Works (Northern Ireland) Order 1995 (as amended) had included similar arrangements in respect of works carried out by the utilities, they were content that these arrangements should be extended to others working on roads. Non-utility respondents generally welcomed the proposal.

23. All respondents broadly welcomed the proposal to introduce powers enabling councils to authorise the closure or restriction of traffic using roads to enable special events to take place.

24. Where respondents commented on proposals to introduce a general power to hold inquiries under the Road Traffic Regulation (Northern Ireland) Order 1997 and to give effect to the reform of the Lord Chancellor's Office by changing rule-making procedures contained within the Traffic Management (Northern Ireland) Order 2005, the proposals were welcomed.

OPTIONS CONSIDERED

Permits schemes for works on roads

25. Do nothing - the Department considered maintaining the status quo and not introducing any additional legislation to more effectively manage works on roads. However, given increasing volumes of traffic using the road network the level of disruption caused to road users by works on roads would be likely to increase.

26. Introduce a non-regulatory scheme - the Department also considered adopting a non-regulatory approach, with the introduction of a non-statutory code of practice. However, this was considered unlikely to be successful for two reasons. Firstly, no representative body exists to supervise its implementation beyond the utilities and, secondly, without enforcement provisions, it may would have been largely ineffectual.

27. It was therefore decided that the interests of the road user would be best served by the introduction of new statutory arrangements.

Prohibition or restriction on the use of roads in connection with special events

28. Do nothing – in view of the need to clarify the situation about which authority possesses the necessary powers to authorise such closures or restrictions, doing nothing was not really an option.

29. Vesting of new powers in the Department - the Department considered taking new powers to enable it to authorise such events with a discretionary power, to be exercised in the future, to devolve that function to local councils.

30. Vest new powers in councils - it was considered that councils would be best placed to make decisions on road closures for events in their own area. In addition, given the wishes of the Northern Ireland Executive to see local councils become responsible for events on roads under the Review of Public Administration it was decided to proceed with this option.

COMMENTARY ON CLAUSES

The Bill contains 10 clauses and 3 schedules. A commentary on them follows.

Clause 1: Meaning of permit scheme

This clause defines a permit scheme and outlines arrangements relating to permits that may be contained within such a scheme. For example, a scheme may prescribe the circumstances under which a permit is, or is not, required for the execution of works on roads and what conditions may be attached to a permit issued under such a scheme.

Clause 2: Making, variation and revocation of schemes

Under this clause, the Department may bring a permit scheme into operation, or change or revoke it, by order. Permit schemes must comply with any permit regulations made under clause 3.

Clause 3: Permit regulations

This clause provides for the Department to make regulations concerning the content of schemes and the procedures to be followed in the making and operation of schemes. The regulations may, for example, make provision for offences and for fees payable in relation to the application for or issue of a permit.

Clause 6: Prohibition or restriction of use of public roads in connection with special events

This clause provides a procedure enabling local councils, with the consent of the Department, to close roads or restrict traffic using them to facilitate special events taking place on roads. It introduces a new schedule 3A setting out the arrangements into the Road Traffic Regulation (Northern Ireland) Order 1997.

Schedule 1: Schedule to be inserted as schedule 3A to the Road Traffic Regulation (Northern Ireland) Order 1997

Paragraph 1: Interpretation

This paragraph defines key phrases used in the schedule. It establishes which public authority ('the relevant authority') is responsible for authorising special events on roads: the Department may authorise the closure or restriction of special roads (usually motorways); local councils may authorise the closure or restriction of all other public roads for special events to be held in their jurisdiction. While the term 'special event' is defined, other types of events that are not included in the new arrangements are also identified.

Paragraph 2: Prohibition or restriction on roads in connection with special events

This paragraph sets out the circumstances under which an application to close or restrict traffic using a road for a special event may be approved. The Department or a local council may impose conditions on the event promoter. For example, a promoter would be required to obtain public liability insurance and to erect diversionary signs. Existing statutory provisions on the affected road, such as speed limits or the direction of traffic, may be changed or suspended for the duration of the event.

Paragraph 6: Offences in relation to orders

It would be an offence to contravene a road closure or restriction, or for an event promoter to fail to comply with any condition imposed by the Department or council. As set out in schedule 2(5), offences are to be prosecuted summarily with, respectively, a maximum fine of level 3 on the standard scale of fines (currently £1,000) and level 2 (currently £500) on the standard scale.

Schedule 3: Repeals

This paragraph identifies other legislative provision that would be repealed. It includes Article 12A of the Street Works (Northern Ireland) Order 1995 and Article 3 of the Street Works (Amendment) (Northern Ireland) Order 2007, which presently enable the Department to make a permit scheme in respect of street works on roads.

FINANCIAL EFFECTS OF THE BILL

31. It is difficult to quantify the financial effects of the Bill. It is not anticipated that the authorisation of special events on roads would have a financial impact on councils or the Department as provision has been made for costs to be recovered from event promoters.

32. It is estimated that a permit scheme that would be applied to all roads could cost in the region of £3.2 Million while such a scheme applying to only the most traffic sensitive streets would cost some £700,000.

33. Introduction of a permit scheme would create an increase in workload for the Department and it is possible that some twenty to thirty additional staff may be required to manage it.

34. Different levels of charges could be applied for different types of permits. Charges would be determined by the nature of the works to be carried out, their duration and their anticipated impact on traffic flows. Consequently, the most expensive permits would be those required for major activities on heavily trafficked routes or in traffic-sensitive streets. It is proposed that permit-scheme income would cover the cost of administering the scheme which would, as a result, be self-financing.

35. There are no financial or resource costs associated with the amendments to the Road Traffic Regulation (Northern Ireland) Order 1997 or the Traffic Management (Northern Ireland) Order 2005.

HUMAN RIGHTS ISSUES

36. The introduction of a power to hold an inquiry into the execution of any of the Department's functions under the Road Traffic Regulation (Northern Ireland) Order 1997 will enhance the protection of human rights offered by the Order. The remaining provisions of the Bill are compatible with the European Convention on Human Rights.

EQUALITY IMPACT ASSESSMENT

37. An Equality Impact Assessment screening analysis was completed for each of the four proposals. No significant differential impacts were identified between any of the groups listed in section 75 of the Northern Ireland Act 1998. The screening forms were included in the policy consultation paper and no comments were received on equality issues. The Department concluded that full Equality Impact Assessments were not required on any of the proposals.

SUMMARY OF THE REGULATORY IMPACT ASSESSMENT

38. As the measures introducing inquiries and implementing the reform of the Lord Chancellor's Office are unlikely to impose new costs or savings on businesses, charities or the voluntary sector, a Regulatory Impact Assessment (RIA) was considered unnecessary.

39. Partial RIAs were completed in respect of proposals for permit schemes and road closures for special events. These were included in the policy consultation document.

40. A full RIA for the permit scheme will be carried out when the Department is preparing the scheme and draft permit scheme regulations. A full RIA will be prepared in respect of the special events provisions before the Department publishes guidance.

LEGISLATIVE COMPETENCE

41. The Minister for Regional Development had made the following statement under section 9 of the Northern Ireland Act 1998:

"In my view the Roads (Miscellaneous Provisions) Bill would be within the legislative competence of the Northern Ireland Assembly."

SECRETARY OF STATE CONSENT

42. The Secretary of State has consented under section 10(3)(b) of the Northern Ireland Act 1998 to the Assembly considering this Bill.

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Roads (Miscellaneous Provisions) Bill

[AS INTRODUCED]

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A

B I L L

TO

Provide for permit schemes to control the carrying out of works in roads; for prohibiting or restricting the use of roads in connection with special events; for inquiries in connection with the exercise of certain functions relating to roads; and for connected purposes.

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

PART 1

PERMIT SCHEMES

Meaning of permit scheme

5 **1.**—(1) Any reference in this Part to a permit scheme is a reference to a scheme which is designed to control the carrying out of specified works in specified roads.

(2) A permit scheme may (in particular) include provision—

10 (a) for, or in connection with, requiring a permit to be obtained before specified works are carried out (including provision as to the persons who are required to obtain permits),

(b) for, or in connection with, the issue of permits (including provision with respect to applications for permits, provision for cases in which there is to be an entitlement to the issue of a permit and provision with respect to cases in which permits are to be deemed to be issued),

15 (c) as to cases in which specified works may be carried out without a permit,

(d) for, or in connection with, the imposition of conditions which are to apply in relation to the carrying out of specified works (including provision for, or in connection with, the attachment of such conditions to permits),

20 (e) for, or in connection with, the review or variation of permits or such conditions (including provision with respect to applications for such variations).

PART 1

(3) In this section “specified”, in relation to a permit scheme, means specified, or of a description specified, in the scheme.

Making, variation and revocation of schemes

2.—(1) The Department may prepare a permit scheme and in doing so must comply with permit regulations. 5

(2) A permit scheme shall not have effect unless the Department by order gives effect to it.

(3) An order under subsection (2)—

(a) must specify—

(i) a place where copies of the scheme may be obtained free of charge; 10

(ii) the date on which the scheme is to come into effect, and

(b) may (in accordance with permit regulations) include provisions which disapply or modify statutory provisions to the extent specified in the order.

(4) The Department may by order vary or revoke any permit scheme which for the time being has effect. 15

(5) An order under subsection (4)—

(a) may relate to one or more permit schemes,

(b) may vary or revoke any order under subsection (2), or any order previously made under subsection (4), 20

(c) may (in accordance with permit regulations) include provisions which disapply or modify statutory provisions to the extent specified in the order,

(d) may contain such incidental, supplementary, consequential or transitional provisions as the Department considers necessary or expedient. 25

Permit regulations

3.—(1) The Department may by regulations (“permit regulations”) make provision with respect to the content, preparation, operation, variation or revocation of permit schemes.

(2) Permit regulations may— 30

(a) set out procedural provisions with which the Department must comply in preparing permit schemes,

(b) set out standard provisions which may or must be included in a permit scheme,

(c) make provision as to the publicity to be given to permit schemes, 35

(d) make provision with respect to any of the matters mentioned in section 1(2) (including provision as to the conditions or types of conditions which may be imposed by virtue of section 1(2)(d)).

(3) Permit regulations may make provision—

(a) as to the criteria to be taken into account in the case of decisions with respect to the issue, review or variation of permits or decisions with 40

respect to the imposition, review or variation of conditions under a scheme,

- 5 (b) for, or in connection with, the determination, or facilitating the determination, of disputes (including provision with respect to the appointment of persons to determine, or facilitate the determination of, disputes),
- (c) for, or in connection with, appeals to the planning appeals commission,
- (d) as to the action which may be taken if works are carried out without a permit or if any conditions are not complied with,
- 10 (e) for, or in connection with, the creation, in prescribed cases (including prescribed cases where works are carried out without a permit or in breach of any conditions), of a criminal offence triable summarily and punishable with a fine not exceeding level 5 on the standard scale,
- 15 (f) for, or in connection with, excluding or limiting the liability of prescribed persons in prescribed cases,
- (g) for such incidental, supplemental, consequential or transitional matters as the Department considers necessary or expedient.

(4) Permit regulations may make provision for, or in connection with, the giving of fixed penalty notices (including, in particular, provision applying Schedule 2A to the Street Works Order with or without modifications) in relation to any offence created by the regulations; and for this purpose “fixed penalty notice” means a notice offering a person the opportunity of discharging any liability to conviction for an offence by payment of a penalty.

25 (5) Permit regulations may make provision for, or in connection with, the payment of a fee in respect of any one or more of the following—

- (a) an application for a permit,
- (b) the issue of a permit,
- (c) an application for the variation of a permit or the conditions attached to a permit,
- 30 (d) the variation of a permit or the conditions attached to a permit.

(6) Provision made under subsection (5) may include provision as to—

- (a) the amount or maximum amount of any fee,
- (b) cases in which fees are not to be payable or are to be repaid,
- (c) cases in which fees may be discounted,
- 35 (d) the time and manner of making payment of fees,
- (e) the application of sums paid by way of fees.

(7) Permit regulations may make provision—

- (a) for, or in connection with, the creation and maintenance of a register of permits,
- 40 (b) with respect to access to information contained in any such register (including provision restricting such access).

(8) Permit regulations may set out provisions—

- (a) which disapply or modify statutory provisions, and

PART 1

(b) which are to or may apply in the case of permit schemes.

(9) Nothing in subsections (2) to (8) is to be taken as affecting the generality of subsection (1).

(10) The first regulations under this section may not be made unless a draft of them has been laid before, and approved by a resolution of, the Assembly. 5

(11) Any other regulations under this section are subject to negative resolution.

Crown application

4. This Part binds the Crown; but nothing in this Part authorises the bringing of proceedings for a criminal offence against a person acting on behalf of the Crown.

Interpretation of Part 1 10

5. In this Part—

“condition” is to be construed in accordance with section 1(2)(d);

“in”, in the context of referring to works in a road, includes a reference to works under, over, across, along or upon a road;

“permit” is to be construed in accordance with section 1(2); 15

“permit scheme” is to be construed in accordance with section 1;

“permit regulations” is to be construed in accordance with section 3;

“prescribed” means prescribed, or of a description prescribed, by permit regulations;

“road” means— 20

(a) a road within the meaning of the Roads (Northern Ireland) Order 1993 (NI 15); and

(b) anything which (not being such a road) is a street within the meaning of the Street Works Order;

“the Street Works Order” means the Street Works (Northern Ireland) Order 1995 (NI 19); 25

“statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954 (c. 33);

“works” includes—

(a) street works within the meaning of the Street Works Order; and 30

(b) works for road purposes and major road works within the meaning of that Order.

PART 2

MISCELLANEOUS

Prohibition or restriction of use of public roads in connection with special events 35

6.—(1) The Road Traffic Regulation (Northern Ireland) Order 1997 (NI 2) is amended as follows.

(2) After Article 8 insert the following Article—

“Prohibition or restriction of use of public roads: special events

8A. Schedule 3A (which makes provision for prohibiting or restricting the use of public roads in connection with the holding of special events) shall have effect.”.

5 (3) After Schedule 3 insert the Schedule set out in Schedule 1 to this Act.

Inquiries

7. For Article 65 of the Road Traffic Regulation (Northern Ireland) Order 1997 substitute—

“Inquiries

10 65.—(1) Subject to paragraph (2), the Department may cause a public inquiry to be held in connection with the exercise of any of its functions under this Order.

(2) Paragraph (1) does not apply to the making of an order under Article 10, 13 or 15 if the sole effect of the order is to vary charges.

15 (3) For the purposes of any inquiry under paragraph (1), Schedule A1 to the Interpretation Act (Northern Ireland) 1954 (which applies in relation to such inquiries by virtue of section 23 of that Act) shall have effect as if the words “or may, if the Department so determines, be wholly or partly defrayed by the Department” were added at the end of paragraph 7(1) of that Schedule.

20

(4) Schedule 6 shall have effect in relation to any inquiry under paragraph (1) which is held in connection with the making by the Department of an order or a scheme under this Order.”.

PART 3

SUPPLEMENTARY

25

Minor amendments and repeals

8.—(1) The statutory provisions set out in Schedule 2 have effect subject to the minor and consequential amendments specified in that Schedule.

30 (2) The statutory provisions set out in Schedule 3 are repealed to the extent specified in the second column of that Schedule.

Commencement

9.—(1) Except as provided by subsection (2), this Act comes into operation on the day after that on which it receives Royal Assent.

35 (2) The following provisions come into operation on such day as the Department may by order appoint—

(a) section 6;

(b) Schedule 1;

(c) in Schedule 2, paragraphs 3 to 5 and 6(1) and (2) (and Article 8(1) so far as relating to those paragraphs);

PART 3

(d) in Schedule 3, the entries relating to the Street Works (Northern Ireland) Order 1995 and the Street Works (Amendment) (Northern Ireland) Order 2007 (and Article 8(2) so far as relating to those entries).

Short title

10. This Act may be cited as the Roads (Miscellaneous Provisions) Act 5
(Northern Ireland) 2010.

SCHEDULES

SCHEDULE 1

Section 6.

SCHEDULE TO BE INSERTED AS SCHEDULE 3A TO THE ROAD
TRAFFIC REGULATION (NORTHERN IRELAND) ORDER 1997

5

“SCHEDULE 3A

PROHIBITION OR RESTRICTION OF USE OF PUBLIC ROADS: SPECIAL
EVENTS

Interpretation

- 1.—(1) This paragraph applies for the purposes of this Schedule.
- 10 (2) Subject to sub-paragraph (3), a “special event” is—
- (a) any sporting event, social event or entertainment which is held on a public road; or
 - (b) the making of a film on a public road.
- (3) The following are not special events —
- 15 (a) a public procession (within the meaning of the Public Processions (Northern Ireland) Act 1998);
- (b) a motor race falling within the Road Races (Northern Ireland) Order 1986 (motor races on roads);
- 20 (c) a race or trial falling within Article 45 of the Road Traffic (Northern Ireland) Order 1995 (cycle racing on roads).
- (4) The “relevant authority”—
- (a) for a special road, is the Department;
 - (b) for any other public road, is the district council for the district in which the road is situated.
- 25 (5) Where the special event is the making of a film, references to the holding of the event are to be read as references to the making of the film.
- (6) References to the promoter, in relation to a special event, are references to the person organising the event.
- (7) References to an order are to an order under paragraph 2.
- 30 (8) A public road is “affected” by an order or proposed order if the order contains or would contain provisions restricting or prohibiting the use of the road.

SCH. 1

Prohibition or restriction on public roads in connection with special events

- 2.—(1) Sub-paragraph (2) applies if the relevant authority for a public road is satisfied that—
- (a) traffic on the road should be restricted or prohibited for the purpose of—
 - (i) facilitating the holding of a special event,
 - (ii) enabling members of the public to watch a special event, or
 - (iii) reducing the disruption to traffic likely to be caused by a special event; and
 - (b) it is not reasonably practicable for the event to be held otherwise than on a public road.
- (2) The relevant authority may by order restrict or prohibit temporarily the use of that road, or any part of it, by vehicles or vehicles of any class or by pedestrians, to such extent and subject to such conditions or exceptions as it may consider necessary or expedient.
- (3) An order may relate to the public road on which the special event is to be held or to any other public road.
- (4) No order shall be made with respect to any public road which would have the effect of preventing at any time access for pedestrians—
- (a) to any premises situated on or adjacent to the road, or
 - (b) to any other premises accessible for pedestrians from, and only from, the road.
- (5) An order may suspend or modify any statutory provision relating to the affected road or its use by traffic or pedestrians.
- (6) An order may contain provision —
- (a) requiring the promoter to insure against such risks in connection with the holding of the event on a public road as the relevant authority may specify;
 - (b) requiring the promoter to produce to the relevant authority such certificates as it may require as to the safety of any structures, equipment or other apparatus to be used in association with the special event;
 - (c) requiring the promoter to erect such barriers and place such signs in such places on or in the vicinity of any affected road as the relevant authority may specify;
 - (d) requiring any such barriers and signs to be erected no earlier than, and removed no later than, such times as the relevant authority may specify;
 - (e) requiring the promoter to comply with such other conditions as may be specified in the order.
- (7) A district council may not make an order except with the consent of the Department.

Procedure for making orders

3.—(1) An order shall not be made except on an application made to the relevant authority by the promoter of the special event.

5 (2) An application shall be in writing and give such details of the event as the relevant authority may require.

(3) Where—

(a) an application for an order is made to a relevant authority, and

(b) the relevant authority is minded to make an order,

10 the relevant authority shall publish in at least one local newspaper circulating in the district in which any affected road is situated a notice complying with paragraph (4).

(4) The notice must—

(a) identify the promoter of the special event;

(b) identify any affected road;

15 (c) specify any restrictions or prohibitions which the relevant authority proposes to include in the order;

(d) specify the dates on which and times between which the restrictions or prohibitions would apply;

(e) specify any alternative routes for traffic or pedestrians;

20 (f) state the address where copies of the application may be inspected by any person free of charge at all reasonable times;

(g) state that representations in writing may be sent to the relevant authority within such period as is specified in the notice (not being less than 21 days from the date of the last publication of the notice) at such address as is so specified.

(5) Before making an order the relevant authority must consult—

(a) the district commander of the police district in which any affected road is situated;

(b) the Northern Ireland Fire and Rescue Service;

30 (c) the Northern Ireland Ambulance Service.

(6) When considering whether to make an order, the relevant authority must—

35 (a) consider any representations made in accordance with a notice published under sub-paragraph (3) and the outcome of consultations under sub-paragraph (5);

(b) have regard to the safety and convenience of alternative routes suitable for traffic and pedestrians affected by the order; and

(c) if the relevant authority is a district council, also have regard to any guidance issued by the Department under paragraph 5.

40 *Recovery of certain costs*

4. The relevant authority may recover from the promoter the whole of the costs incurred by the relevant authority in connection with or in

SCH. 1

consequence of the making of an order, including in particular the cost to the relevant authority of complying with the requirement in paragraph 3(3) to publish notices.

Guidance

- 5. The Department may issue guidance— 5
 - (a) to district councils as to the exercise of their functions under this Schedule; and
 - (b) to promoters of events as to the procedure for making an order and as to the conduct of events in relation to which an order has been made. 10

Offences in relation to orders

- 6.—(1) A person who contravenes, or who uses or permits the use of a vehicle in contravention of, a restriction or prohibition imposed by an order is guilty of an offence.
- (2) A promoter who fails to comply with any requirement imposed under paragraph 2(6) is guilty of an offence.”. 15

Section 8.

SCHEDULE 2

MINOR AND CONSEQUENTIAL AMENDMENTS

The Towns Improvement (Ireland) Act 1854 (c. 103)

- 1. Section 70 (obstruction of streets) shall cease to have effect. 20

The Belfast Corporation Act (Northern Ireland) 1930 (c. ii)

- 2. Section 59 (closure of certain streets) shall cease to have effect.

The Statutory Rules (Northern Ireland) Order 1979 (NI 12)

- 3. In Schedule 3 (statutory rules exempt from requirements as to printing and sale) in paragraph 7A after “66 of” insert “, or Schedule 3A to,”. 25

The Roads (Northern Ireland) Order 1993 (NI 15)

- 4. In Article 71(2) (erection of structures on roads) after sub-paragraph (c) insert “or
 - (d) in connection with the holding of an event in connection with which an order has been made under Schedule 3A to the Road Traffic Regulation (Northern Ireland) Order 1997,”. 30

The Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10)

- 5. In Part 1 of Schedule 1 (offences) at the end of the entries relating to the Road Traffic Regulation (Northern Ireland) Order 1997 insert—

Schedule 3A, paragraph 6(1)	Contravention of prohibition or restriction imposed by order.	Summarily.	Level 3 on the standard scale.	—	—	—	35
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Schedule 3A, paragraph 6(2)	Failure to comply with requirement imposed under paragraph 2(6).	Summarily.	Level 2 on the standard scale.	—	—	—
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The Road Traffic Regulation (Northern Ireland) Order 1997 (NI 2)

- 5 6.—(1) In Article 9(1), (2) and (3) for “this Part” substitute “Articles 4 to 8”.
- (2) In Article 69 (trolley vehicles) after “7,” insert “8A,”.
- (3) In Schedule 6 (inquiries), in paragraph 1(1) for “under this Order” substitute
“in connection with the making by the Department of an order or scheme under
this Order”.
- 10 (4) In Schedule 6, at the end add—
- “3. Where the inquiry has been held, the Department may, after
considering the report of the person who held the inquiry—
- (a) determine to make the order or scheme; or
- (b) make the order or scheme either without modification or subject to
15 such modifications as the Department thinks fit.”.

The Traffic Management (Northern Ireland) Order 2005 (NI 14)

- 7.—(1) In Article 16(3) (statutory declaration to contain such additional matters
as Lord Chancellor may determine) after “may” insert “after consultation with the
Lord Chief Justice”.
- 20 (2) In Article 30(1) (Lord Chancellor may make regulations as to procedure
before adjudicators) after “may” insert “after consultation with the Lord Chief
Justice”.

SCHEDULE 3

Section 8.

REPEALS

Short Title	Extent of repeal
The Towns Improvement (Ireland) Act 1854 (c. 103)	Section 70.
The Belfast Corporation Act (Northern Ireland) 1930 (c. ii)	Section 59.
The Street Works (Northern Ireland) Order 1995 (NI 19)	Article 12A. In Article 59(1) the words “12A(8),”.
The Road Traffic Regulation (Northern Ireland) Order 1997 (NI 2)	In Schedule 1, paragraph 4. In Schedule 2, paragraph 5. In Schedule 4, paragraph 4. In Schedule 4A, paragraph 4.

SCH. 3

Short Title	Extent of repeal
The Street Works (Amendment) (Northern Ireland) Order 2007 (NI 1)	In Schedule 5, paragraph 4. Article 3.

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**Belfast City Council**

Report to:	Strategic Policy & Resources Committee
Subject:	Rightsizing Exercise
Date:	19 February 2010
Reporting Officer:	Peter McNaney, Chief Executive
Contact Officer:	Julie Thompson, Director of Finance and Resources

Relevant Background Information

The Strategic Policy and Resources Committee, 21 August 2009 granted approval for a trawl for voluntary redundancies (VR) as part of an organisational rightsizing exercise in preparation for the 2010/11 rate setting process.

Committee was advised in November 2009, that as a result of this trawl, 64 applications had been received for VR and these were being evaluated against criteria/principles previously agreed by SP&R Committee.

On 11 December 2009, Committee was advised that:

- The 64 applications had been individually assessed against the payback period and criteria agreed by Committee and 25 applications were potentially acceptable.
- The one off cost to the Council of releasing these 25 staff would be some £2.3 million. It was estimated that this initial investment would lead to staff savings of some £1 million each and every year (i.e. leading to £5m after 5 years), after making the structural changes needed to facilitate the release of some staff.
- The estimated costs of implementing the VR exercise could be accommodated within the financial position for 2009/10.

Members agreed to the voluntary redundancy exercise within the following parameters:

1. 25 staff to be released at a cost of £2.3M with a pay back of 2.3 years and a saving over 5 years of £5m.
2. Net saving of £1M to be achieved in 2010/11;

3. Total cost to be no more than £2.3M with a payback period of no more than 2.3 years;
4. Supernumerary staff to be managed in a time bound manner and resolved by the end of the financial year;
5. Reviews to be conducted and implemented in accordance with BCC HR policies and procedures;
6. Trade Unions to be fully consulted and agreement sought in relation to all releases and structural changes;
7. Further reports to be made to Committee on the progress of this exercise with final structures being reported to Committee for notation;
8. Implement the completed Building Control review, given the costs and savings which have already been identified; and
9. Delegated authority be given to the Chief Executive and the Director of Finance and Resources in consultation with the Budget and Transformation Panel, to release staff on voluntary redundancy, subject to the principles set out above and the final staff structures being established to achieve the savings required in the areas below:

- Chief Executives and Legal Services Department;
- Financial Services (considering future direction of efficiency and performance management) and BIS;
- Parks and Leisure Business Support; and
- Parks and Leisure Operational Management
- Property Maintenance within Property and Projects
- Building Control (*previously reported to Committee Dec 2009*)

In addition, these reviews also support the strategic direction of the Council.

Key Issues

Since the 11 December 2009, the affected departments have been undertaking detailed work with the Council's Business Improvement Services (BIS) on their structures to ensure organisational rightsizing is undertaken within the parameters agreed by Committee. Following this work, the circumstances of one application have been reviewed and the savings can be achieved through the release of 24 staff, rather the original planned 25 staff. The key issues resulting from this work are set out below.

Summary of efficiency savings from reviews by Departments/Service

Department/Service	Vol Redundancies	Savings
Chief Executives and Legal Services	8	£375,364
Finance and Resources	2	£157,777
Parks and Leisure	7	£217,685
Property and Projects	1	£51,136
Building Control	6	£181,307
Total Savings	24 posts	£983,269

Overview of key issues by department

Chief Executive's and Legal Services Departments (Appendix 1)

The overall aim of these reviews was to rationalise and integrate the workload across both departments.

The following areas were included in this review:

Legal Services Department; Chief Executive's Support; Committee and Members' Services (including the Lord Mayor's Unit); Departmental Business Support including Records Management; Corporate Communications; Good Relations; Strategic Policy and Planning; Registration Services. The overall senior management structure was also considered and the key recommendations were:

- Deletion, creation, re-designation and re-grading of posts have all allowed improved and streamlined functional arrangements for the new Chief Executive's Department (see chart in Appendix 1.1).
- All posts previously identified for voluntary redundancy can be released.
- It is also proposed that the function of Planning and Policy would transfer to the Chief Executive's Department. The function would incorporate all elements of strategic policy and planning (including Community Planning), support to the Chief Executive and Chief Officers as a team, including the support previously provided by the Chief Executive's Business Support Manager.
- Business support is now centrally located within the new department.
- The post of Head of Committee and Members' Services is deleted; the post of Principal Committee Services Administrator is re-designated as the Democratic Services Manager who will manage the new Democratic Services Unit and a re-constituted Lord Mayor's Unit, to enhance civic dignitaries' support
- The Director of Legal Services is re-designated as the Town Solicitor and Assistant Chief Executive, to take onboard day to day operational management of the functions within the new Chief Executive's Department.
- Legal Services will also gain a new post of Legal Services Manager; a revised functional structure and dedicated support for the senior legal staff.
- Registration (BDM&CP) moves under the departmental business support function.

The financial outturn following these reviews is a total saving of **£375,364** (including on-costs for employer's National Insurance and Superannuation contributions).

Parks and Leisure Services Department (Appendix 2)

The overall aim of the review was to rationalise the Parks Operational Management tier and Business Support structures to develop streamlined structures which will deliver improved decision making processes and promote accountability across all tiers of management.

The following outcomes are required to enable the council to meet the challenges ahead:

- Deletion, creation, re-designation and re-grading of a number of posts have all been necessary to provide the opportunity to create improved and streamlined functional arrangements for the Parks Operational Management tier and the business support function servicing the department.
- The release of all posts previously identified for voluntary redundancy
- The approval and implementation of a Parks and Leisure Improvement programme

across the Parks and Leisure Department.

- The approval of the business case for the creation of the new post of Head of Parks and Leisure Services to provide a focus for the integration and delivery of services across the department and the delivery of the Parks and Leisure Improvement programme.

This new structure has been supported by the Parks and Leisure Committee at its meeting on 11 February 2010. The financial outturn following this review is a total saving of **£217,685** (including on-costs for employer's National Insurance and Superannuation contributions).

Finance and Resources Department (Appendix 3)

The key functions considered in this review were operational and strategic finance; policy and planning; efficiency; organisation development and improvement; performance management; and customer focus.

The following recommendations are proposed following the review to enable the council to meet the challenges ahead:

- Delete the posts of Head of Financial Services, Core Improvement Manager and Principal Consultant
- Move the function of performance management from the outgoing Core Improvement Department to the Finance and Resources Department
- Create a new and enhanced Head of Service post with responsibility for Finance, Performance Management and Efficiency.
- Move the function of Policy and Planning from the outgoing Core Improvement Department to the Chief Executive's Department.
- Move the people aspects functions of organisation development and the responsibility for organisation establishment and structures (including job evaluation; categorisation and job descriptions) to HR to support the framework currently being developed to ensure the robust monitoring and management of all employee costs.
- Move the functionality of 'Customer Focus' from Core Improvement Department to the Finance and Resources Department.
- Agree a programme of work to align existing staff to the functions of policy and planning; efficiency; organisation development and improvement; performance management; and customer focus.

The financial outturn following these reviews is a total saving of **£157,777** (including on-costs for employer's National Insurance and Superannuation contributions).

Property and Projects Department (Appendix 4)

The organisation structure for Property Maintenance was examined and verified to ensure the business case for the release of one post on voluntary redundancy.

The financial outturn following this review is a total saving of **£51,136** (including on-costs for employer's National Insurance and Superannuation contributions).

The detail of each review area can be found in the attached appendices.

Current Status of VRs and Supernumerary staff

In terms of the VR exercise, 21 staff out of the 24 staff discussed above have been placed on their notice. It is anticipated that the remaining 3 staff will be released during the first quarter of 2010/11. There has also been an additional transferred one to one redundancy to support the release of a supernumerary member of staff (see below).

At its meeting in December 2009, Strategic Policy and Resources Committee agreed that supernumerary staff should be managed in a time bound way. There were four such staff in posts above the establishment. Since then one supernumerary employee has been redeployed into a vacant established post; one has been redeployed into an occupied established post on a one to one transfer VR; one has been deployed to a task and finish piece of work to be released on VR in Feb 2011 unless employment status changes; and one has been placed on three months notice of compulsory redundancy. The Council will continue to seek suitable alternative employment for this employee during the notice period.

Resource Implications

Financial

If the recommendations contained in this report are accepted then they will result in a net saving of **£983,269 annually on an ongoing basis.**

Human Resources

It was agreed by SP&R Committee on the 11th December 2009 that all the reviews would be conducted and implemented in accordance with BCC HR policies and procedures.

For those reviews which do not have full agreement at this stage there will be further consultation with Trade Unions and employees to agree final positions and implementation will be in accordance with the relevant HR policies and procedures.

Recommendations

1. To note the contents of this report.
2. Agree that authority be delegated to the Chief Executive and Director of Finance and Resources in consultation with the Budget and Transformation Panel, to implement these reviews and achieve the savings, subject to the relevant HR policies and procedures and consultation with staff and trade unions.
3. If members approve recommendations 1 and 2, agree to delegate authority to the Director of Finance and Resources to recruit and appoint the post of Head of Finance and Performance. This post would be recruited in accordance with the RPA Vacancy Control procedure, in consultation with the Local Government Staff Commission, with the outcome reported to the Committee for notation.

Decision Tracking

The responsible officer to oversee the implementation of these recommendations will be the Director of Finance and Resources.

Key to Abbreviations

BCC – Belfast City Council
 BDM&CP – Birth Deaths Marriages and Civic Partnerships
 BIS – Business Improvement Section
 HR - Human Resources
 RPA – Review of Public Administration
 SP&R – Strategic Policy and Resources
 VR - Voluntary Redundancy

Documents Attached

Appendix One	Chief Executives and Legal Department
Appendix Two	Parks and Leisure Services Department
Appendix Three	Finance and Resources Department
Appendix Four	Property Maintenance within the Property and Projects Department

CHIEF EXECUTIVE'S & LEGAL SERVICES' REVIEWS

Terms of Reference

The main aim of the review was to create a more effective and efficient corporate centre.

The following areas were reviewed:

Legal Services Department	Chief Executive's Support
Committee and Members' Services (including the Lord Mayor's Unit)	Departmental Business Support (including Records Management)
Corporate Communications	Good Relations
Strategic Policy and Planning	Registration Services

The overall senior management structure was also considered.

This was done in line with the high-level objectives set out on page 29¹ in the Sector report on the review of the centre (submitted to committee in June 2009). It will be subject to such amendments approved by the Chief Executive for operational or functional arrangements.

The recommendations also build upon previous work carried out in relation to structures, performance, efficiency and effectiveness.

An operational report is available which shows the detail behind the recommendations.

Key Issues/Recommendations

- Recommendations were explored and challenged in terms of practicality, cost efficiency and appropriate procedures.
- A revised functional arrangements chart for the new Chief Executive's Department is attached (see Appendix 1.1).
- The business case has been made to allow the release of all posts previously identified for voluntary redundancy.
- The deletion of a number of other posts (including a number of long-term vacant posts and those with duties no longer appropriate or sufficiently focussed) and the creation of a number of new posts.
- The re-designation of a number of posts to better reflect their revised responsibilities within a new department.
- Business support is centrally located within the new department as first advocated by the Review of the Centre report by Sector.

¹ The high-level objectives from page 29 of the Sector report are stated as:

- Providing effective support to the Strategic Policy & Resources Committee, COMT and departments;
- Providing more efficient and better value for money services;
- Releasing resources that can be reinvested into front line services;
- Releasing resources that can be used for capital investment; and
- Getting the organisation ready for RPA.

- Work is ongoing to develop fully formed job descriptions and have these properly job evaluated.

Set out below are the proposals for each element of the re-structuring which makes up the overall review. They are separated into sections representing each area of review.

1. Committee and Members' Services – to be re-titled as Democratic Services

Key changes involve the deletion of the Head of Committee and Members' Services post and the re-designation of the Principal Committee Services Administrator as the Democratic Services Manager. This post will manage the new Democratic Services Unit and a revised Lord Mayor's Unit – gaining a complement of fewer support officers to meet the needs of and support our civic dignitaries.

Support for Members is further enhanced through the re-designation of the Director of Legal Services as the Town Solicitor and Assistant Chief Executive, to ensure Members access to advice on corporate governance and procedure is maintained at a high level.

2. Business Support – re-titled as Departmental Business Support

The numbers of staff have been based on a centralisation of business support into the department's core. This means that this will be the section that advises upon and monitors corporate standards and policies for the Director and managers (a major role of the upper tier posts).

Registration (BDM&CP) moves from the previous Corporate Services Department to under the Chief Executive's departmental business support function, as the operational management is largely under the direction of the General Register Office. The Records Management Unit is repositioned into the legal division.

3. Corporate Communications

There is a need to rationalise the nature of the organisation structure around internal and external communication and balance the management responsibilities. Key changes involve the deletion of the posts of Media Relations Manager, one Media Relations Officer and the creation of a post of Senior Media Relations Officer.

4. Good Relations

The key issue is the re-designation of the post of Good Relations Manager to take account of the post assuming responsibility for the Peace III programme, with its budgetary commitments and management structure.

5. Legal Services

To ensure an improved level of legal support and advice to the council and its Members, the Director of Legal Services takes on additional responsibilities and an enhanced role within the new Chief Executive's department and is re-designated as the Town Solicitor and Assistant Chief Executive.

The Legal Services Department has been re-configured, the main changes involving the direct management of fellow professionals (in legal 'divisions') by a new post of legal services manager (with the deletion of one post of Principal Solicitor) and the provision of direct support for professional legal staff by dedicated business support staff – "legal administrators".

The current post of Business Support Manager is re-designated as the Chief Executive's Departmental Support Manager.

6. Planning and Policy Function – transfer function from Core Improvement Team into Chief Executive's

It is recommended that the Planning and Policy function transfers to the Chief Executives Department. The function would incorporate all elements of strategic policy and planning (including Community Planning), support to the Chief Executive and chief officers as a team, including the support previously provided by the Chief Executive's Business Support Manager. The post of Strategic Planning Manager will therefore be redesignated and a programme of work will be developed to align existing staff to the functions of policy, planning and performance management.

7. Chief Executive's Support Unit

This unit has been supplemented for a number of years with a number of seconded staff with temporary roles. This situation has now been regularised with re-titled posts and the appropriate levels of support for the Chief Executive and Chief Officers Management Team.

Financial Overview

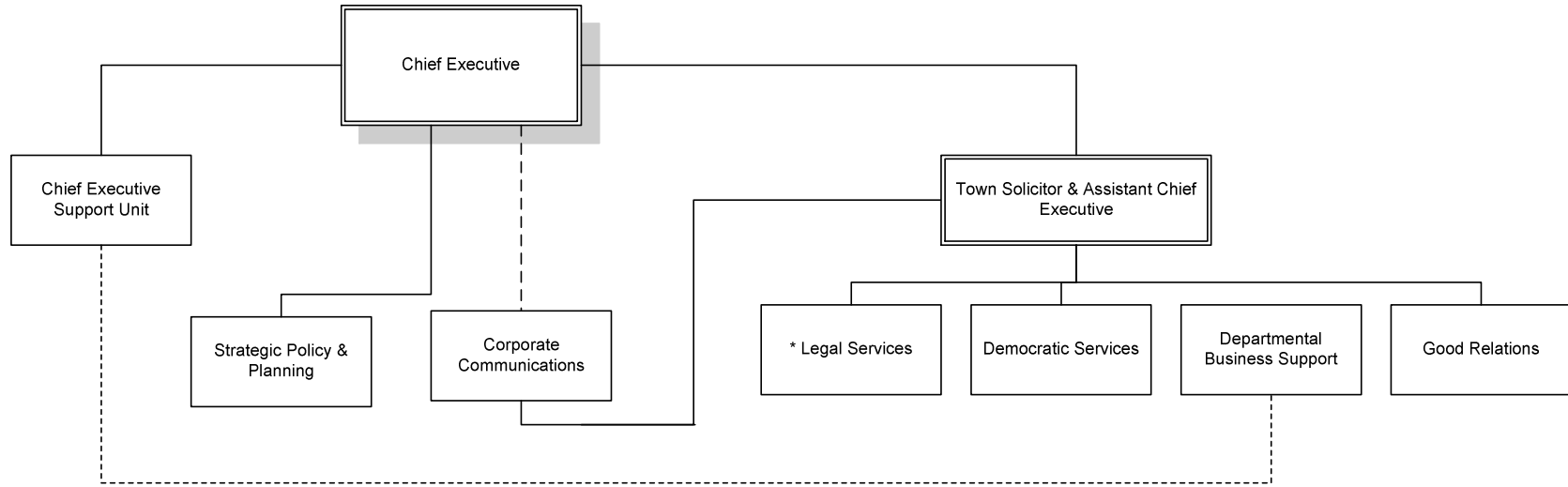
Table 1 below sets out the financial implications of the recommendations made earlier in this report. Employee costings include on-costs for employer's National Insurance and Superannuation contributions.

Table 1

Financial Implications
The overall financial implications of this review is a saving of £375,364

The proposed functional structure is attached.

Proposed Chief Executives Department - Overview - February 2010



**REVIEWS OF OPERATIONAL MANAGEMENT WITHIN PARKS AND
CEMETERIES SERVICES AND BUSINESS SUPPORT WITHIN PARKS AND
LEISURE DEPARTMENT**

Terms of reference

The purpose of conducting both reviews was to develop an integrated service delivery which maximises the benefits of both the Parks and Cemeteries and Leisure Services to the community and general public. This will assist the department to enhance health, wellbeing and active living, make facilities shared, address anti social behaviour and build relationships with communities.

More comprehensive reports are available which shows the detail behind the recommendations in both Parks reviews. The outcome of this review has been discussed and supported by the Parks and Leisure Committee at its meeting on 11 February 2010.

Key Issues/Recommendations

- In order to progress the Parks Operational Management Review within the tight timescales, it has been agreed to proceed in a series of phases i.e. Phase I the Operational Strand; Phase II reviews of the Parks Development Strand; and Phase III reviews of Bereavement Services and Leisure Services
- The key issues of the Phase I review include improved community and operational focus with the development of specific posts of Open Space Community Managers and Open Space Operations Managers.
- The key issues of the business support review include clarification of roles and responsibilities around the HR and Finance functions; enhanced role to support continuous improvement and performance management and reporting; more effective communication and improved management decision making; rationalisation of roles and responsibilities to provide synergies and economies of scale across the business support unit; and the identification of two defined strands (HR/Admin and Finance/Systems) which is in line with the other business support units across the council.
- At present there is no senior manager post to oversee the operations of the Parks and Leisure Department. The creation of a more senior post would allow for better management of the integration and delivery of services across the department. In order to provide the synergy required across both Services it is necessary to remove the current solo focus at a senior level in both the Parks and Leisure Services. Therefore, the posts of Leisure Services Manager (PO 11) and the budgeted Parks and Cemeteries Senior Manager post (PO11) would no longer be required and should be deleted.
- The cost of the new Head of Parks and Leisure (working title) post would therefore be offset against the savings of the two deleted PO11 posts.

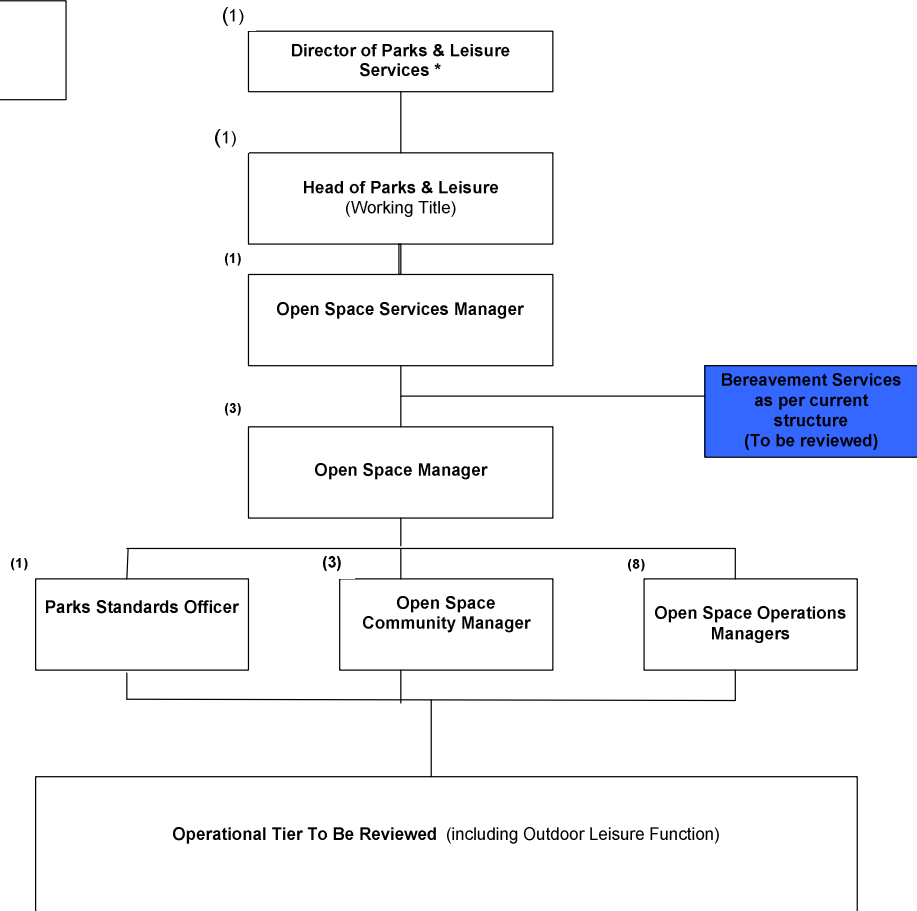
Financial Overview

Shown below are the financial implications arising from the recommendations from the two reviews. The figure includes employer on-costs for employer's National Insurance and Superannuation contributions.

Financials
The total saving for these reviews amounts to £217,685

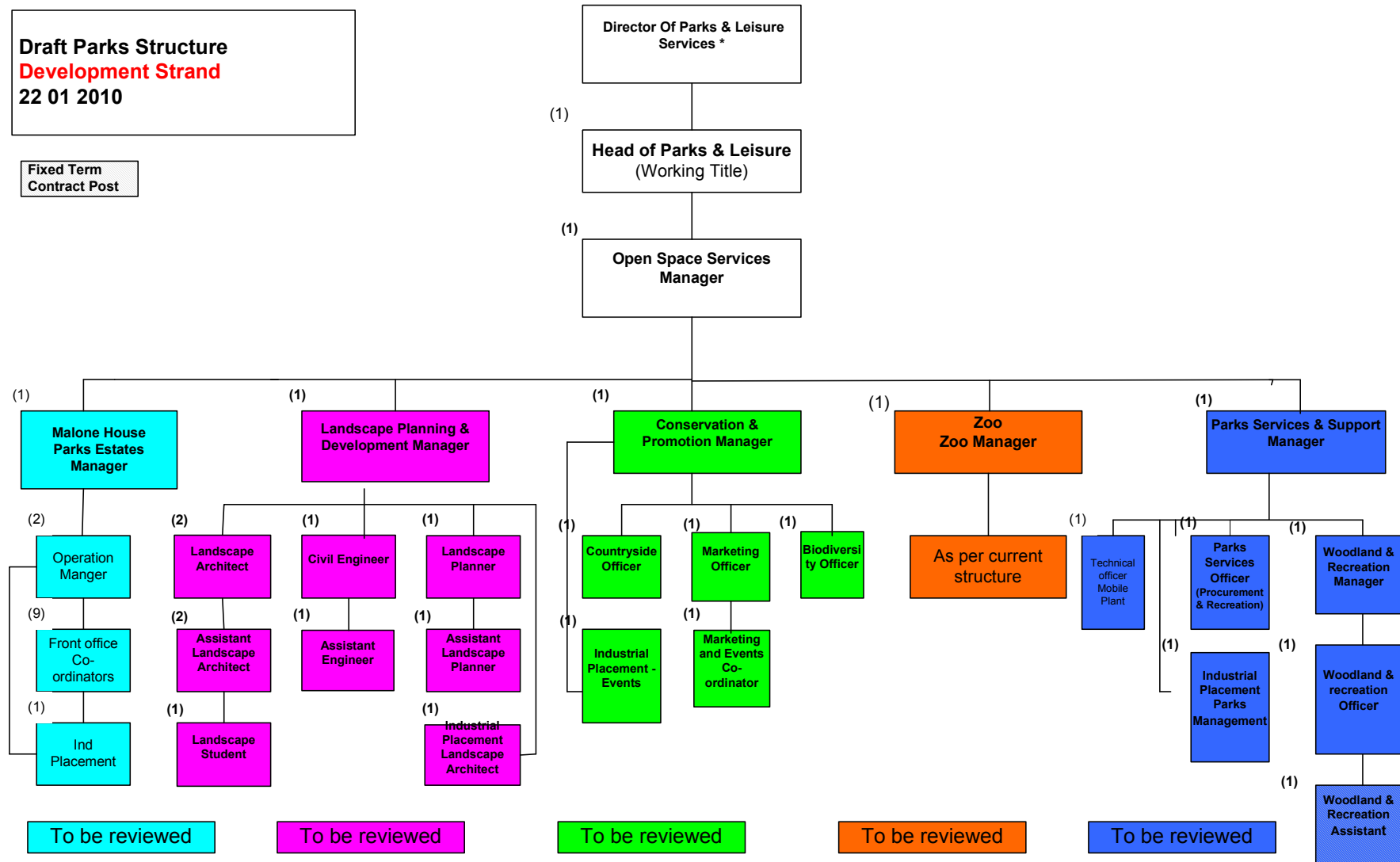
The proposed organisational structures are attached.

Draft Parks Structure
Operational Strand
22 01 2010 (8)



Draft Parks Structure
Development Strand
22 01 2010

Fixed Term
 Contract Post



FUNCTIONAL REVIEW OF FINANCIAL SERVICES

Terms of Reference

In this changing economic and corporate climate there is a significant emphasis on efficiency, value for money, performance reporting, performance management, and transformational change. The following functions were therefore considered within the review;

Financial Services – Operational & Strategic
Core Improvement Section (CIT) (Policy & Planning/Performance Management functions – specifically Performance Management & Efficiency)
Business Improvement Section (BIS)

Key Issues/Recommendations

There is a need to substantially alter the current operational Head of Financial Services, and develop a new role which can drive efficiency, future financial planning and performance in a more strategic manner. The following recommendations will further ensure that the department meets the challenges and changes required for the future.

- It is proposed that the current post of Head of Financial Services be deleted and a new and enhanced Head of Service post be created with responsibility for Finance, Performance Management and Efficiency. The post will require a strong strategic perspective to support the new Director of Finance and Resources in setting the direction for the Department and supporting the organisation with regard to corporate business planning, budgetary and financial management, and performance and efficiency management.
- The functions currently located within Financial Services should be consolidated into two units namely Operational Finance and Strategic Financial Management. These units will report to the proposed new post of Head of Finance, Performance Management and Efficiency.
- It is proposed that the interim post of Core Improvement Manager be deleted and that the Policy and Planning function from CIT be re-established within the Chief Executive's department and report directly to the Chief Executive.
- The Performance Management function from CIT should be re-established within the Finance and Resources department and report directly to the proposed new Head of Finance, Performance Management and Efficiency.
- The high level structure of BIS was examined and due to the recent economic downturn and reduction in income, it was decided that one post of Principal Consultant should be deleted from the BIS structure in support of the VR exercise.
- It is also recommended that the people aspects of organisation development and the responsibility for organisation establishment and structures (including job evaluation, categorisation, and job descriptions) move to HR to support the framework currently being developed to ensure the robust monitoring and management of all employee costs.
- It is proposed that the functionality of 'Customer Focus' will be incorporated into the Finance and Resources Department.
- It is proposed that a programme of work is developed and agreed to align existing staff to the functions of policy and planning; efficiency; organisational development and improvement; performance management and customer focus.

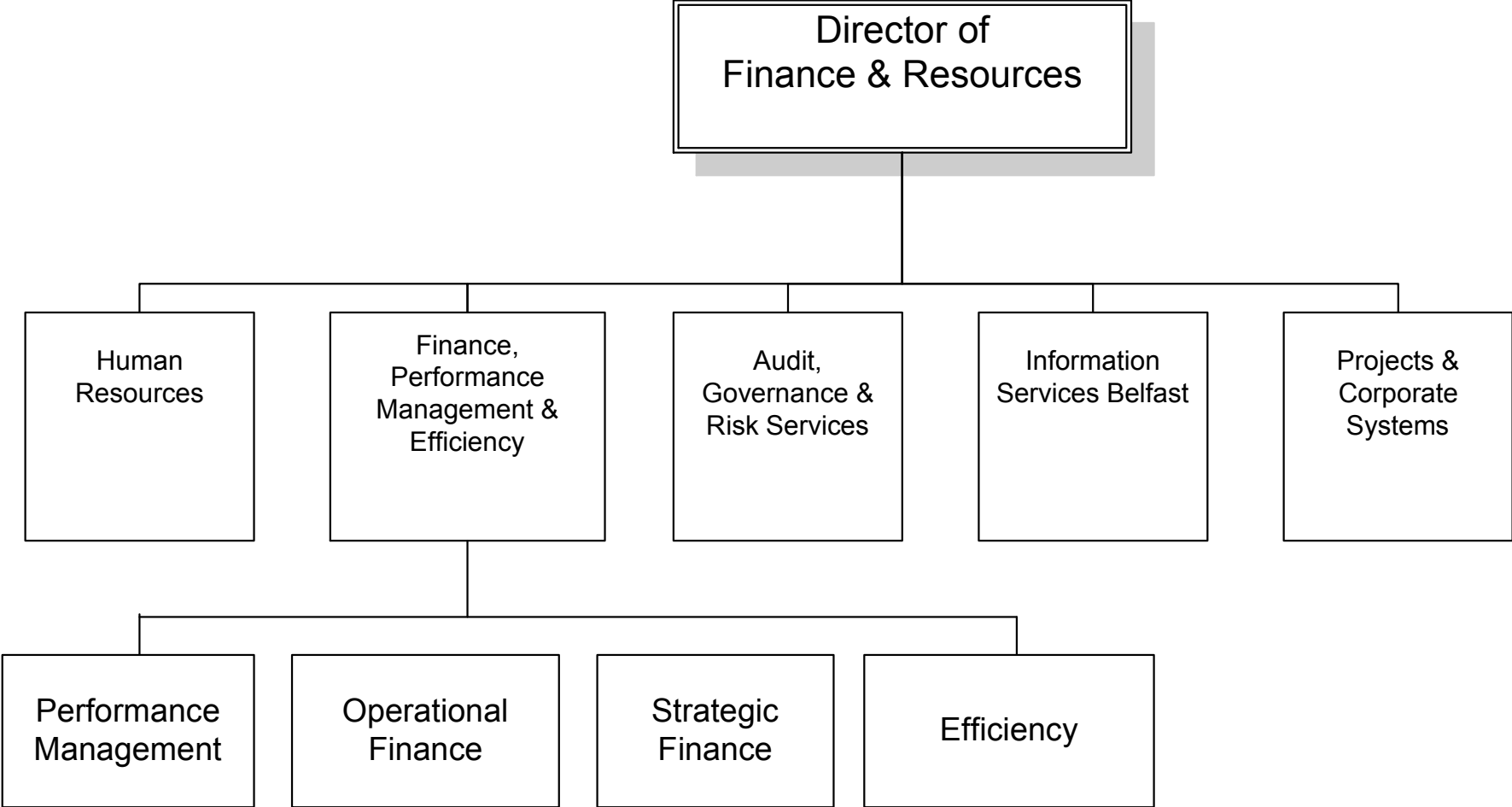
Financial Overview

The table below details the financial implications of the recommendations from the review. The figure includes on-costs for employer's National Insurance and Superannuation contributions.

FINANCIALS

The total saving for this review will amount to **£157,777**

Functional Overview



**PROPERTY MAINTENANCE WITHIN
PROPERTY AND PROJECTS DEPARTMENT**

Terms of Reference

The organisation structure for Property Maintenance was examined to ensure there was a valid business case for the release of one post on voluntary redundancy. The relevant post under consideration in the Property Maintenance Structure is that of Technical Support Manager.

Key Issues/Recommendations

- The role and remit of the post has reduced.
- The post no longer has any responsibility for architectural matters.
- The duties of a dedicated Compliance Officer post impinge on the remit of the post.
- Some more-strategic responsibilities are more usefully located with the higher-level post of Property Maintenance Manager.
- Remaining operational duties can be dealt with by the remaining post of Property Officer (Building & Procurement)
- A further job evaluation exercise will need to be carried out for a number of affected posts and this has been allowed for in the costings.

Financial Overview

Shown in table 1 below is the financial implication of the recommendations made in the review. This is an employee costing and includes on-costs for employer's National Insurance and Superannuation contributions.

Table 1

Financial Implications
The overall financial implications of this review is a saving of £51,136



Belfast City Council

Report to:	Strategic Policy and Resources Committee
Subject:	Consultation Document - Draft Local Government (Indemnities for Members and Officers) Order (NI) 2010
Date:	19 February 2010
Reporting Officer:	Ciaran Quigley, Director of Legal Services, – Ext 6038
Contact Officer:	Dympna Murtagh, Principal Solicitor – Ext 6041

Purpose of the Report

To bring to the attention of the Committee a consultation document received from the Department of the Environment in relation to its proposal to make an Order for the purpose for dealing with indemnities for Members and Officers, and to agree the terms of the Council's response.

Relevant Background Information

The purpose of the proposed Order is to clarify the present uncertainty which exists in relation to the power of district councils in Northern Ireland to provide indemnities to Members and officers for any personal liability that they might incur arising from actions or decisions taken by them in the course of their official duties, particularly where Members and officers become involved with external bodies to which they have been appointed by their councils.

In England and Wales, that uncertainty was removed by legislation introduced in 2004 and which clarified the circumstances in which local authorities in England and Wales can indemnify their Members and officers, and can provide appropriate insurance cover in relation to their activities on behalf of their local authorities.

Following an approach made by the Director of Legal Services to the Department of the Environment in Northern Ireland in which attention was drawn to the present unsatisfactory state of affairs in Northern Ireland in relation to this matter, the Department has now indicated its proposal to introduce similar legislation to provide appropriate protection for Members and officers of district councils in Northern Ireland. That legislation is in the shape of the proposed Local Government (Indemnities for Members and Officers) Order (NI) 2010 and the Council has now been consulted by the Department in relation to the draft Order (see the consultation document set out in Appendix 1 to this report).

Key Issues

Article 33 of the Local Government (NI) Order 2005 enables the Department to make an Order conferring power on district councils in Northern Ireland to provide indemnities to its

Members and officers. The difficulty as pointed out by Legal Services to the Department was that Article 33 had never been brought into force. The Department has now agreed to remedy that position and has also agreed to make the appropriate Order for the purpose of conferring power on councils in Northern Ireland to indemnify, subject to certain restrictions, its Members and officers in relation to personal liabilities incurred in connection with their duties on behalf of their councils. The legislation will effectively replicate the existing legislation in England and Wales.

In publishing the draft Order, the Department has set out a number of questions for consideration by consultees. Draft responses to those questions are set out in Appendix 2.

Resource Implications

Financial and Human Resources

The Council already maintains insurance policies which would cover any relevant claims and no additional expenditure would be required.

Asset and Other Implications

N/A

Recommendation

The Committee is invited to endorse the attached Consultation Response in respect of the draft Local Government (Indemnities for Members and Officers) Order (NI) 2010 and to recommend that it be submitted to the Department of the Environment for Northern Ireland by the consultation closing date of 31st March 2010.

Documents Attached

Appendix 1: Consultation document

Appendix 2: Draft proposed response to consultation questions.



**The Draft Local Government
(Indemnities for Members and Officers)
Order (Northern Ireland) 2010**

Consultation Document

December 2009

**PROPOSAL TO MAKE THE LOCAL GOVERNMENT (INDEMNITIES
FOR MEMBERS AND OFFICERS) ORDER (NORTHERN IRELAND)
2010**

This Consultation Document seeks views on the Department's proposal to make the Local Government (Indemnities for Members and Officers) Order (Northern Ireland) 2010.

Comments should be sent by 31 March 2010 to:

Jim Stewart
Local Government Policy Division
Department of the Environment
6th Floor, Goodwood House
44-58 May Street
Belfast
BT1 4NN

E-mail: jim.stewart@doeni.gov.uk Fax No: 02890 256080
Text Phone: 02890 540642

The following persons will be able to answer queries in relation to the proposal:

Jim Stewart	jim.stewart@doeni.gov.uk	02890 256037
Tommy McCormick	tommy.mccormick@doeni.gov.uk	02890 256038

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THE LOCAL GOVERNMENT (INDEMNITIES FOR MEMBERS AND OFFICERS) ORDER (NORTHERN IRELAND) 2010

Purpose

1. The Department is seeking views from consultees on its proposal to make an order using powers available in Article 33 of the Local Government (Northern Ireland) Order 2005 (the 2005 Order) to enable district councils to provide indemnities to some or all of their members and officers.
2. The background to this matter and details of the Department's proposal are set out in the following paragraphs.

Position in England and Wales

3. Prior to 2004 there had been uncertainty in England and Wales about the extent of the powers of local authorities to indemnify their members and officers for any personal liability arising from actions or decisions taken by them in the course of their official duties. While local authorities had relied on various statutory provisions that either excluded liability or permitted some indemnities to be granted, particular doubts and concerns had arisen where members and officers incurred personal liability for their actions on external bodies to which they had been appointed by their local authorities.
4. Given the importance that Government attaches to local authorities working in partnership with other bodies and using their powers in

innovative ways to ensure delivery of high-quality and cost-effective services, it was important that these matters should be clarified.

Consequently, Government took an order-making power in the Local Government Act 2000 (the 2000 Act) to allow the Secretary of State to provide authorities with the ability to indemnify their members and officers in respect of personal liabilities incurred in connection with their service on behalf of their authorities.

5. Section 101 of the 2000 Act permits the Secretary of State to “...*make provision for or in connection with conferring powers on relevant authorities in England and Wales to provide indemnities to some or all of their members and officers.*” Subsequently, in 2004, the Secretary of State made the Local Government (Indemnities for Members and Officers) Order 2004 (the 2004 Order) which came into force in November 2004. The 2004 Order clarified the circumstances in which local authorities can indemnify some or all of their members and officers (including securing the provision of insurance cover) and enabled local authorities to provide indemnities in a wider range of circumstances than before.

Northern Ireland position

6. The legislation used by local authorities in England and Wales prior to November 2004 to provide indemnities for members and officers does not extend to Northern Ireland. However, section 1(2) of the Local Government Act (Northern Ireland) 1972 (the 1972 Act) establishes a district council as a body corporate and applies section 19 of the Interpretation Act (Northern Ireland) 1954 (the 1954 Act) to the council. As a body corporate, section 19(1)(e) of the 1954 Act enables a council

“...to exempt from personal liability for the debts, obligations or acts of that body, such members thereof as do not contravene the provision of the Act under which the body is established.”

7. Section 1(1)(b) of the 1972 Act provides that a council *“...shall have such functions as are conferred on the council by any statutory provision.”* As such therefore, a council can indemnify its members from personal liability in carrying out any functions of the council provided its members do not contravene the provision of the 1972 Act.

8. As regards council officers, section 48 of the 1972 Act states:

“48(1) An officer of a council shall not be personally liable in respect of any act done by him in the execution of any function of the council and within the scope of his employment if he acted reasonably and in the honest belief that his duty required or empowered him to do it; but nothing in this subsection shall be construed-

(a) as relieving a council of any liability in respect of its officers; or

(b) as exempting any officer of a council from the operation of Articles 19 and 20 of the Local Government (Northern Ireland) Order 2005.

(2) Where an action has been brought against an officer of a council in respect of an act done by him in the execution or purported execution of any such function and the circumstances are such that he is not legally entitled to require the council to indemnify him, the council may nevertheless indemnify him against the whole or a

part of any damages or costs which he may have been ordered to pay or may have incurred, if the council is satisfied that he honestly believed that the action complained of was within the scope of his employment and that his duty required or empowered him to do it.”.

9. Therefore, under section 48(1) of the 1972 Act, an officer of a council could not be personally liable for his actions in carrying out any functions of the council that are within the scope of his employment **provided** he acted reasonably and in the honest belief that his duty required him to carry out those actions. Additionally, under section 48(2) of the 1972 Act, a council could indemnify an officer in circumstances where he would not otherwise be legally entitled to be indemnified by his council **provided** the council was satisfied that, in carrying out a particular action, the officer honestly believed that it was within the scope of his employment and that he was required to carry it out.

Doubts about the extent of indemnities for members and officers of district councils

10. Despite the above provisions (see paragraphs 6-9 above), councils have in recent years expressed doubts about the extent to which they can indemnify their members and officers from personal liability arising from actions or decisions taken by them as members of other bodies to which they have been appointed by their councils, e.g. local partnerships, regeneration initiatives, companies that councils have established or participate in, etc.

11. Consequently, the Department included an order-making power, similar to that contained in section 101 of the 2000 Act, in the Local Government (Northern Ireland) Order 2005 (the 2005 Order). Article 33 of the 2005 Order (see Annex A) is deliberately wide-ranging and permits the Department to “...*make provision for or in connection with conferring power on councils to provide indemnities to some or all of their members and officers.*” Article 33 has not yet been commenced.

Department’s proposal

12. The Department proposes to commence Article 33 of the 2005 Order and, at the same time, make an order to confer powers on councils to indemnify, subject to certain restrictions, some or all of their members and officers in respect of personal liabilities incurred in connection with service on behalf their councils. The powers will be similar to those given to relevant local authorities in England and Wales under the 2004 Order.

The Local Government (Indemnities for Members and Officers) Order (Northern Ireland) 2010

13. A draft copy of the proposed order – the Local Government (Indemnities for Members and Officers) Order (Northern Ireland) 2010 (the 2010 Order) – is attached for consideration as Annex B.

Who should councils be able to indemnify?

14. The 2010 Order will enable councils to provide indemnities to some or all of their members and officers.

15. The Department considers that it should be for councils themselves to determine which members and officers should be granted indemnities. Accordingly, it is proposed that the power to provide indemnities should be widely drafted and should not limit the class of member or officer to whom indemnities can be given. The power will permit councils to grant indemnities to specific individuals, at the discretion of each council.
16. The Department considers that the power to grant indemnities out of public funds should be limited to circumstances in which members or officers act by virtue of membership of, or employment by, their councils and for the purposes of their councils. This specifically allows indemnities to be available where an individual is working in partnership with another organisation, so long as the above conditions are met. It will not extend to members or officers acting in a personal capacity.
17. The Department considers that indemnities should be capable of being provided in relation to any claim made after the indemnities have been given (whatever the date of the action complained of).
18. Only members and officers who are in post at the time the indemnities are granted will be eligible for indemnities but, in relation to action taken while they are members or officers, the indemnities will continue to be effective in respect of claims made after they have ceased to be members or officers, if the terms of the indemnities provide for this (see also paragraph 36 below).

19. Paragraphs 14-18 relate particularly to Articles 2 and 4 of the 2010 Order.

Question 1: Do you agree that councils should be able to indemnify all or such of their members or officers as they determine for liabilities incurred when they are acting by virtue of their membership of, or employment by, their councils and for the purposes of their councils?

What liabilities should councils be able to indemnify?

20. The Department considers that councils should be permitted to indemnify individuals against any personal financial liability that they incur arising from circumstances in which members or officers act by virtue of membership of, or employment by, their councils and for the purposes of their councils. Such indemnities could be in terms of financial support or support in kind (such as legal advice or representation by employees from the councils).
21. Councils' powers should be wide enough to remove any doubts about their ability to indemnify individuals, including:
- where individuals become personally responsible for the debts or other liabilities of bodies to which they have been appointed by their councils; and

- where individuals incur costs defending themselves against legal proceedings brought by third parties in relation to their duties as members or officers - including any in which the individuals are co-joined with their councils.

Question 2: Do you agree with the above circumstances or are there other circumstances in which councils would want to provide indemnities and which should be covered by the 2010 Order?

Should any restrictions be placed on councils' power to provide indemnities?

Restrictions

22. The Department considers that some restrictions should be placed on the provision of indemnities. In particular, the Department proposes that an indemnity should not be available to cover any case in which an individual has acted fraudulently or recklessly. Also, an indemnity should not extend to any liability arising from any action, or failure to act, which constitutes a criminal offence (though this would not exclude the possibility of an indemnity to cover the costs of a defence case in instances in which the defendant was eventually found not guilty of the offence).
23. The Department therefore proposes that members and officers should only be able to rely on indemnities funded directly by their councils if, when taking the actions giving rise to the liabilities, they have acted honestly and

in good faith. It is not proposed that officers or members could rely on indemnities if, when taking the actions giving rise to the liabilities, they acted recklessly.

24. The effect of these restrictions is that indemnities could be offered to cover liabilities that have been incurred by members or officers in connection with their councils' functions, if the individuals concerned had acted honestly and in good faith at all times.

25. Paragraphs 22-24 relate to Article 5 of the 2010 Order.

<p>Question 3: Are the restrictions on councils' power to provide indemnities proposed above appropriate?</p>
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Insurance

26. The Department proposes that, alongside the power to provide indemnities, the 2010 Order should also be used to make clear that councils may also arrange for insurance for members or officers against the risks that may be the subject of indemnities permitted by the 2010 Order. In common with other situations where councils purchase insurance, councils will have to weigh up the respective advantages and disadvantages of purchasing insurance or meeting the cost of indemnities from their own resources. In all cases, councils will need to give due weight to their obligations in relation to financial probity and value for money considerations.

27. Paragraph 26 relates particularly to Article 3 of the 2010 Order.

Libel action

28. The Department proposes expressly to prohibit councils from using the powers to be conferred by the 2010 Order to meet the cost of members and officers taking legal action for slander or libel, either directly or through insurance. The Department does not believe that individuals should be funded at public expense to bring proceedings against third parties as to do so could stifle legitimate public debate. Councils should however be able to provide indemnities to individuals against the costs of defending such actions (where the actions relate to their official functions).
29. A 2003 judgement in the England and Wales High Court¹ indicated that local authorities there may already have the power in some cases to make a decision to fund libel proceedings brought by their officers and to pay the costs of such an action by virtue of section 111(1) of the Local Government Act 1972. However, the judge said:
- “The hazards of defamation exercises are, or should be, notorious. Common sense suggests that the council’s disastrous experience in the present case should be sufficient to warn-off all but the most litigious of local authorities from granting indemnities in respect of the costs of defamation proceeding brought by their officers.”*
30. Northern Ireland councils do not have a directly equivalent power to section 111(1) of the Local Government Act 1972. However, using the power available in section 17(3) of the 1954 Act², NI councils may in

¹ R v Bedford Borough Council, Ex Parte Gregory Comminos (2003) QBD Administrative Court (Sullivan J) 21/1/2003.

² Section 17(3) of the 1954 Act States “Where an enactment empowers any person or authority to do any act or thing, all such powers shall be deemed to be also given as are reasonably necessary to enable that person or authority to do that act or thing or are incidental to the doing thereof.”

particular cases be able to provide indemnities for officers to take slander or libel proceedings against third parties where such provision could be regarded as being reasonably necessary to enable those officers to do any act or thing or is incidental to the doing thereof. Councils would clearly have to consider their positions very carefully, and take appropriate legal advice, before using this power to fund slander or libel proceedings brought by their officers. Councils should also note the above-mentioned judgement and the availability of judicial review as a remedy in cases of irrational or otherwise improper decisions. This will include any use of such a power purely to circumvent the basic rule that a council cannot protect itself by bringing defamation proceedings.

31. Paragraphs 28-30 relate to Article 5 of the 2010 Order.

Question 4: Do you agree that the Department is right to:

- **limit indemnities from council reserves to situations where individuals have acted honestly and in good faith?**
- **permit councils to insure against the risk that indemnities might be called upon?**
- **prohibit councils from providing indemnities, either directly or through insurance, for the cost of starting proceedings for defamation?**

Question 5: Are there other express prohibitions that should be attached to the power to give indemnities?

Actions or guarantees subsequently found to be ultra vires

32. Bodies with which councils do business may at times seek guarantees, opinion letters or letters of comfort from individuals within councils as a way of protecting themselves against the possibility that the commitments being entered into by councils are ultra vires. Should the transactions subsequently prove to be outside the powers of the councils and enforcement against the councils thus impossible, the other bodies may try to claim against the individuals concerned.
33. The Department has considered whether there should be some scope to allow indemnities to be granted in cases where actions are shown to be ultra vires and has concluded that there are limited cases where this may be permissible. The Department therefore would welcome responses to the proposal that councils should be able to provide indemnities to members and officers to cover cases in which individuals are subject to proceedings in relation to matters authorised by their councils but which are later found to be ultra vires if:
- (a) the individual indemnified, at the point at which he or she acted, believed that the action he or she was taking was intra vires or, where the actions consist of providing an opinion letter or letter of comfort, that the contents of that letter were true; and
 - (b) that those beliefs were honestly and reasonably held.
34. The Department proposes that the 2010 Order accompanying this consultation paper should permit councils to purchase insurance or provide

indemnities to cover any liabilities which individuals incur due to actions or decisions that their councils have corporately taken that have subsequently proven to be ultra vires, providing the conditions at (a) and (b) in the preceding paragraph are satisfied.

35. Paragraphs 32-34 relate to Article 6 of the 2010 Order.

Question 6: The Department seeks views on this approach to indemnifying members or officers who provide guarantees, opinion letters or letters of comfort to third parties or become liable through activities that are subsequently found to be ultra vires.

Other issues

36. The Department considers that the exact terms when members and officers can call upon indemnities are for members, officers and councils to decide.

Question 7: Are there any other issues that need to be covered in the 2010 Order?

Human Rights

37. The Department believes that the proposed Order is compatible with the Human Rights Act 1998.

Equality

38. Under the terms of section 75 of the Northern Ireland Act 1998, the Department carried out screening for equality impact and is satisfied that the proposed Order will not lead to discriminatory or negative differential impact on any of the section 75 groups. A copy of the screening form can be viewed on the Department's website

http://www.doeni.gov.uk/index/information/equality_unit.htm.

Regulatory Impact Assessment

39. Earlier this year, the Department advised councils of its intention to commence Article 33 of the 2005 Order and make an order to enable councils to provide indemnities to some or all of their members and officers. Councils were asked to provide information to assist the Department determine if it was necessary to undertake a regulatory impact assessment in respect of this policy proposal. The information received indicated that the proposal will not impact on businesses, charities, social enterprises or voluntary bodies and the Department has therefore concluded that a regulatory impact assessment is not necessary.

Rural Proofing

40. The Department considers that its proposal will not have a differential impact in rural areas or on rural communities.

Freedom of Information Act 2000 - confidentiality of consultations

41. The Department may publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read Annex C on the confidentiality of consultations. It gives guidance on the legal position about any information given by you in response to this consultation.

Alternative format

42. Should you require a copy of this Document in an alternative format, it can be made available on request in large print, disc, Braille and audiocassette. The Department's text phone number has also been included below to assist those people who have a hearing impairment. It may also be made available in minority languages for those who are not proficient in English.

Consultation

43. Comments should be sent by 31 March 2010 to me at the address below or by e-mail to jim.stewart@doeni.gov.uk. The following persons will be able to answer queries in relation to the Department's proposal:

Jim Stewart

jim.stewart@doeni.gov.uk

Tel: 02890 256037

Tommy McCormick

tommy.mccormick@doeni.gov.uk

Tel: 02890 256038

44. This Consultation Document is being circulated to persons and bodies listed in Annex D and is also available to view at http://www.doeni.gov.uk/index/local_government/local_government_consultations.htm.

Jim Stewart
Local Government Policy Division
Goodwood House
6th Floor
44-58 May Street
Belfast
BT1 4NN

Fax: 02890 256080
Text phone: 02890 540642

**Article 33 of the Local Government (Northern Ireland)
Order 2005**

Indemnification of members and officers of councils

33. - (1) The Department may by order make provision for or in connection with conferring power on councils to provide indemnities to some or all of their members and officers.

(2) Before making an order under this Article the Department shall consult councils and—

- (a) such associations or bodies representative of councils;
- (b) such associations or bodies representative of officers of councils;
- and
- (c) such other persons or bodies,

as the Department considers appropriate.

(3) An order under this Article—

- (a) may include supplementary, incidental, consequential or transitional provisions; and
- (b) shall not be made unless a draft of the order has been laid before, and approved by resolution of, the Assembly.

(4) In this Article “member” in relation to a council, includes—

- (a) a member of any committee of the council;
- (b) a person who is a member of, and represents the council on, any joint committee.

DRAFT STATUTORY RULES OF NORTHERN
IRELAND

2010 No.

LOCAL GOVERNMENT

**Draft Local Government (Indemnities for Members and
Officers) Order (Northern Ireland) 2010**

Made - - - - - ***

Coming into operation - - - - - ***

The Department of the Environment makes the following Order in exercise of the powers conferred by Article 33 of the Local Government Order (Northern Ireland) 2005^(a).

In accordance with Article 33(2) of that Order, the Department of the Environment has consulted councils and such associations or bodies representative of councils, such associations or bodies representative of officers of councils and such other persons or bodies as it considered appropriate.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Local Government (Indemnities for Members and Officers) Order (Northern Ireland) 2010 and shall come into operation on [] 2010.

(2) In this Order “secure”, in relation to any indemnity provided by means of insurance, includes arranging for, and paying for, that insurance.

Indemnities

2. A council may, in the cases mentioned in Article 4, provide indemnities to any of its members or officers.

Insurance

3. In place of, or in addition to, providing an indemnity under Article 2, a council may, in the cases mentioned in Article 4, provide an indemnity by securing the insurance of any of its members or officers.

Cases in which an indemnity may be provided

4. Subject to Article 5, an indemnity may be provided in relation to any action of, or failure to act by, the member or officer in question, which—

- (a) is authorised by the council; or
- (b) forms part of, or arises from, any functions conferred upon that member or officer, as a consequence of any function being exercised by that member or officer (whether or not

(a) S.I. 2005/1968 (NI 18)

when exercising that function it is done so in the capacity as a member or officer of the council)–

- (i) at the request of, or with the approval of the council, or
- (ii) for the purposes of the council.

Restrictions on indemnities

5.—(1) No indemnity may be provided under this Order in relation to any action by, or failure to act by, any member or officer which–

- (a) constitutes a criminal offence; or
- (b) is the result of fraud, or other deliberate wrongdoing or recklessness on the part of that member or officer.

(2) Notwithstanding paragraph (1)(a), an indemnity may be provided in relation to –

- (a) subject to Article 7, the defence of any criminal proceedings brought against the member or officer; and
- (b) any civil liability arising as a consequence of any action or failure to act which also constitutes a criminal offence.

(3) No indemnity may be provided under this Order in relation to the making by the member or officer indemnified of any claim in relation to an alleged defamation of that member or officer but may be provided in relation to the defence by that member or officer of any allegation of defamation made against the member or officer.

Matters that exceed the powers of the council, member or officer

6.—(1) Notwithstanding any limitation on the powers of a council which grants an indemnity, the council may provide an indemnity to the extent that the member or officer in question–

- (a) believed that the action, or failure to act, in question was within the powers of the council; or
- (b) where that action or failure comprises the issuing or authorisation of any document containing any statement as to the powers of the council, or any statement that certain steps have been taken or requirements fulfilled, believed that the contents of that statement were true,

and it was reasonable for that member or officer to hold that belief at the time when the member or officer acted or failed to act.

(2) An indemnity may be provided in relation to an act or omission which is subsequently found to be beyond the powers of the member or officer in question but only to the extent that the member or officer reasonably believed that the act or omission in question was within the powers of the member or officer at the time at which the member or officer acted.

Terms of indemnity or insurance

7.—(1) Subject to paragraph (2), the terms of any indemnity given (including any insurance secured) under this Order may be such as a council shall agree.

(2) Where any indemnity given to any member or officer (including any insurance secured for that member or officer) has effect in relation to the defence of any criminal proceedings, the indemnity shall be provided (and any insurance secured) on the terms that, if the member or officer in question is convicted of a criminal offence and that conviction is not overturned following any appeal, the member or officer in question shall reimburse the council or the insurer (as the case may be) for any sums expended by the council or insurer in relation to those proceedings pursuant to the indemnity or insurance.

(3) Where a member or officer is obliged to reimburse a council or insurer pursuant to the terms mentioned in paragraph (2), those sums shall be recoverable by the council or insurer (as the case may be) as a civil debt.

Sealed with the Official seal of the Department of the Environment on ***** 2010

(L.S.)

Wesley Shannon

A senior officer of the Department of the Environment

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for circumstances in which a council may provide indemnities to any of its members or officers. These powers are in addition to any existing powers that councils may have.

Article 3 enables a council to provide an indemnity by means of the council securing the provision of an insurance policy for the members or officers.

Article 4 sets out the cases in which indemnities (including those provided by insurance) may be provided. This Article restricts the power to cases in which the member or officer in question is carrying on any function at the request of, with the approval of, or for the purposes of, the council. It extends to cases where, when exercising the function in question, the member or officer does so in a capacity other than that of a member or officer of the council.

Article 5 prevents the provision of an indemnity (or securing of insurance) in relation to criminal acts, any other intentional wrongdoing, fraud, recklessness, or in relation to the bringing of (but not the defence of) any action in defamation.

Article 6 gives a limited power to provide an indemnity (including an indemnity provided by insurance) where the action or inaction in question is outside the powers of the council itself or outside the powers of the member or officer who acts. It also covers cases in which a member or officer makes a statement that certain steps have been taken or requirements fulfilled but it later becomes clear that this is not the case. This provision is limited to cases in which the person indemnified:

- reasonably believed that the matter in question was not outside those powers, or
- where a document has been issued containing an untrue statement as to the council's powers, or as to the steps taken or requirements fulfilled, reasonably believed that the statement was true when it was issued or authorised.

Article 7 provides that the terms of any indemnity (including insurance secured) may be such as a council shall agree. The terms must include provision for re-payment of sums expended by the council or insurer in cases in which a member or officer has been convicted of a criminal offence (if the indemnity or insurance policy would otherwise cover the proceedings leading to that conviction). Any sums recoverable may be recovered as a civil debt.

The Freedom of Information Act 2000 – confidentiality of consultations

1. The Department may publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this consultation.

2. The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or be treated as confidential.

3. This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:
 - the Department should only accept information from third parties in confidence if it is necessary to obtain that information

in connection with the exercise of any of the Department's functions and it would not otherwise be provided;

- the Department should not agree to hold information received from third parties "in confidence" which is not confidential in nature; and
 - acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.
4. For further information about confidentiality of responses please contact the Information Commissioner's Office (or see website at: <http://www.informationcommissioner.gov.uk>).

List of Consultees

Age Concern NI

All Northern Ireland District Councils

An Munia Tober

arc21

Association of British Insurers

Association of Local Government Finance Officers

Association of Public Service Excellence

British Chamber of Commerce

Belfast Solicitors Association

Carers NI

Chief Local Government Auditor

Church of Ireland

Civil Law Reform Division

Coalition on Sexual Orientation

Community Relations Council

Confederation of British Industry

Disability Action

District Judge - Magistrates Court

Equality Commission for NI

Equality Forum NI

Federation of Small Businesses

Food Standards Agency for Northern Ireland

Gingerbread

Help the Aged NI

HM Council of County Court Judges

HM Revenue & Customs

Human Rights Commission

Law Centre (NI)

Local Government Staff Commission

MENCAP

Men's Project

MEPs

Methodist Church in Ireland

Ministry of Defence

MLAs

MPs

National Association of Councillors

NI Assembly / Committee for the Environment

NI Association of Citizens Advice Bureaux

NI Chamber of Commerce and Industry

NI Council of Trade

NI Council for Voluntary Action

NI Gay Rights Association

NI Political Parties

NIC / ICTU

North Western Region Waste Management Group

Northern Ireland Bankers Association

Northern Ireland Court Service

Northern Ireland Finance House Association

Northern Ireland Judicial Appointments Commission

Northern Ireland Law Commission

Northern Ireland Local Government Association

Northern Ireland Ombudsman

Participation and the Practice of Rights Project

Presbyterian Church in Ireland

QUB – School of Law

RNIB

RNID

Save the Children

Secretary – Catholic Bishops of Northern Ireland

Society of Local Authority Chief Executives

SWaMP2008

The Executive Council of the Inn of Court Northern Ireland

The General Consumer Council for Northern Ireland

The Law Society of Northern Ireland

The Northern Ireland Council for Ethnic Minorities

UU – School of Law

Women's Support Network

Youthnet

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Appendix 2

Belfast City Council response to the Department of the Environment for Northern Ireland consultation on the draft Local Government (Indemnities for Members and Officers) Order (NI) 2010.

Question 1: Do you agree that Council should be able to indemnify all or such of their members or officers as they determine for liabilities incurred when they are acting by virtue of their membership of, or employment by, their councils and for the purpose of their councils?

The Council agrees that the power to indemnify specific individuals should be at the discretion of each council and should apply to circumstances in which members or officers act by virtue of their membership of, or employment by, their councils and for the purposes of their councils.

Question 2: Do you agree with the above circumstances or are there other circumstances in which councils would want to provide indemnities and which should be covered by the 2010 Order?

The Council is content with the power set out in the draft legislation which provides that an indemnity may be provided in relation to any action of, or failure to act by, the member or officer in question, which:

- (a) is authorised by the council ; or
- (b) forms part of, or arises from, any functions conferred upon that member or officer, as a consequence of any function being exercised by that member or officer-
 - (i) at the request of, or with the approval of the council, or
 - (ii) for the purposes of the council

Question 3: Are the restrictions on councils' power to provide indemnities proposed above appropriate?

The Council is content with the suggested provisions.

Question 4: Do you agree that the Department is right to:
-limit indemnities from council reserves to situations where individuals have acted honestly and in good faith?
– permit councils to insure against the risk that indemnities might be called upon?
– prohibit councils from providing indemnities, either directly or through insurance, for the cost of starting proceedings for defamation?

The Council agrees that indemnities should not be provided where the action by or the failure to act by a member or officer constitutes a criminal offence or is the result of fraud, or other deliberate wrongdoing or recklessness on the part of that member or officer. It is agreed that an indemnity should be provided in relation to the defence of any action for defamation against that member or officer .

Question 5: Are there other express prohibitions that should be attached to the power to give indemnities?

The Council is content that the limitations set out in the draft Order are appropriate.

Question 6: The Department seeks views on this approach to indemnifying members or officers who provide guarantees, opinion letters or letters of comfort to third parties or become liable through activities that are subsequently found to be ultra vires?

The Council agrees that councils should be able to provide indemnities to members and officers to cover cases in which individuals are subject to proceedings in relation to matters authorised by their councils but which are later found to be ultra vires if:

- (a) the individual indemnified, at the point at which he or she acted, believed that the action he or she was taking was within the law or, where the actions consist of providing an opinion letter of comfort, that the contents of that letter were true: and
- (b) that those beliefs were honestly and reasonably held.

Question 7: Are there any other issues that need to be covered in 2010 Order?

The Council believes that the draft Order provides sufficient clarification of the position regarding the granting of indemnities to members and officers in local authorities in Northern Ireland.



Belfast City Council

Report to:	Strategic Policy and Resources Committee
Date:	Friday, 19th February, 2010
Subject:	Publication of Members' Information
Reporting Officer:	Mr. Liam Steele, Head of Committee and Members' Services (extension 6325)
Contact Officer:	Mr. Robin Boyd, Members' Support Officer (extension 6323)

Purpose of Report

To submit for the consideration of the Committee a report regarding proposed changes to the information which is published annually on the Council's website relating to Members' allowances and expenses.

Relevant Background Information

The Former Policy and Resources (Members) Sub-Committee at its meeting on 4th August, 2003 agreed the nature and format of information to be published on the Council's website relating to Members allowances, mileage claims and details of costs incurred by attending conferences and undertaking visits.

The Sub-Committee approved the publication under the following headings:-

Allowances

Basic
Attendance
Special Responsibility

Conferences/Visits

Subsistence (including the cost of accommodation and out of pocket expenses)
Travel (by public transport or car)
Conference Fees

Travel Expenses

Mileage, etc. to and from meetings

The Sub-Committee agreed also that explanatory notes should be published in relation to each of the proposed headings outlining the nature of each payment and indicating that all of the costs were in accordance with relevant legislation, Council policies and procedures, that Allowances were subject to the normal Income Tax and National Insurance deductions and that expenses associated with attendance at conferences or for travel were related to the costs actually incurred and should not be considered as being of a financial benefit to Members.

The Sub-Committee agreed also that locally-held training sessions and meetings such as boards of outside bodies, since they were part of the routine work of Councillors and were clearly distinguishable from conferences should not be included among lists of conferences attended.

It was agreed that the information would be updated on an annual basis and that prior to publication each Member would be circulated with the information applicable to them personally to allow verification of the information being provided.

Current Position

In accordance with the Sub-Committee's decision, the information as authorised has been published on the Council's website each year in June and has been included in the Council's Publication Scheme.

Publication of the information in this manner has removed the need for the Council to respond to individual requests for information which the public is entitled to receive in regard to the above-mentioned items under the Freedom of Information Act 2000. It also permits the information to be collated on the basis of a full financial year which results in more consistent and accurate reporting of the financial information.

Key Issues

Over the past number of months several Freedom of Information requests have been received from individuals seeking information about Members' allowances and expenses. It has been the practice to refer these individuals to the Council's Publication Scheme and the information published annually. Recently one such individual asked for the response to be reviewed on the basis that the information provided was not complete and not sufficiently up-to-date.

Having conducted a review as required under the Act, the Director of Legal Services concluded that publication of such information on an annual basis was not unreasonable, however, it was determined that the nature of the information published required to be reviewed given the changes in Members' allowances and expenses which had been introduced since 2003.

In light of the Director of Legal Service's determination it is necessary to re-assess the information published in relation to Members' allowances and expenses. It is

also clear that there is increased public interest in payments made to elected representatives at every level from Central Government down. It is essential for the Council to be transparent in relation to all payments made to Elected Members and, accordingly, the Committee's authority is sought to revise the Council's Publication Scheme in so far as it relates to allowances and expenses paid to Councillors to include all payments made by the Council.

The main changes required are the removal of Attendance Allowance which is no longer applicable and the inclusion of information on Members' allowances associated with membership on the District Policing Partnership Board and the Council's Transition Committee. These allowances are 75% and 100% funded respectively and will require an explanatory note if they are to be published or otherwise provided to the public. It is suggested a revised list of allowances and expenses are published under the following headings:-

Allowances

- Basic
- Special Responsibility
- District Policing Partnership
- Transition Committee
- Civic Dignitaries Personal Allowances

Conferences/Visits

- Subsistence (including the cost of accommodation and out of pocket expenses)
- Travel (by public transport or car)
- Conference Fees

Travel and Other Miscellaneous Claims

- Mileage, etc. to and from meetings
- Home Phone Rental/Broadband Fee
- Hands Free Car Kits

Explanatory notes relating to each of the above elements should also be published to provide details of the nature of each allowance or claim and the extent, if any, of outside funding which applies (for instance 75% funding for District Policing Partnership payments).

Recommendation

It is recommended that the Committee authorises the revision of the details of Councillors' allowances and expenses published on the Council's website as outlined above and agrees that the information be updated on an annual basis and that prior to publication each Member would be circulated with the information applicable to them personally to allow verification of the information being provided.

Decision Tracking

To be undertaken by Liam Steele, Head of Committee and Members' Services, by 31st July each year.

Attachments

N/A



Belfast City Council

Report to:	Strategic Policy and Resources Committee
Subject:	Requests for the use of the City Hall and the provision of Hospitality
Date:	Friday, 19 th February, 2010
Reporting Officer:	Mr. Liam Steele, Head of Committee and Members' Services (ext. 6325)
Contact Officer:	Mr. Gareth Quinn, Development Officer (ext. 6316)

Relevant Background Information

Members will recall that the Committee, at its meeting on 26th September, 2003, agreed to the criteria which would be used to assess requests from external organisations for the use of the City Hall and the provision of hospitality. Subsequently the Committee at its meeting on 7th August, 2009, further amended the criteria so as to incorporate the new Key Themes as identified in the Council's Corporate Plan.

Key Issues

The revised criteria has been applied to each of requests contained within the appendix and recommendations have been made to the Committee on this basis.

Resource Implications

Provision has been made in the Revenue Estimates for hospitality.

Recommendations

The Committee is asked to approve the recommendations as set out in the Appendix.

Key to Abbreviations

Not applicable

Decision Tracking

If the Committee approves the recommendations, the organisations will be notified and the necessary arrangements put in place following ratification by the Council.

Officer responsible – Gareth Quinn.

Documents Attached

Appendix 1 – Schedule of Applications

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**SCHEDULE OF APPLICATIONS FOR THE USE OF THE CITY HALL AND
THE PROVISION OF HOSPITALITY**

Organisation / Body	Event / Date – Number of Delegates / Guests	Request	Comments	Recommendation
Queen's University Belfast	'Built Environment' and 'Entrepreneurship and Employability' Conference 18 th June, 2010 Approximately 60 attending	The use of the City Hall and the provision of hospitality in the form of a pre-dinner drinks reception.	Delegates will be staying in accommodation in Belfast and the conference will take place within the city. This event would contribute to the Council's Key Themes of 'City Leadership – Strong, Fair, Together' and 'Better opportunities for success across the city'.	The use of the City Hall and the provision of hospitality in the form of red/white wine and soft drinks. Approximate cost £240
Society of Occupational Medicine	Society of Occupational Medicine Annual Scientific Conference 15 th June, 2011 Approximately 280 attending	The use of the City Hall and the provision of hospitality in the form of a pre-dinner drinks reception.	Delegates will be staying in accommodation in Belfast and the conference will take place within the city. This event would contribute to the Council's Key Theme of 'City Leadership – Strong, Fair, Together'.	The use of the City Hall and the provision of hospitality in the form of red/white wine and soft drinks. Approximate cost £1,120
Confederation of Registered Clubs Association	Confederation of Registered Clubs Association Conference 26 th May, 2010 Approximately 50 attending	The use of the City Hall and the provision of hospitality in the form of a pre-dinner drinks reception.	Delegates will be staying in accommodation in Belfast and the conference will take place within the city. This event would contribute to the Council's Key Theme of 'City Leadership – Strong, Fair, Together'.	The use of the City Hall and the provision of hospitality in the form of red/white wine and soft drinks. Approximate cost £200
Accord Trade Union	Accord Bi-Annual Conference 20 th April, 2010 Approximately 400 attending	The use of the City Hall and the provision of hospitality in the form of a dinner for the organising Committee of the Conference.	Delegates will be staying in accommodation in Belfast and the conference will take place within the city. This event would contribute to the Council's Key Theme of 'City Leadership – Strong, Fair, Together'.	The use of the City Hall and the provision of hospitality in the form of a dinner. Approximate cost £1,200
Linfield Football and Athletic Club	125 th Anniversary Dinner of Linfield Football Club 27 th May, 2011 Approximately 300 attending	The use of the City Hall and the provision of hospitality in the form of a pre-dinner drinks reception.	This event seeks to celebrate the 125 th Anniversary of Linfield Football Club and to acknowledge its contribution to the general life and well-being of the city. This event would contribute to the Council's Key Themes of 'City Leadership – Strong, Fair, Together' and 'Better support for people and communities'.	The use of the City Hall and the provision of hospitality in the form of red/white wine and soft drinks. Approximate cost £1,200

St Teresa's Community Project	Centenary Dinner 4 th November, 2011 Approximately 350 attending	The use of the City Hall and the provision of hospitality in the form of a pre-dinner drinks reception.	This event seeks to celebrate the 100 th Anniversary of the Parish of St Teresa and to acknowledge its contribution to the general life and well-being of the city. This event would contribute to the Council's Key Themes of 'City Leadership – Strong, Fair, Together' and 'Better support for people and communities'.	The use of the City Hall and the provision of hospitality in the form of red/white wine and soft drinks. Approximate cost £1,400
Belfast Royal Academy Old Boys Association	225 th Anniversary Dinner 27 th November, 2010 Approximately 300 attending	The use of the City Hall and the provision of hospitality in the form of a pre-dinner drinks reception.	This event seeks to celebrate the 225 th Anniversary of the Belfast Royal Academy and to acknowledge its contribution to the general life and well-being of the city. This event would contribute to the Council's Key Themes of 'City Leadership – Strong, Fair, Together' and 'Better support for people and communities'.	The use of the City Hall and the provision of hospitality in the form of red/white wine and soft drinks. Approximate cost £1,200
Titanic Schools Project	6 th Annual Thomas Andrews Prize Awards Ceremony 5 th May, 2010 Approximately 70 attending	The use of the City Hall and the provision of hospitality in the form of tea/coffee and biscuits.	This event seeks to recognise the achievements of engineering students who have undertaken projects associated with the Titanic. This event will also aim to promote the positive aspects of the city's shipbuilding history and to inspire a new generation of engineers. This event would contribute to the Council's Key Theme of 'City Leadership - strong, fair, together'.	The use of the City Hall and the provision of hospitality in the form of tea/coffee and biscuits. Approximate cost £140
National Deaf Children's Society	Young Authors and Artists Prize Day 8 th June, 2010 Approximately 200 attending	The use of the City Hall and the provision of hospitality in the form of tea/coffee and biscuits.	This event seeks to celebrate the artistic achievements of deaf children and young people in the areas of creative writing, drawing and photography. This event would contribute to the Council's Key Themes of 'City Leadership - strong, fair, together' and 'Better support for people and communities'.	The use of the City Hall and the provision of hospitality in the form of tea/coffee and biscuits. Approximate cost £400
The Department for Employment and Learning	National Training Awards 2010 12 th October, 2010 Approximately 300 attending	The use of the City Hall and the provision of hospitality in the form of a pre-event drinks reception.	This event seeks to recognise and reward individuals and organisations from both the public and private sector which have demonstrated an increase in the skills of their workforce through a commitment to training and development. This event would contribute to the Council's Key Themes	The use of the City Hall and the provision of hospitality in the form of red/white wine and soft drinks. Approximate cost £1,200

			of 'City Leadership – Strong, Fair, Together' and 'Better opportunities for success across the city'.	
Fold Housing Association	<p>Launch of the Mobile Therapy Unit for Dementia Sufferers</p> <p>4th May, 2010</p> <p>Approximately 80 attending</p>	The use of the City Hall and the provision of hospitality in the form of tea/coffee and biscuits.	<p>This event seeks to launch the Mobile Therapy Unit which aims to improve the quality of life for dementia sufferers and their carers.</p> <p>The event also seeks to raise awareness among the general public on dementia and dementia-related issues.</p> <p>This event would contribute to the Council's Key Themes of 'City Leadership - strong, fair, together' and 'Better support for people and communities'.</p>	<p>The use of the City Hall and the provision of hospitality in the form of tea/coffee and biscuits.</p> <p>Approximate cost £160</p>

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**Belfast City Council**

Report to:	Strategic Policy and Resources Committee
Date:	Friday, 19th February, 2010
Subject:	Transitional Governance Arrangements for the Education Sector
Reporting Officer:	Mr.Liam Steele, Head of Committee and Members' Services (extension 6325)

Purpose of Report

To determine a response to correspondence received from The Minister for Education regarding the transitional governance arrangements for the education sector.

Background

Members will recall that, at the meeting of the Committee in December, 2009, a report was submitted concerning correspondence which had been received from the Minister for Education on 8th December inviting the Council to make nominations to the transitional Board of the Belfast Education and Library Board, pending the establishment of the new Education and Skills Authority.

The Minister, in order to comply with the Code of Practice of the Commissioner for Public Appointments, had requested that two nominees be put forward for each of the four places to which the Council would be entitled. The names of the eight nominees were to be sent to the Department by 16th December.

Members were given two options to consider. The first option was to determine the Council's representatives using a one-off selection process based on d'Hondt which resulted in the undernoted choice sequence:

SF choices 1, 5 and 7
DUP choices 2,6 and 8
UUP choice 3
SDLP choice 4.

The second option was to take the view that the Council had already nominated 14 representatives to the Belfast Education and Library Board using the d'Hondt process and if the Minister wished to reduce this figure from 14 to 4 she should make her selections from that pool of Councillors.

The decision of the Committee on 11th December, 2009 was:

' That the Committee agrees to nominate only four Members to the Belfast Education and Library Board and that, based on the use of a one-off d'Hondt selection process, these comprise one Member from each of the four main Party Groupings on the Council, that is, Sinn Fein, the Democratic Unionist, the Ulster Unionist and the SDLP Party Groupings.'

A letter advising the Minister of the Council's decision and the names of the four nominees, Councillors Convery, Hartley, Rodgers and Rodway, was emailed to her office on 14th December.

Key Issues

Further correspondence from the Minister has been received by the Council on 17th February. In her letter the Minister reiterates the need for the Council to nominate at least two nominees for each vacancy claiming that to do otherwise may hold up the selection and appointment process. She has requested that the names of four further nominees be forwarded to her by 19th February.

The Committee has two options to consider. Firstly, it can decide to confirm its original decision to nominate four Members only or secondly it can agree to provide four additional nominees based on the next four choices under the one-off d'Hondt process which had been run in December. This would result in two further nominees from each of the Sinn Fein and DUP Party Groupings, that is, choices 5 and 7 for Sinn Fein and choices 6 and 8 for the DUP.

Recommendations

To consider the options put forward and to take such action thereon as may be determined.

Decision Tracking

The Committee's decision will be conveyed to the Minister by the Head of Committee and Members' Services following the meeting.

Key to Abbreviations

N/A

Budget and Transformation Panel**Minutes of Meeting No. 8****Tuesday 9 February 2010****Present:**

Cllr T Hartley	SF (Chair)
Cllr M Browne	SF
Cllr D Browne	UUP
Cllr P Convery	SDLP
Cllr M Jones	ALL
Cllr D Rodway	DUP
P McNaney	CX
J Thompson	Director of Finance and Resources
J Minne	Head of Human Resources
R Cregan	Improvement Manager

Apologies:

R Newton	DUP
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1. Update on VR Exercise

The Director of Finance and Resources informed Members that it was her intention to bring a report to the SP&R Committee on 19 February 2010 on the voluntary redundancy exercise. She explained that the structural reviews required to support the business case for each voluntary redundancy had been completed. It was confirmed that the target efficiency savings of £983,269 had been achieved and that the costs of the exercise would be within the £2.3m estimated costs.

The Director informed Members that the issue of supernumeraries had also been addressed.

Action Required:

Following discussion on a range of issues, Members agreed that it would be useful for party group briefings to be held on the VR exercise prior to the SP&R Committee meeting on 19 February 2010.

2. Rate setting process

All Members agreed that the rate setting process for 2010/11 was inclusive, timely and well informed. Members also agreed that this process needs to be built on for the rate setting in 2011/12.

Action:

It was agreed that the Director of Finance and Resources would bring back a route map on the planning process for the coming year. The process would start to further integrate the financial and business planning in the organisation and consider the issue of setting a target or indicative rate early in the planning cycle.

It was also agreed that representatives from Land and Property Services would be requested to attend the next Budget and Transformation Panel meeting so that Members could discuss their role in the overall rate setting process.

3. Efficiency Programme

The Director of Finance and Resources informed Members that all departments are currently putting together proposals for future efficiency savings. These proposals would be developed into an efficiency programme for the council which is integrated with the corporate plan and the medium term financial plan.

Action:

It was agreed that the Director of Finance and Resources would bring a further update on the efficiency programme to the next meeting of the Budget and Transformation Panel and the SP&R Committee on 19 March 2010.

4. Capital Programme

The Improvement Manager informed Members that the council now needs to integrate the capital programme planning and prioritisation with the overall financial planning of the organisation. Officers would need to work closely with the Budget and Transformation Panel, party groups and the SP&R Committee to develop this process.

Action:

It was agreed that the Director of Property and Projects would in the first instance hold party briefings on the matter on his return to work.

4. Date of Next Meeting: 9 March 2010 at 12.00pm.

Audit Panel

Monday, 15th February, 2010

MEETING OF AUDIT PANEL

Members present: Councillor Rodgers (Chairman);
the Deputy Lord Mayor (Councillor Lavery); and
Councillors Ekin, Mullaghan and Rodway and Dr. Smith.

In attendance: Mrs. J. Thompson, Director of Finance and Resources;
Mr. A. Wilson, Head of Audit, Governance and
Risk Services;
Mrs. G. Ireland, Corporate Risk and Governance Manager;
Mr. A. Harrison, Acting Corporate Assurance Manager;
Mr. T. Wallace, Financial Accounting Manager;
Mr. H. Downey, Committee Administrator;
Mr. J. Buchanan, Chief Local Government Auditor;
Mr. S. Knox, Local Government Auditor; and
Mr. B. O'Neill, Local Government Auditor.

Apology

An apology for inability to attend was reported from Councillor Kyle.

Minutes

The minutes of the meeting of 25th November were taken as read and signed as correct.

Audit, Governance and Risk Services Progress Report

The Panel considered a report outlining the work which Audit, Governance and Risk Services had undertaken between December, 2009 and January, 2010.

The Head of Audit, Governance and Risk Services reported that, during the period, three follow-up audits had been completed in relation to payroll, the outdoor leisure income collection scheme and a value-for-money review of mobile telephones. Audit reports had been finalised in respect of travel and subsistence, the European Unit and a value-for-money review of advertising. He explained that a number of audits were being undertaken currently, which included, the procurement process, the Belfast Waterfront Hall, Peace III and the Tourism Unit/Belfast Visitor and Convention Bureau. Audits of the Bereavement Service, the Building Control Service, Parks and Open Spaces, employee resourcing and information security were being planned.

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**Audit Panel,
Monday, 15th February, 2010**

He provided also details regarding fraud investigation work being undertaken by the Service and pointed out that, during the month of December, fraud awareness training had been delivered to seventy-five members/supervisors within the Parks and Leisure Department. He highlighted also the work being undertaken in relation to risk management, business continuity management and pandemic planning and pointed out that the Corporate Risk and Governance Manager would, commencing in April, be submitting on a quarterly basis to the Chief Officers' Management Team a report which would focus upon the management of risks within the corporate risk register, together with an assurance around the adequacy of the actions being taken to manage these risks.

After discussion, the Panel noted the information which had been provided.

**Audit, Governance and Risk Services
Draft Strategy and Plan 2010-2011**

The Head of Audit, Governance and Risk Services informed the Members that, each year, the Service prepared a plan of work which set out its mission and strategic objectives, together with a detailed plan of audit and related tasks which it intended to undertake during the financial year. The Strategy and Plan, which had been developed in conjunction with the various Departmental Directors, provided for both audit assurance work and work which would help to develop and improve the Council's arrangements for risk management, governance and business continuity.

He explained that the main aim of Audit, Governance and Risk Services was to support the Council in achieving its objectives by helping it improve the effectiveness of its risk management, control and governance processes and it sought to achieve this through the provision of an independent assurance and advisory service. The Audit Plan set out the work which the Service considered was required to be undertaken during 2010-2011 in order to fulfil this aim. The Plan was based on an audit needs assessment which took into account a number of factors to help determine the relative importance of different audit areas, such as the financial significance of the area in question, fraud risk, Member and management concerns and changes to systems and personnel. It was based also on legislative requirements and reflected the key objectives of the Council as set out within its Value Creation Map and was designed to enable the Head of Audit, Governance and Risk Services to provide an annual opinion to Members on the adequacy and effectiveness of the Council's risk management, internal control and governance arrangements. There would also be audit work undertaken in relation to significant projects and the provision of fraud training.

The Head of Audit, Governance and Risk Services pointed out that the programme of work outlined within the Plan indicated that there was a shortfall of 306 auditor days available and explained that this was due to various reductions in staffing levels.

After discussion, the Panel approved the Audit, Governance and Risk Services Draft Strategy and Plan for the period 2010-2011.

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**Update on the Review of Northern Ireland
Audit Office Report – Investigation of
Suspected Contract Fraud**

The Panel was advised that, in April, 2009, the Northern Ireland Audit Office had published a report following its investigation of suspected contract fraud within the Belfast Education and Library Board. The Acting Corporate Assurance Manager reported that the investigation had focused upon two specific issues, firstly, that a price-fixing cartel, led by a named contractor, had been in operation and that it had colluded with officers within the Board's Property Services Unit and, secondly, that the Board had paid for building work which had never been undertaken at two of its libraries. He explained that the Audit Office report had highlighted the strengths and weaknesses of the investigation which had been carried out by the Board and had examined issues to be addressed by public sector organisations seeking to prevent and investigate suspected fraud in relation to contracts. The Audit Office had provided also advice in respect of best practice.

The Acting Corporate Assurance Manager informed the Panel that the size and nature of works/maintenance contracts administered by the Council placed it at risk potentially, both from internal and external sources, from fraud and corruption. In order to address this risk, Audit, Governance and Risk Services had considered all of the key issues raised within the Audit Office's report and, having reviewed in terms of best practice the arrangements existing currently within the Council, had identified areas which required action and improvement. He explained that fraud awareness training had been provided to relevant managers in order to increase their awareness of the fraud risks to which the Council could be subjected and the importance of preventative control. In addition, Audit, Governance and Risk Services had worked closely with the Procurement, Project and Property Maintenance Managers to ensure that, in light of this training, an analysis of controls was undertaken to ensure compliance with good practice. As a result, controls had been identified which covered the main fraud risk areas, management had provided written assurances in relation to the adequacy of their controls to mitigate the risk of fraud and had developed a greater understanding of the need to review fraud risks on a regular basis and to ensure that adequate controls were in place to manage this risk. Further to this, Audit, Governance and Risk Services was in the process of agreeing action plans with the aforementioned managers in order to enhance the overall control environment.

He reported that the Service had, in light of the issues raised within the Northern Ireland Audit Office's report, undertaken in 2009 an analysis of the Council's anti-fraud arrangements. This had indicated that a number of improvements had been made within this area. However, a number of issues required attention, including the corporate systems used to analyse the award of contracts and awareness amongst staff of the Council's gifts/hospitality and declaration of interest policy. He added that Audit, Governance and Risk Services would continue to monitor progress in relation to any outstanding issues.

The Panel noted the information which had been provided.

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Payment of Invoices by the Council

The Panel was reminded that, at its meeting on 25th November, it had, at the request of a Member, agreed that a report be submitted to its next meeting providing information in relation to the length of time taken by the Council to process invoices to creditors. The Director of Finance and Resources reported that the request had arisen as a result of media coverage in November which had highlighted long delays on the part of the Council in paying invoices. This had indicated that the average time taken to pay suppliers had been 56 days, with only 46% of invoices being processed within 30 days. However, she explained that this calculation had been based upon the date on which the invoice had been generated and did not take into account factors such as delays in posting and companies holding invoices before submitting them to the Council.

She recommended that the Council should commence its calculation from the date on which an invoice was received initially, which would exclude factors over which the organisation had no control. Based upon this calculation, it had been determined that the average time taken in the months from July to December, 2009 to process invoices had varied between twenty-nine and thirty days. In order to reduce this timescale further, a number of actions had been initiated, which included the identification of compliance issues, the holding of monthly meetings with Departmental representatives in order to resolve any matters and measures to be put in place where non-compliance was not being addressed. In addition, performance indicators, based upon the average time taken to pay suppliers and the percentage of invoices paid within 30 days were reported on a monthly basis to the Systems Applications and Processes (SAP) Improvement Group and through the Council's Performance Management System.

Noted.

Update on Telephony/Mobile Phones

(Ms. R. Crozier, Head of Information Services Belfast, attended in connection with this item.)

The Panel was reminded that, at its meetings on 2nd September and 25th November, it had considered reports in relation to the use of mobile telephones within the Council. The Head of Information Services Belfast reported that, in November, 2008, the internal audit section had completed a review of the use of mobile telephones. Arising from its findings, a number of actions had been initiated in order to address the issue of telephony in general. She reported that a new policy governing the use of mobile telephones had been developed which would cover issues such as the purchasing of telephones and require the formulation of a robust business case to be completed by any officer requesting a mobile phone as part of their duties. This exercise had reduced by sixty-three the number of phones now in use within the Council.

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The Head of Information Services Belfast reported further that significant work had been undertaken to consolidate the billing process for landlines. This meant that the Council's Central Transactions Unit would now be required to process only one invoice on a quarterly basis as opposed to several hundred bills as had been the case previously. This approach was being taken also with the Council's two mobile telephone providers who were each in the process of moving to a single bill and whose tariffs would be in line with the Office of Government Commerce framework. She added that a review would be undertaken in April in order to consolidate the efficiencies which had been achieved to date.

During discussion, several Members expressed the view that, whilst many officers required mobile telephones as part of their work, the costs of telephony should continue to be monitored. A Member pointed out that it was often difficult to obtain the mobile telephone numbers of Chief Officers and Heads of Service and suggested that a list should be forwarded to all Members of the Council. The Head of Information Services Belfast undertook to make this information available and undertook also to submit to the next meeting of the Panel the total expenditure on mobile telephones for the period 2008/2009, together with information on the feasibility of the Council centralising its telephone/internet provision under one provider.

The Panel noted the information which had been provided.

Staff Numbers, Overtime and Agency Costs

(Mrs. J. Minne, Head of Human Resources, attended in connection with this item.)

The Panel considered the undernoted report:

“Purpose

The purpose of this report is to provide baseline information on staff numbers, overtime and agency costs to the Audit Panel.

Relevant Background Information

Staff costs account for a significant element of the Council's gross expenditure and clearly, it is essential that the Council's elected members have assurances in respect of the organisation's most significant area of spend.

Baseline information has been requested by the Audit Panel and Strategic Policy and Resources Committee on staff numbers, overtime and agency as the first step in an ongoing project to develop a framework for the rigorous monitoring, management and reporting of staff numbers and costs.

This is a key element of the Council's efficiency programme which will be further discussed at the Strategic Policy and Resources Committee in March 2010.

Key Issues

Appendix 1 – Number of people in post

In order to set a baseline figure of staff numbers, Appendix 1 provides information on the number of people in post at quarter three 09/10 at corporate and department level compared to the numbers for the same time last year.

Appendix 2 – Overtime costs

Appendix 2 provides information on the cost of overtime at corporate and departmental level for the rolling year January – December 2009 compared to the same period last year January – December 2008.

Appendix 3– Agency costs

Appendix 3 provides information on agency costs at corporate and departmental level for the rolling year January – December 2009 compared to the same period last year January – December 2008.

Grading Structure

The council's grading structure goes from Scale 1 to Director. The percentage of the workforce at the three main groupings of Scale 1 to Senior Officer, Principal Officer and Chief Officer (including Head of Service) is set out below.

Key Findings

People in post – Appendix 1

- The average number of people in post for quarter three of this year is 2393 compared to 2363 for the same time last year
- This represents an increase of 30 or (1.26%)
- The movement in staff numbers was as follows:
 - (a) 6 people recruited to established but vacant posts, two of whom were recruited on temporary contracts
 - (b) 12 people were recruited to new permanent posts of Recycling Operatives (8), Safer City Project Officer (2), Facilities Manager and Antisocial Behaviour Coordinator approved by council
 - (c) 27 recruited to new temporary posts, of which twenty are part/fully funded
 - (d) Reduction of 15 released on VR from ISB

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Overtime costs – Appendix 2

- Overtime costs for the rolling year to December 2009 are £4,766,877 compared £4,861,023 for the same time last year
- This represents a decrease of £94,145 for the same time last year
- Five out of the seven departments reduced overtime costs during this period with the Development department increasing costs by £81,819 and Property and Projects increasing by £31,728
- The Development department increase of £81,819 reflects cover for continued vacancies and 80% of the increase is due to the re-opening of the Ulster Hall In 2009.
- The increase of £31,728 in Property and Projects is due to additional overtime worked by staff in Facilities Management as a result of additional work at the City Hall and ongoing decants. This marginal increase should be seen in the context of the £296,435 decrease that the Department achieved in agency costs.

Agency costs – Appendix 3

- The cost of agency for the rolling year to December 2009 is £4,164,038 compared to £5,868,332 for the same time last year
- This represents a decrease of £1,704,294 for the same time last year
- This mainly relates to a significant reduction in the Health Department (Cleaving and Waste) as a result of posts that were covered by agency during operational reviews being filled on a permanent basis on completion of the reviews.
- Six out of the seven departments reduced their agency costs during this period, the Development department increased costs by £45,002
- This increase within the Development Department between 2008 and 2009 reflect cover for the high number of vacant posts caused by the Council's re-structuring exercise in April 2007. Implementation of those reviews continues.

Profile of grading structure

- Staff graded at Scale 1 (£12,312) to Senior Officer (£28,636) represent 76.94% of the workforce
- Staff grade at Principal Officer (£27,849) to (£56,695) represent 22.18% of the workforce (three quarters of these staff are employed in the lower Principal Officer grade range i.e. PO1 £27,849 to PO4 £37,206)

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- Head of Service (£56,755) to Chief Officers (£98,619) represent 0.88% of the total workforce. (Head of Service band one max £67,565; Head of Service band two max £79,725)

Next Steps

A framework which sets out the monitoring, management and reporting roles and responsibilities in relation to staff establishment, overtime and agency is currently being developed. Reports will be made to COMT, Audit Panel and SP&R on a quarterly basis as part of this framework.

Decision Required

The Audit Panel is requested to note the contents of this report and the proposal to develop a framework for ongoing monitoring and management of employee costs.

Documents Attached

- Appendix 1 - Number of people in post at quarter three 08/09 and 09/10
- Appendix 2 - Overtime costs for period January – December 2008 and January to December 2009
- Appendix 3 - Agency costs for the period January – December 2008 and January to December 2009

Appendix 1

<u>People in post</u>	<u>Average number of people in post Q3 last year 08/09</u>	<u>Average number of people in post this year (Q3 09/10)</u>	<u>Variance between people in post this year and same time last year</u>
BCC	2363.0	2393.0	30.0
Chief Executive's	77.0	80.3	3
Legal Services	18.6	22.4	4
Finance and Resources	263.6	245.4	-18
Health & Environmental Services	816.3	853.6	37
Parks and Leisure	633.1	633.5	0
Development Department	267.2	278.3	11
Property and Projects	287.3	279.5	-8

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Appendix 2

<u>Overtime Costs</u>	<u>Rolling Year overtime costs January to December 08</u>	<u>Rolling Year overtime costs January to December 09</u>	<u>Variance</u>
BCC	£4,861,023	£4,766,877	94,145-
Chief Executive's	£47,213	41,022	6,191-
Finance and Resources	£149,085	£94,439	54,646-
Health & Environmental Services	£2,143,138	£2,016,168	126,970-
Parks and Leisure	£1,682,936	£1,663,051	19,885-
Development Department	£309,529	£391,348	81,819
Property and Projects	£529,122	£560,849	31,728

Appendix 3

<u>Agency Costs</u>	<u>Rolling Year agency costs January to December 08</u>	<u>Rolling Year agency costs January to December 09</u>	<u>Variance</u>
BCC	£5,868,332	£4,164,038	-£1,704,294
Chief Executive's	£104,683	£54,970	-£49,713
Legal Services	£88,157	£65,431	-£22,726
Finance and Resources	£324,301	£195,058	-£129,243
Health & Environmental Services	£2,423,925	£1,519,855	-£904,070
Parks and Leisure	£1,833,999	£1,486,890	-£347,109
Development Department	£514,094	£559,096	£45,002
Property and Projects	£579,174	£282,739	-£296,435"

After discussion, the Panel adopted the recommendation and welcomed the fact that employee costs and numbers would be considered as part of the development of the Council's future efficiency programme.

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Absence Management

The Panel was reminded that, at its meeting on 25th November, it had considered a report outlining the Council's performance in managing absence during the period from July till September. The Panel had stressed the need to continue to manage effectively absence levels within the Council and had agreed to receive on a regular basis updates on the matter. Accordingly, the Head of Human Resources tabled for the information of the Panel a report which set out the Council's absence management figures for the period from October till December, 2009. She reported that, during the quarter, 3.66 days had been lost per employee, compared to 3.09 days over the same period in the previous year. Importantly, the figure represented an increase of 0.4 days over the previous quarter in the current year, which meant that the Council was not on target to reduce its overall sickness absence to 10.50 days by 2010/2011.

The Head of Human Resources outlined the extent of the work which had been undertaken to date by the Council in addressing absence management. She reported that an audit of compliance had been undertaken within each of the sections which were in danger of not meeting their targets and an improvement plan had been agreed with the Human Resources Service. She pointed out that, whilst absence figures were reported currently to Members on a quarterly basis, priority absence cases were now reviewed weekly. Analysis of absence figures which had been undertaken up to the end of January had indicated that corrective action had resulted in a reduction from December, 2009. She added that this work would continue in order to ensure that the downward trend was maintained.

After discussion, the Panel noted the information which had been provided and that the Head of Human Resources would submit annually a year-end report in respect of absence management.

Belfast City Council Annual Audit Letter 2008/2009

The Panel considered the undernoted report:

“Relevant Background Information

As an independent auditor of the Council, the Local Government Auditor seeks to examine that the Council has managed its affairs having regard to a combination of economy, efficiency and effectiveness and that public money is properly spent or in the case of income properly accounted for.

The Annual Audit Letter is issued under Article 13 of the Local Government (Accounts and Audit) Regulations (Northern Ireland) 2006 (a copy of the Letter is attached). The Regulations require the Council to publish this Annual Audit Letter as soon as reasonably possible.

Key Issues**1. Accounts Adjustments**

The Chief Local Government Auditor had noted a number of minor and material adjustments to the draft accounts as a result of his audit work and these were reported to the Audit Panel at its meeting of 25 November 2009. The accounts for 2008/09 were given an unqualified opinion.

2. Financial Standing

The Chief Local Government Auditor has indicated that the District Fund Balance is too low and hence the Council's financial standing would appear to be a matter of concern

The Council has taken steps to increase the reserve position in the 2010/11 rate setting process.

3. Capital Programme

The auditor is seeking to ensure that all the Councils assets are adequately financed.

Currently loan sanction applications amounting to £26m are with the DoE awaiting approval. Once approval is granted then advances can be made to the capital expenditure account to clear the deficit.

Further work in progress is underway to identify capital schemes requiring economic appraisals and loan sanction approvals to ensure that the capital expenditure account is fully financed by 31 March 2011.

4. Transition to International Financial Reporting Standards (IFRS)

A new IFRS - based Code of Practice on Local Authority Accounting is being introduced which will apply to local authority accounts from 1 April 2010.

A project plan is currently being finalised to implement any changes to accounting, reporting and computer systems that may be required.

As indicated in the Annual Audit Letter, training and support has been commissioned by the DoE from CIPFA. A further 3 training days for staff have been scheduled for February and March.

5. Absenteeism

Over the past three years Belfast City Council has reduced its absence by nearly four average days per person through a robust and corporate approach to the consistent management and reporting of attendance. Our trend is as follows:

<u>Average number of days sickness absence per full time employee</u>		
<i>2006/07</i>	<i>2007/08</i>	<i>2008/09</i>
15.08	13.91	11.22

Belfast City Council has regularly made the point to NIAO that the reporting of absence on an average three year basis is not helpful. The Council will continue to pursue reductions in absenteeism and ensure that improvement plans are implemented as appropriate.

6. Waste Minimisation and Recycling

The Local Government Auditor is seeking assurance that the Council has considered the risk of incurring penalties under the Landfill allowance scheme. In relation to this the Council has been working in conjunction with Arc21 to mitigate this risk.

Arc21 prepared a Waste Plan for the region which was further developed to identify specific actions for each of the constituent councils. Recognising that individual councils could face the prospect of being fined under NILAS at some stage, arc21 also developed a protocol for sharing excess allowances between councils which had exceeded their allowance and those which had not which was considered by the Joint Committee. The resultant protocol was approved by the Council in Spring 2008.

The arc21 aligned Waste Plan provided a series of actions concerned with providing the opportunity for householders to divert waste from landfill at their doorsteps and to further promote these new recycling behaviours. The Plan plots the steps which the Council needs to take to minimise the risk of us breaching our NILAS allowances and provided a rolling programme of service

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In addition, we recognised that additional steps might be needed outwith the plan to stimulate further waste diversion and to demonstrate 'best endeavours'. Most of these actions were discussed with arc21 prior to implementation to ensure that they accorded with the direction of travel of the region's Waste Plan.

The Council also continues to liaise with arc21 regarding other potential areas to divert further tonnages of waste from landfill.

7. Payment of invoices

In November 2008 the Minister at the Department of Finance and Personnel reduced the target for the payment of invoices by the public sector from 30 days to 10 days.

While district councils have not yet been formally required to comply with this target, the Chief Local Government Auditor is encouraging the Council to review its arrangements in this regard and to have in place steps for measurement against such a target.

A report on the timescale of payment of invoices has been provided as a separate agenda item.

Resource Implications

Financial

None

Human Resources

None

Asset and Other Implications

None

Recommendation

To note the comments and review the Annual Audit Letter.

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ANNUAL AUDIT LETTER

Issued by the Local Government Auditor
25th January, 2010

Belfast City Council
Year to 31st March, 2009

Introduction

The Department of the Environment may, with the consent of the Comptroller and Auditor General for Northern Ireland, designate persons who are members of the staff of the Northern Ireland Audit Office as local government auditors (Article 4(3) of the Local Government (Northern Ireland) Order 2005). For the year ending 31 March 2009 I have been designated the local government auditor for the Council.

As an auditor independent of the audited body I seek to examine that the body has managed its affairs having regard to a combination of economy, efficiency and effectiveness and that public money is properly spent or in the case of income properly accounted for.

Status and Availability of this Annual Audit Letter

This Annual Audit Letter is issued under Article 13 of the Local Government (Accounts and Audit) Regulations (Northern Ireland) 2006. The Regulations require the local government body to publish this Annual Audit Letter as soon as reasonably possible. The local government auditor will place a copy of this Annual Audit Letter on the NIAO website at www.niauditoffice.gov.uk.

The Audit Letter is addressed to members and prepared for the sole use of the audited body; no responsibility is taken by auditors to any member or officer in their individual capacity, or to any third party.

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- Audit of Accounts
- Council Performance
- Other Audit Work
- Looking Ahead
- Conclusion
- Annex A Council Absenteeism

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Audit of Accounts

1. As your statutory appointed auditor I reported my audit opinion on the Statement of Accounts on 28 October 2009. I gave an unqualified opinion on your accounts.
2. The Local Government (Northern Ireland) Order 2005 requires that in auditing accounts a local government auditor must by examination of the accounts or otherwise satisfy himself that:
 - they are prepared in accordance with regulations;
 - they fully comply with the requirements of all other statutory provisions applicable to the accounts;
 - proper practices have been observed in the compilation of the accounts; and
 - the body whose accounts are being audited has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources.

Matters arising from the final accounts audit

3. The published accounts are an essential means by which the Council reports its stewardship of the public funds at its disposal and its financial performance in the use of those resources. The Council's annual accounts were signed by the Chief Financial Officer on 16 June 2009 and members of the Strategic Policy and Resources Committee approved the accounts on 19 June 2009 which was within the statutory guidelines which requires this to be completed by 30 June. Following a number of minor and material adjustments from the audit the accounts were authorised for issue by the Chief Financial Officer on 28th October 2009.
4. The most significant adjustments to the accounts made as a result of our audit findings were:
 - Pension provision was reduced by £624k as a result of the incorrect MVA factor being used to calculate the provision.
 - Loan interest has been increased by £252k as a result of accruing for the interest for the period February and March 2009.
 - Both the VAT Account and other debtors were adjusted by £524k.
 - Both Assets under construction and buildings were amended by £8.4m as a result of correcting for the contribution to the Grove Leisure Centre.

- Expenditure on the landfill provision was amended by £1.4m and the landfill provision was discounted resulting in a further reduction of £572k in the provision.
- The above landfill provision movement resulted in reducing the Renewal and Repairs reserve by £2.8m and increasing the District Fund by £2.8m.
- Expenditure was increased by £244k as a result of grossing up the general grant figure.
- Both the Bank Account and VAT account were amended by £696k.
- Following discussions at audit, the legal provision was reduced by £430k.
- Additional funding of £710k to clear the deficit of the Gas Pension Fund.
- A sinking fund was established to meet the future costs of repaying loans.
- The District Fund, Note 3 and the Statement of Total Recognised Gains and Losses were amended by £1.6m to reflect pension movements.
- An analysis of the amounts in the cashflow were amended.
- The District Fund and Note 3 were amended by £1.4m to reflect loan interest paid to the loans pool.

The overall impact of these amendments resulted in the District Fund Reserve balance being increased by £2,279k.

Financial standing

5. The Council continues to have adequate financial management arrangements overall.
6. As a measure of prudence, a council should retain a sufficient balance in its District Fund to cover unexpected revenue expenditure or an unexpected drop in income in the foreseeable future. In recent years relevant examples of these include unforeseen costs associated with employment issues and reduced rates income from that estimated by Land & Property Services at the start of the year.

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7. The district fund balance at £5,350k represents 3.8% of the net operating expenditure. As such the District Fund balance in my view is too low and hence the Council's financial standing would appear to be a matter of concern. The average for the 26 Councils as at 31 March 2009 is 8.5%, based on the accounts presented for audit, (12.9% as at 31 March 2008).
8. It should be noted that the Council's accounts do not reflect debtors of unpaid rates at 31 March 2009. These are carried by the Land and Property Services (an agency of the Department of Finance and Personnel) in their Statement of Rate Levy and Collection. The Council is therefore vulnerable to later adjustment in respect of uncollectible rates. The Statement of Rate Levy and Collection was the subject of a Public Accounts Committee hearing on 18 September 2008 and report on 6 November 2008.
9. The 'final penny product' finalisation adjustment for the year was for the most part included in the accounts prior to audit certification. It should be noted that when the estimates for the year were prepared they were based on an 'estimated penny product' and thus when final figures are received from Land and Property Services this can lead to additional funds or clawback adjustment.

District fund spending and balances

10. While the overall financial position remains stable, as outlined in paragraph 7 the District Fund balance should be increased. The Council decreased by £995k the District Fund in 2008-09, leaving the District Fund balance at £5,350k as at March 2009.
11. It is important that in preparing accounts the Council includes for all known liabilities and provisions in relation to committed events. In this regard preparation of the 2010-11 estimates and the accounts for 2009-10 and 2010-11 should include consideration of such topics as the outworking of single status, revenue contributions to capital in relation to any unfinanced capital expenditure and the early departure of staff not transferring to the new Council following RPA. I would also consider that Councils take into account the need for the new Council to have an opening working capital position and thus discussion through the Transition Committee and any advice from the Department should be taken into account. In this regard the Department of the Environment issued Circular LG20/09 on 7 December 2009.
12. The District Fund surplus should be viewed in the context of unfunded capital expenditure noted at paragraph 14.

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13. In addition, the Council has the following earmarked reserves:

<u>Funds</u>	<u>Balance at 31 March 2009</u>
Renewal & Repairs Fund – to meet future landfill closure costs	£11,805,061
Capital Receipts Reserve	£860,000
City Investment Fund	£4,385,110
Sinking Fund – being accumulated to meet future repayment of £3 million of interest only external loans	£2,205,000

Capital Programme

14. The Council has Fixed Assets totalling £637m with loans outstanding of £10.6m from the loans pool. As at 31 March 2009 the Council has not yet secured funding for £12.4m of its Fixed Assets. The Council plans to fund this expenditure from loans.
15. The Statement of Accounts reports a future capital programme totalling £106m. I understand that the Council plans to fund most of this programme via loans, and also with capital grants of approximately £18m.
16. As the Council moves towards RPA in May 2011 this leaves two financial years (2009-10 and 2010-11) in which to fully account for the financing of capital expenditure not met from grants or loans.

Annual Governance Statement

17. The Local Government (Accounts and Audit) (Amendment) Regulations (Northern Ireland) 2006 and DOE Circular No: LG/04/08 required Councils to conduct a review at least once in a financial year of the effectiveness of its governance framework (including its system of internal control) and then approve an Annual Governance Statement.
18. The Annual Governance Statement was approved by the Chairman of the Strategic Policy and Resources Committee on behalf of Strategic Policy and Resources Committee on 19 June 2009, the Chief Financial Officer on 16 June 2009 and the Chief Executive on 18 June 2009. My opinion on the accounts includes the Annual Governance Statement. I am required to report if the Governance Statement is inconsistent with the guidance provided by DOE or if disclosures in the Statement are inconsistent with my understanding of the Council.

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I noted no Governance Statement matters in my report but paragraphs 24 to 26 of this Audit Letter includes matters I considered.

Internal Audit

19. The Local Government (Accounts and Audit) (Amendment) Regulations (NI) 2006 also required Councils to maintain an adequate and effective system of internal audit and to conduct a review at least once in a financial year of the effectiveness of its system of internal audit. The Council has a dedicated Audit, Governance and Risk Services Department. The Council reviewed the effectiveness of its system of internal audit and the findings of the review were considered by the Strategic Policy and Resources Committee on 19 June 2009.

Revaluation of Land and Buildings – 2008-09 Accounts

20. The Council operates a rolling programme for its revaluation of land and buildings with approximately 25% of these assets being revalued each year and the remainder are indexed in line with construction costs and land value inflation indices. The accounting for these revaluations was examined as part of the audit, and no issues were identified.

Transition to International Financial Reporting Standards (IFRS)

21. In central government, International Financial Reporting Standards (IFRS) apply to the 2009-10 accounts and the Central Government 2008-09 accounts were prepared for the last time on the UK Financial Reporting Standard basis. In preparation for the change the 2008-09 accounts of Central Government have been prepared again on a shadow IFRS basis in September 2009 with an audit review to be undertaken before the end of December 2009.
22. For Local Government the change to IFRS will take place a year later (i.e. from 2010-11). The Chartered Institute of Public Finance Accountancy (CIPFA) issued a Local Authority Accounting Panel (LAAP) Bulletin 80 in March 2009 on the implementation of IFRS. This included a Project Plan with key steps and dates. The DoE commissioned CIPFA (NI) to provide training and support to local government bodies in Northern Ireland to help take forward IFRS issues. A series of training days will be held in late 2009 and early 2010. A new IFRS - based Code of Practice on Local Authority Accounting which will apply to local authority accounts from 1 April 2010 is being developed by CIPFA. As was the case in Central Government, Councils will be required to re-state their final UK Financial Reporting Standard based accounts (2009-10) on an IFRS basis and have this subject to audit review.

Council Performance

Scope of my audit

23. My audit is conducted in accordance with a Code of Audit Practice (the Code) issued by the Chief Local Government Auditor. The Code prescribes the standards, procedures and techniques which comprise a local government audit. The Code notes that due to the special accountabilities attached to public money and the conduct of public business:

'the scope of auditors' work is extended to cover not only the audit of financial statements but also aspects of corporate governance and arrangements to secure the economic, efficient and effective use of resources.'

24. Throughout the public sector the economic, efficient and effective use of resources is known as Value for Money (VFM). More particularly in the context of the Local Government (Best Value) Act (Northern Ireland) 2002 'a council shall make arrangements for continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness'. Part of the way Councils monitors this is by benchmarking aspects of its financial data against other Councils and this information is also provided to the Department of the Environment.
25. A review of the council's corporate governance and VFM arrangements for 2008-09 was carried out separately from the audit of the accounts. The finding from the review was included in my audit file and a summary report, prepared for me, was copied to the Chief Executive. I used this information, together with information obtained during the course of the audit of the accounts, to examine the Governance Statement.
26. The Council noted the following in its Governance Statement as significant governance issues:

'Following the introduction of the Corporate Manslaughter Act, in 2008 the Council has reviewed its health and safety function and has appointed a Corporate Health and Safety Manager, with enhanced responsibilities, however, further work needs to be undertaken to implement a Health and Safety assurance framework and to implement actions arising from a corporate review of health and safety management arrangements.'

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The risk to the Council of being unable to comply with the targets of the Northern Ireland Landfill Allowance Scheme (NILAS) is still a significant issue. We are continuing to take all appropriate measures to address this risk and in particular to highlight the need for residual waste treatment facilities to be in place in accordance with the Waste Plan timetable. Without this there is a greater risk that the Council would exceed its allowance and the targets would not be met, this situation could result in substantial fines.

The Council still considers that despite actions undertaken in the past year the need to implement effective governance of all projects still remains a significant issue, in particular to fully manage the resource requirements of large projects, for example, the Titanic Signature Project, North Foreshore and Connswater Greenway. The Council is now working with experts in this field to determine how best this risk can be managed.

There are concerns that the extreme volatility of the current economic climate impacts negatively on the Councils finances and our ability to deliver services, in particular in the following areas:

- Reduction in external income streams including Building Control, Business Improvement Section and Information Services Belfast
- Rising debt level as a consequence of customers finding it difficult to make payments including commercial waste customers or council tenants
- A collapsing or redundant market to purchase recyclables leads to a reduction in income
- High utility costs; and the potential for a reduction of income if attendance at our facilities is not maintained.

The review of public administration (RPA) is seen as a major issue for the Council.'.....'The Council has already put in place necessary governance and accountability frameworks to support the effective implementation of the RPA process including, for example, the designation of the Strategic Policy and Resources Committee as the Council's RPA Transition Committee who are responsible for providing overall political direction to the process. The Council's Chief Officers' Management Team has been designated as the RPA Transition Management Team and is responsible for coordinating and managing RPA implementation. Necessary project management and support structures are in place; with a high level RPA implementation (transition) plan developed which sets out the key strands of work required and the delivery timetable.'

27. I will keep the above issues under review as part of my 2009-10 audit.

There were no significant matters arising from the corporate governance and VFM arrangements review.

Absenteeism

28. The Chief Local Government Auditor may, in accordance with the Local Government (Northern Ireland) Order 2005, undertake and publish studies which examine the provision of services by local government bodies. A study of absenteeism in Northern Ireland councils was completed in respect of 2007-08 and published in January 2009. Similar absenteeism reviews had been undertaken for several years by the Chief Local Government Auditor. This data enabled the 2007-08 report to address absenteeism performance beyond that year for each council, and for the sector as a whole.
29. A 2008-09 absenteeism study was published in December 2009. In this the Chief Local Government Auditor analysed absenteeism for each council over the three year period (2006-07, 2007-08 and 2008-09) and derived an average annual absenteeism rate for this period. This analysis counters the impact of annual fluctuations in absenteeism which would distort the findings, particularly within smaller councils.
30. The Chief Local Government Auditor recommends that councils monitor their absenteeism regularly as part of an ongoing process of absenteeism management. To facilitate this I attach Annex A which contains the most recent absenteeism rates for your Council. This includes annual rates of absenteeism for the last six years and the three-yearly absenteeism rate for the period ending 31 March 2009 which was included in the Chief Local Government Auditor's 2008-09 report.
31. The 2008-09 absenteeism figure for the Council is 11.22 days. This represents an improvement of 2.69 days on the previous year.
32. Whilst Belfast City Council's three-year absenteeism rate has improved by 2.73 days from 16.11 days in 2003-06 to 13.38 days in 2006-09 it is still slightly higher than the Northern Ireland average of 13.31 for this latter three year period.

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Waste Minimisation and Recycling

33. The DoE, as Allocating Authority under the Waste and Emissions Trading Act 2003, allocates Biodegradable Municipal Waste (BMW) allowances to district councils for the amount of waste which can be sent to landfill. The Council's allowance for the year was 97,033 tonnes and the volume of waste disposed of to landfill was 85,586 tonnes.
34. The Landfill Allowance Scheme (NI) Regulations 2004 place a statutory responsibility on district councils, in each scheme year, to landfill only the quantity of BMW they have allowances for. To exceed this may result in financial penalties of £150 per tonne of exceeded allowance (Landfill Allowance Scheme (Amendment) Regulations (Northern Ireland) SR 2005/588).
35. While there is some provision for the re-allocation of allowances, the Council needs to give careful consideration as to the risk of incurring penalties under the scheme.

Payment of invoices

36. In November 2008 the Minister at the Department of Finance and Personnel reduced the target for the payment of invoices by the public sector from 30 days to 10 days. This was to assist small business in the changed financial circumstances prevailing, thus assisting businesses with their cash flow.
37. While district councils have not yet been formally required to comply the Council is encouraged to review its arrangements in this regard and to have in place steps for measurement against such a target.

Equality

38. The Council has an established Equality Scheme and Policy and has developed a process for undertaking equalities impact assessments of its strategies so that it understands the likely impact on its diverse population. During the financial year, no impact assessments were carried out.

Other Audit Work

Joint Committee

39. The Council is a member of the Arc21 Joint Committee which is established for the purposes of managing waste. During the year the Council advanced £191,634 towards funding the expenditure of the Joint Committee.

40. The Joint Committee is a partnership of eleven councils established to collaborate in implementing the Waste Management Plan to develop an integrated network of regional waste management facilities which would be cost effective to the public. Total expenditure by the Committee for the year was £27 million. In relation to the Residual Waste Treatment Project, Arc21 expect to be in a position to acquire land and property for the construction of facilities to provide the necessary waste treatment services. Such acquisitions will be subject to independent valuations undertaken by the Land and Property Services Agency of the Department of Finance and Personnel and will be accounted for in the relevant financial year.
41. The Joint Committee accounts for its funding by the provision of a statement of accounts which is prepared under the Local Government (Northern Ireland) Order 2005 and subject to statutory audit by a local government auditor.
42. The Council also participates in Joint Committees for the purpose of delivering programmes funded by the European Union. Under this arrangement Peace III and INTERREG IVA funding will be available from the Special EU Programmes Body and the Department of Agriculture and Rural Development through to 2013. It is anticipated that a statement of accounts for the Joint Committee will be prepared for 2009-10.

District Policing Partnership (DPPs)

43. Under the Police (Northern Ireland) Act 2000, DPPs have been established by each district council. The Policing Board for Northern Ireland provide a grant equal to three-quarters of approved DPP expenses. The set-up arrangements provide for DPP expenditure to be audited annually by Local Government Auditors.
44. The 2008-09 DPP audit, comprising expenditure of £520,947, was completed in June 2009.

Grant Claims

45. The Chief Local Government Auditor in accordance with Article 25 of the Local Government (Northern Ireland) Order 2005 has made arrangements for the certification of local government body grant claims. These arrangements, which are not an audit but a different form of engagement designed to provide reasonable assurance, apply where their application has been agreed with the grant paying body. The key principle is that the certification of grant should be proportionate to the amounts involved and the associated risks. Specifically financial thresholds apply and grants below £25,000 are not examined.

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Looking Ahead

- 46. The Environment Minister in March 2008 announced as part of the Review of Public Administration in Northern Ireland that the current 26 council areas will be rationalised to create 11 new council areas. The Minister also outlined the functions to transfer to local government.**
- 47. While Belfast City Council will not be joined with any other Council, it is currently anticipated that the new Council will come into effect in May 2011. In moving towards this the Council participates in a Transition Committee (legislation anticipated to give it a statutory footing) with officers working in a Transition Management Team, to take forward the change process.**

Conclusion

- 48. This Audit Letter has been discussed and agreed with the Chief Executive and Chief Financial Officer.**
- 49. The Council has taken a positive and constructive approach to our audit. I would like to take this opportunity to express our appreciation for the Council's assistance and co-operation.**

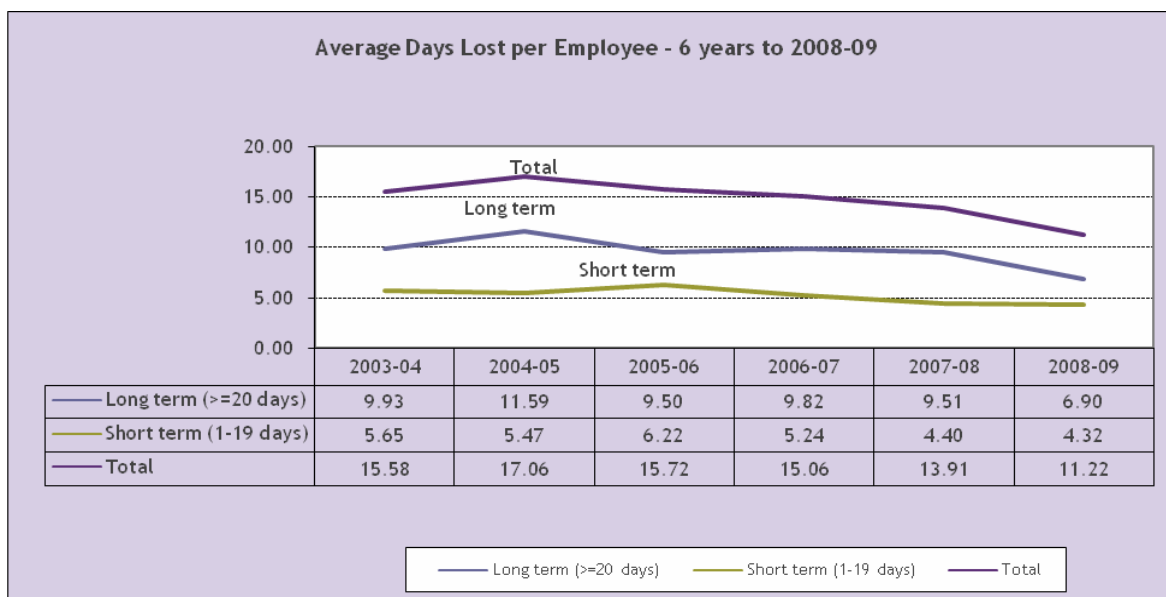
**Local Government Auditor
25th January 2010**

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Monday, 15th February, 2010**

Annex ABelfast City Council AbsenteeismAnnual Absenteeism

The chart below tracks absenteeism for the 6 years to 2008-09 for total days lost per employee.

**2008-09 absenteeism compared to Northern Ireland councils as a whole***

	<u>Belfast</u>	<u>NI Councils</u>	<u>Variance</u>	<u>Variance</u> <u>%</u>
Average total days lost per employee	11.22	12.43	-1.21	-10%

3-year absenteeism (2006-09) compared to Northern Ireland councils as a whole*

	<u>Belfast</u>	<u>NI Councils</u>	<u>Variance</u>	<u>Variance</u> <u>%</u>
Average total days lost per employee	13.38	13.31	0.07	1%

* The Northern Ireland Council position is derived from figures as at 4th November 2009. Final Figures will be included in the Chief Local Government Auditor's report on Absenteeism in Northern Ireland Councils 2008-09."

The Director of Finance and Resources highlighted various aspects of the report and outlined in detail the measures which had been taken to address recent reductions within the Council's reserves. At the request of a Member, she undertook to submit to the next meeting of the Panel a list of the buildings leased by the Council, including the former Lord Mayor's Offices at the Clarendon Dock, and all associated costs. She undertook also to provide details in relation to the costs associated with all decants undertaken by the Council over the past three years, together with information on all of the Council's investments.

The Panel noted the information which had been provided.

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Local Government Auditor's Management Letter 2008/2009

The Director of Finance and Resources advised the Panel that the Annual Audit of the Council's accounts for 2008/2009 had now been completed. However, during the course of his work, the Local Government Auditor had identified a number of issues which the Council needed to address and had set these out in a draft management letter.

The Local Government Auditor outlined to the Panel some of the issues which had been raised and indicated that the relevant senior officers had completed their responses to the draft management letter and prepared action plans to address issues which had been raised. The Director informed the Members that those officers would monitor the progress achieved in implementing the Local Government Auditor's recommendations to resolve the issues he had raised and that a report regarding their implementation would be submitted to the next meeting of both the Audit Assurance Board and the Audit Panel.

After discussion, the Panel noted the contents of the Local Government Auditor's management letter for 2008/2009 and the actions to be taken thereon.

Date of Next Meeting

The Panel noted that its next meeting would take place in the Conor Room at 1.00 p.m. on Monday, 7th June.

Meeting with Local Government Auditor

(At this point, all of the officers who had been in attendance, with the exception of the Committee Administrator, left the meeting.)

The Local Government Auditor indicated that it would be beneficial for him to meet privately once a year with the Panel in order to discuss any issues which Members might wish to bring to his attention. He suggested that such a meeting should be held immediately prior to that at which his management letter for each financial year would be presented initially. This would usually be during the months of February or March.

The Panel agreed to this course of action.

Chairman

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Belfast City Council

Report to:	Strategic Policy and Resources Committee
Subject:	Request for Funding
Date:	19 February 2010
Reporting Officer:	Julie Thompson, Director, Finance and Resources Department Ext. 6781
Contact Officer:	David Cartmill, Acting Head of Finance and Resources Directorate Support Ext. 6084

Relevant Background Information

This paper presents a request for financial assistance from the City of Belfast Youth Concert Band towards a tour to the USA.

Under Section 115 of the Local Government Act (NI) 1972, the Council has discretion to consider exceptional requests for financial assistance. A small, special expenditure budget (Grants and Subscriptions) within the Finance and Resources Department makes provision for such requests providing:

- (i) The Council has statutory authority to make such payments
- (ii) Assistance is not available from the remit of another Committee.

The criteria for assessing requests for assistance which would fall within the Council's Special Expenditure budget is included at Appendix 1.

Key Issues

The City of Belfast Youth Concert Band consists mainly of students from the Belfast School of Music which is funded by the Belfast Education and Library Board. There are over 70 members in the band aged between 14 and 20 who are drawn from all communities in the city.

The band is seeking a contribution towards a tour to New York and Washington DC. It will perform at a number of venues, including events normally reserved for professional musicians, "offering invaluable experiences for members of the band."

The cost of the tour is approximately £90k and participants are expected to undertake fundraising and sponsorship seeking activities to help defray expenses.

Consideration

The request states that the tour

“...will allow us to be ambassadors for the youth of Northern Ireland and we believe carrying out these concerts will help promote Northern Ireland as a tourist destination.....we feel that the tour will highlight most effectively the contribution the School of Music has to make to the community.... and will portray our youth in a very positive light.”

On previous occasions the Committee accepted there was benefit to be gained from assisting annual overseas tours undertaken by students from the Belfast School of Music. Contributions of £5k towards tours by the City of Belfast Youth Concert Band and the City of Belfast Youth Orchestra were awarded by the Council in each of the last 3 years.

The Youth Concert Band or other groups from the Belfast School of Music are not in receipt of funding from any Council Department. As in previous years, the Committee has discretion as to whether it wishes to support this request. If assistance is agreed the Youth Concert Band will be required to acknowledge support from the Council in publicity material etc.

Resource Implications

Financial

The Committee may wish to consider a contribution of £5,000, the sum provided towards previous tours. Resources exist within current budget.

Human Resources

None.

Asset and Other Implications

None.

Recommendations

It is recommended that the Committee considers a contribution of £5,000 towards the City of Belfast Youth Concert Band tour to the USA and, if agreed, passes the under-noted resolution:

That the expenditure in respect of the aforementioned event be approved under Section 115 of the Local Government Act (Northern Ireland) 1972, 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 inhabitants of the District, with the Committee being satisfied that the direct benefits so accruing would be commensurate with the payments to be made.

Documents Attached

Appendix 1 - Criteria for the assessment of requests for financial assistance.

Decision Tracking – Finance and Resources Department will confirm the decision of the Council to the applicant in March and arrange payment and conditions if agreed

APPENDIX 1

B Policy and Resources Committee,

2772 Friday, 18th June, 2004

Special Expenditure Budget - criteria to be applied in the assessment of requests

- (1) whether there are sufficient funds remaining in the Council's Special Expenditure budget for the relevant financial year;
- (2) whether the application for financial assistance links to any of the Council's Corporate Objectives;
- (3) whether the direct benefit to be obtained is specific to the Council or its district or inhabitants;
- (4) whether the activity or initiative in respect of which assistance is being sought is being promoted by a person or organisation living or operating, or otherwise having a direct connection with, the City;
- (5) whether the request for financial assistance relates to an event or initiative which falls within the remit and statutory power of any other Committee of the Council (in which case it should be so referred);
- (6) whether the request relates to a specific event, activity or initiative as distinct from a request for a contribution to general funds;
- (7) whether the benefit to be obtained will be commensurate with the payment to be made.

Notwithstanding the foregoing, the Council would nevertheless reserve to itself the right to give special consideration to any particular request for financial assistance if the Members consider that special circumstances apply and legal advice has been sought where appropriate.

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**Belfast City Council**

Report to:	Strategic Policy & Resource Committee
Subject:	A Corporate IT Middleware Solution
Date:	19 February 2010
Reporting Officer:	Julie Thompson, Director of Finance and Resources
Contact Officer:	Rose Crozier, Head of ISB, extn 4200

Relevant Background Information

ISB is currently working with front line council services in order to publish electronic forms on the council website. The first batch of forms will be completed in early 2010 allowing electronic applications and payments for licences as required by European legislation. When this work is completed, other online services will be targeted.

Information entered by citizens on line is currently emailed to business support staff in departments who then key the information from the form into the supporting information system. In order to make this process more efficient, the information entered onto the electronic form could instead be automatically fed into the computer system.

The technology that enables this in a cost effective manner is called middleware and is special software that enables the transmission of information between computer systems and electronic forms.

Key Issues

It is important that the middleware we purchase can work with all of the council's systems currently in use and also those procured in the future without the requirement for any further system enhancement and associated spend on integration.

It must also be a scalable solution so that there is no unreasonable limit on the amount of on-line transactions supported by the middleware.

The nature of the middleware should be that knowledge and skills pertaining to its functionality are transferable to Council staff so that the product can be used in any future projects without having to draw upon resources or skills from the supplier.

Resource Implications

Financial

Estimates indicate that middleware can cost around £50,000 for the initial purchase and annual support costs of £10,000. There is provision in the capital budget for the initial purchase and ISB have budgeted for the annual support costs out of revenue. This project would therefore cost £90,000 over 5 years. This investment will generate savings in reducing the cost to the council arising from interactions with the public and will therefore lead to more efficient administration of relevant council services.

Human Resources

It is important that those services requiring electronic forms work closely with ISB and Corporate Communications in order to design the form in the correct way and also to ensure that efficient processes are put in place to take advantage of electronic transactions.

Recommendations

Committee is asked:

- to approve that ISB tenders for the supply of a cost effective corporate middleware solution;
- that subject to costs remaining within the limits outlined, authority be delegated to award the contract; and
- that savings are captured as part of the planned council efficiency programme.

Key to Abbreviations

ISB Information Services Belfast

Documents Attached

n/a



Belfast City Council

Report to:	Strategic Policy and Resource Committee
Subject:	Partnership agreement in relation to the publication of a new history of Belfast to mark the city's 400 th anniversary
Date:	19 February 2010
Reporting Officer:	Peter McNaney , Chief Executive
Contact Officer:	Robert Heslip Heritage Officer (ext 3583).

Relevant Background Information

The town of Belfast was formally established by the grant of a charter by James I on 27th April 1613. Therefore, in 2013 Belfast will mark its 400th anniversary. This has prompted a renewed interest in the City's history and the undertaking of important research, the findings of which is not yet available to the public. The last comprehensive history of Belfast was published in the nineteenth century.

Key Issues

Queen's University in conjunction with the Liverpool University Press has proposed the production of new multi-author history of Belfast, edited by Prof. Sean Connolly, modelled in part on the highly successful 800th anniversary history of Liverpool. The book will provide access to the best current scholarship, be well illustrated and accessible and cost £15 for around 400 pages in the paperback edition. For the first time, the history of Belfast from prehistory to the present will be addressed by a series of distinguished authors. The book will enhance civic pride and citizens ownership and connection to the story of Belfast, past and current. The book will appear in autumn 2012

The financial model proposed is based on each of the three partners providing £15,000. Queen's University is providing substantial input in terms of staff time and is seeking additional research funding externally. Council will receive a 12% royalty on copies sold, which will recoup costs if the print-run is all sold. Additionally, Council will receive 150 soft bound copies and 100 hard cover copies.

Resource Implications

Financial

It is suggested that £15,000 be allocated from the Chief Executive Department's budget to make publication of the book possible

Human Resources

The proposals would be carried out within current staffing resources.

Recommendations

It is recommended that Members :

1. Agree to entering into partnership with the Queen's University of Belfast and the University of Liverpool Press to publish the 400th Anniversary History of Belfast
2. Agree to the provision of £15,000 as Council's contribution to upfront costs.



Belfast City Council

Report to:	Strategic Policy & Resources Committee
Subject:	SECURITY UPDATE
Date:	19 th February 2010
Reporting Officer:	G. Wright – Head of Facilities Management
Contact Officer:	G. Wright – Ext. 5206/6232

Relevant Background Information

The Committee may recall that, during its meeting of October 2009, a number of questions were raised by individual members in respect of matters concerning the security unit. These questions related to the provision of CCTV in the City Hall, working conditions in the Control Room and more general issues surrounding the unit's operations. As a consequence, the Head of Facilities Management agreed to bring a report in early 2010 updating the Committee on all relevant issues and the relevant details are set out below.

Industrial Relations

Members will recall that a package of changes to numbers, working hours, duties, locations, pool cover, pay & grading and contractual overtime arrangements etc. was developed and put to staff by way of ballot in late 2009. The Security Officer grade (30 staff) voted overwhelmingly to accept the proposal and it was duly implemented. The Control Room grade (8 staff) initially rejected the proposal - largely due to issues around the requirement for some modest lone-working in the new shift structures - but in a subsequent ballot have recently also voted to accept the package, which has now been implemented. These changes will not only result in enhanced efficiency and flexibility but will also reduce overall overtime expenditure by approx. **£75,000** per annum.

CCTV infrastructure

Most of the CCTV cameras in place inside the City Hall until 2007 were removed during the recent refurbishment. The opportunity was also taken at that time to enhance cabling in order to permit the use of IP-based CCTV cameras (meaning that the images could be viewed using standard internet protocols from anywhere with a broadband connection) and a provision of **£225,000** was made in the capital programme to purchase replacement cameras and associated infrastructure and hardware. However, in the light of emerging financial constraints and the consequent need to re-prioritise the projects within the capital programme, the CCTV item was removed following discussions with the then Director of Corporate Services.

This in turn meant that, for a relatively brief period of time, the building has had to operate with a 'skeleton' CCTV system which is limited in coverage and is clearly not ideal. However once this

situation arose it became necessary to consider possible alternatives, and it has been identified that the BCC Waste Transfer Depot at Duncrue has a modern, relatively new and fully functional CCTV control matrix and associated equipment which has recently been decommissioned, as this property has now transferred to the corporate land-bank.

We have sought and obtained permission to transfer this CCTV equipment to the City Hall, and this will allow us to provide CCTV coverage both inside and outside the building, providing coverage almost as comprehensive as before, and for a revenue cost of just **£18,000** (including the purchase of some new high-resolution monitors etc). This equipment is IP-compatible and will therefore allow us to improve the system over time by means of relatively modest additional revenue expenditure without the need for a large capital financing requirement, and this is obviously a highly desirable outcome as it has resulted in a saving to the council of nearly **£¼m**.

Control Room

It is also our intention to proceed with a fairly significant refurbishment of the Control Room area, in order to render it more useable for staff. This will involve increasing the size of the area by opening up the adjacent room (formerly the emergency management room) and re-designing the area to re-position and improve kitchen and other facilities.

It is recognized that the Control Room is not an ideal location for staff as it is located in the basement, has no natural light and can be quite restrictive in terms of its size and layout. This project will make significant improvements in terms of increased size, enhanced kitchen and washroom facilities, better lighting and air-conditioning, rationalized layout and the removal of old cabling and infrastructure etc, but it must be emphasized that it is not a complete refurbishment as it is constrained by the available revenue funding of approx. **£80,000**. Control Room staff will be consulted about design and layout issues before the plans are signed off and work commences, which we anticipate will be mid-April 2010.

New Security Manager

Members will be aware that we have had no Security Manager in post for quite some time, and that this role has been covered by temporary arrangements of various types, with varying degrees of success. We are therefore very pleased to confirm the appointment of Mr Maurice Baillie, formerly Security Manager at Queens University, to the post. Mr Baillie commenced employment on 8th February 2010.

Key Issues

The Committee is asked to note and endorse the actions, planned improvements and associated expenditure as set out above.

Resource Implications

The costs associated with the installation of the transferred CCTV equipment and some additional procurement of monitors and cameras will be approx. £18,000. The building and associated work necessary on foot of the refurbishment of the Control Room will be in the order of £80,000.

Both sums are provided in the relevant revenue budgets of the Section, and it will not now be necessary to seek capital funding for the replacement of the CCTV back-office infrastructure.

Recommendations

It is recommended that:-

- (a) the Committee notes and endorses the transfer of existing CCTV equipment to the City Hall together with the associated expenditure; *and*
- (b) the Committee approves the carrying out of a substantial refurbishment programme in the Control Room area, together with the associated expenditure.

Decision Tracking

If approved the new CCTV system should be fully operational by 31st March 2010, and the refurbishment of the Control Room should commence in April and be complete by June 2010.

Key to Abbreviations

None.

Documents Attached

None.

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Belfast City Council

Report to:	Strategic Policy and Resources Committee
Subject:	Standing Order 55 – Employment of Relatives
Date:	19 February 2010
Reporting Officer:	Julie Thompson, Director of Finance and Resources, ext 6083
Contact Officer:	Jill Minne, Head of Human Resources, ext 3220

Relevant Background Information

To inform the Committee of delegated authority exercised by the Director of Finance and Resources to the employment of individuals who are related to existing officers of the Council.

The Director of Finance and Resources has authorised the appointment of the following individuals who are related to existing officers of the Council in accordance with the authority delegated to her by the Policy and Resources (Personnel) Sub-Committee on 27 June, 2005. The Committee is asked to note the appointments authorised by the Director under Standing Order 55.

NAME OF NEW EMPLOYEE	POST APPOINTED TO	RELATIONSHIP TO EXISTING OFFICER	NAME OF EXISTING OFFICER	DEPARTMENT
Paul Cleary	Community Safety Warden (Temporary) (Scale 5)	Brother	Edele Cleary	Health and Environmental Services
Jonathan Wheeldon	Security Team Leader (Scale 5)	Brother-in-law	Mark Loudon	Health and Environmental Services

Resource Implications

Financial

Provision for these posts exist within the revenue budgets of the relevant departments.

Human Resources

There are no Human Resource considerations. All appointments have been made on the basis of merit in accordance with the Council's Recruitment Policies.

Asset and Other Implications

There are no other implications.

Recommendations

Committee is asked to note the appointments authorised by the Director of Finance and Resources in accordance with Standing Order 55.



Belfast City Council

Report to: Strategic Policy & Resources Committee

Subject: Capital Programme

Date: 19 February 2010

Reporting Officer: Ronan Cregan, Improvement Manager, Ext: 6217

Contact Officer: Julie Thompson, Director of Finance and Resources. Ext: 6085
Michael Stanley, Capital Programme Manager, Ext: 3483

Relevant Background Information

This report has three purposes:

- (i) to seek approval to apply for loan sanctions which are required for a number of capital schemes which are currently underway;
- (ii) to seek approval to hold party group briefings on the development of a process for the future prioritisation of capital projects; and
- (iii) to seek approval to progress four new schemes which are dependent on time bound funding

Key Issues

(i) Loan Sanctions

Members will be aware that there are four main ways to pay for schemes in the capital programme – grants, loans, capital receipts and revenue contributions. In the case of loans, the Council must apply to the Department of Environment for a loan sanction.

At this point in time, 11 schemes totalling £5,925,750, which Members have previously agreed to progress, now need loan sanctions in order to ensure that the council's cash flow position is sustained at acceptable levels. A list of the schemes which require loan sanctions is provided at Appendix 1.

Members should note that the principal and interest payments on these loans have already been budgeted for as part of the rate setting process.

(ii) Prioritisation of the Future Capital Schemes

Members will be aware that there are a number of proposals for new capital schemes which have yet to be considered by the Strategic Policy and Resources Committee. The Director of Property and Projects has progressed these schemes through the "starting gate" element of the "gates process". This means that the outline business

case for each scheme is challenged in terms of business need and how it will contribute to meeting the priorities of the organisation.

The gates process, however, only prioritises individual schemes and does not take into account the issue of affordability. In essence, the Council will not be able to afford to do all these schemes which get through the first stages of gates process and therefore the Council needs to develop ways to prioritise schemes in the context of affordability. It is therefore recommended that, on the return of the Director of Property and Projects, party group briefings are held to discuss the development of a prioritisation framework for future capital schemes.

(iii) Time Bound Grant Funded Schemes

Within the list of new capital scheme proposals, there are four schemes which are dependent on grant funding which must be accessed before the end of March 2010 otherwise the funding opportunities will be lost. These Schemes have already passed the “starting gate” part of the “gates process” and permission is now sought to progress the schemes immediately to tender and implementation stage so that the grant funding can be accessed. The council contribution to these schemes for 2010/11 would be financed through the £1m (yields £10m of borrowing) which the Strategic Policy and Resources Committee agreed to hold in reserve for new capital schemes as part of the 2010/11 rate setting process.

These schemes are:

(a) Woodvale and Dunville Parks

In October 2009 the Parks and Leisure Committee agreed to commend proposals for Woodvale and Dunville Parks to advance to the “committed” section of the capital programme. These two parks were selected for re-development as part of the parks improvement agenda in conjunction with the Belfast Regeneration Office neighbourhood renewal work. The re-development of both parks will cost £4m in total with the Belfast Regeneration Office and the council providing funding of £2m each. The availability of funding from the Belfast Regeneration Office is time bound with the work needing to be completed by March 2011.

(b) Alleygates

The Health and Environmental Services Committee agreed in June 2009 to request the Strategic Policy and Resources Committee to include a £500,000 proposal for phase II of the alleygating project and develop an economic appraisal for match funding from the Belfast Regeneration Office and the Northern Ireland Office.

(c) Duncrue Industrial Estate – Waste Heat Utilisation

This is an invest to save project which will be included in the council’s efficiency programme. Currently, the heat created by the landfill gas generators is lost to the atmosphere. With some initial capital investment this heat can be captured, and then used to provide heat to nearby locations such as the Duncrue Complex. This scheme will save the council £50,000 a year in utility costs as well as reducing carbon emissions.

The initial cost of the scheme is £260,000 but grant funding amounting to £25,000 from the NIE SMART scheme has already been secured and additional sources of finance are also being investigated.

Resource Implications

The repayment of the loans detailed Appendix 1 of this report has already been

accounted for the in capital financing requirements of the agreed 2010/11 budget.

The council contribution to the four schemes outlined in section (iii) of this report for 2010/11 will be financed through the £1m (yields £10m of borrowing) which the Strategic Policy and Resources Committee agreed to hold in reserve for new capital schemes as part of the 2010/11 rate setting process.

Recommendations

Members are requested to agree to the following:

- (1) Applications being made to the Department of Environment for the raising of loan sanctions for the schemes outlined in Appendix 1 of this report;
- (2) Party group briefings being held to discuss the development of a prioritisation framework for future capital schemes;
- (3) Advance the four capital schemes detailed in section (iii) of this report to tender and implementation stage and to make application to the Department of Environment for the raising of loan sanctions for these schemes.

Decision Tracking

Documents Attached

Appendix 1 - List of the schemes.

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Capital Schemes Requiring Loan Sanctions

Waterfront Hall Chilled Water Plant upgrade	£462,000
Recreation Grounds – Renovation of Pitches	£450,000
Palmerston Road – Household Recycling Centre	£575,000
Strangford Avenue PF – Changing Accommodation	£165,000
Mary Peters Track – 2012 Elite Sports Facility Funding Bid	£160,000
Ancillary Equipment & Software Support	£666,750
Recycling Centres – Development of Staff Toilets	£510,000
Gasworks Northern Fringe	£310,000
City Hall Telecom-IS Strategy	£567,000
IT Security – Virtualised Data	£560,000
City of Belfast – Mercury Abatement	£1,500,000

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Belfast City Council

Report to:	Strategic Policy and Resources Committee
Subject:	Titanic Signature Project Update
Date:	19th February 2010
Reporting Officer:	Peter McNaney, Chief Executive
Contact Officer:	Kevin Heaney (ext 6202)
1.0	<u>BACKGROUND</u>
1.1	Members will recall that at its meeting on 23 rd October 2010 the Committee reaffirmed its commitment of £10million funding towards the realisation of a £97million iconic Titanic Signature Project within the city.
1.2	As a condition of its funding, it was agreed that the Council would enter into a Memorandum of Understanding with Titanic Quarter Limited which sought to optimise the city and community benefits to be realised from the development of the overall Titanic Quarter Area.
2.0	<u>KEY ISSUES</u>
2.1	Construction on the Titanic Signature Project is now underway and is expected to be completed by the first quarter of 2012 in time for RMS Titanic's centenary.
2.2	With regard to the Memorandum of Understanding, Council officers have been engaged in ongoing discussions with Titanic Quarter Limited, community representatives and relevant Government Departments (e.g. DETI, DEL, DE etc) to firm up the governance and management arrangements for the MOU and to examine the potential to realign mainstream activities/programmes (e.g. excess to employment and training initiatives) and resources to support the implementation of the MOU.
2.3	In order to enable Members to be fully updated on the progress of the Titanic Signature Project and the Memorandum of Understanding it is suggested that a Special Meeting, with Members of the Development Committee in attendance, be held to: <ul style="list-style-type: none"> i) receive a presentation on the Titanic Signature Project construction process; ii) discuss the Memorandum of Understanding and associated governance arrangements; and iii) receive an update on the emerging proposals with regard to marketing and tourism activities in 2012 around the Titanic product.
3.0	<u>Resource Implications</u>
	<u>Financial and Human Resources</u>
	<ul style="list-style-type: none"> ▪ There are no financial or Human Resources implications contained within the foregoing report.

4.0	Recommendations
4.1	The Committee is asked to; i) note the content of the report; and ii) agree that a Special Meeting be held to which Members of the Development Committee would be invited.



Belfast City Council

Report to:	Strategic Policy and Resources Committee
Subject:	Use of City Hall lawns by Belfast Community Circus (Festival of Fools)
Date:	19 th February 2010
Reporting Officer:	George Wright – Head of Facilities Management – Ext.5206
Contact Officer:	Peter McKay – Ext. 6233

Relevant Background Information

As Members will be aware, the Committee has delegated authority for routine requests for use of the City Hall grounds etc. to the Director of Property & Projects, on the basis of an agreed set of criteria. However it was recognized that there would still be occasions on which the nature, scale and/or scope of the request means that it is appropriate to place the matter directly before the Committee. The request detailed below falls into this category, and the direction of the Committee is therefore sought.

Members should note that the following request has just been received due to the fact that the organisers have only very recently secured funding for the overall festival. Late reports are always regrettable, however this report is necessary at this time because presenting the matter to the March Committee would not allow sufficient time for the event to be properly marketed and promoted, in the view of the organisers and of the Council's Culture & Arts unit.

A request has been received from The Belfast Community Circus School to use the City Hall east lawn as a venue for the opening act of the "**Festival of Fools**" event. The Festival of Fools event was established by Belfast Community Circus School in 2004 and is Northern Ireland's only street theatre festival. It provides free, accessible, high quality street theatre, involving local and international artists. Audiences for 2009 were estimated to be around 42,000 overall, testifying to the demand for the activity. Members may recall that a similar application was made in respect of this event in October 2008 and was approved (although a similar request in 2007 had been rejected).

This application is for a single evening event on Thursday **29th April 2010** from approx. **6pm – 8pm** (including preparation and dismantling time) using the lawns on the East side of the building. The event itself is entitled "**Mr Pejo's Wandering Dolls**". The Culture & Arts unit of the Development Department feels that the event would offer a number of benefits, most notably to:-

- provide a positive opportunity for people to come together in a celebratory atmosphere in a shared space;
- provide a platform for us to raise awareness through the media of what Council is doing to position Belfast as a City of Festivals; *and*
- increase footfall in the city centre – thereby helping to support the evening economy.

This festival is financially supported by Belfast City Council through an annual grant administered by the Culture and Arts Unit and, if approved, this particular event is anticipated to attract a crowd in the order of 200-300. All additional stewarding will be provided by the organisers at their expense, and no access to the main building is needed, although the

organisers have indicated that it would be very useful if the performers could access an area of the building in order to change etc., and this can easily be facilitated.

From a practical point of view there would be minimal potential disruption to the normal routines within the City Hall grounds, and there are no potential clashes with other scheduled events at time of writing.

Key Issues

The usual necessary assurances will be required of the organisers, most notably:-

- that an appropriate level of indemnity in respect of loss, damage or personal injury will be provided for the Council;
- that the impact on the normal operation of the grounds will be minimal;
- that all incidental costs associated with the event, including additional stewarding costs, will be borne by the organisers; *and*
- that the lawns will be kept intact so far as possible, and any damage made good where necessary.

Resource Implications

Financial

There are no significant direct costs for the council associated with this request.

Human Resources

No additional resources are required, as any additional security and stewarding staff would be the responsibility of the organisers.

Asset and other implications

There are no significant implications for the integrity of the Councils assets.

Recommendation/Decision

It is recommended that the Committee approve the use of the City Hall grounds for the purposes as set out above, subject only to the Director of Property & Projects being satisfied as to the level of indemnity and other necessary safeguards and obligations offered by the organisers.

Documents Attached

None.

GOOD RELATIONS PARTNERSHIP**MEMORABILIA WORKING GROUP****THURSDAY 4 FEBRUARY 2010**

MEMBERS PRESENT:	Councillor McCausland	Deputy Chairman
	Councillor Ekin	Nominee of Councillor Hendron
	Councillor Kyle	
	Councillor McCarthy	
	Councillor C. Maskey	
	Councillor Stoker	
IN ATTENDANCE:	Hazel Francey	Good Relations Manager
	Anne Deighan	Good Relations Officer
	Marie Craig	Business Support Assistant (minutes)
	George Wright	Head of Facilities Management
	Maureen Mackin	Consultant
APOLOGIES:	Councillor Hendron	

1.0	ROUTINE MATTERS (MINUTES OF MEETING OF 03 DECEMBER 2009)
1.1	In the absence of the Chairman, the Deputy Chairman, Councillor McCausland, took the chair.
1.2	The minutes of the meeting of 3 December 2009 were taken as read and signed as correct.
1.3	Arising from the minutes Hazel advised that the closing date for submissions for the commission for artwork to reflect Irish history and heritage was 12.00 noon the following day. There has been huge interest in this, with over 30 submissions already received and around 300 enquiries made. The selection panel will meet on Tuesday 9 February at 4.30 pm to draw up a shortlist.
1.4	Hazel reported that she will meet with representatives of the Somme Association on 15 February to discuss the Somme resolution, as requested by the SP & R Committee in Dec 2009.
2.0	PLAQUES IN THE EAST ENTRANCE
2.1	Hazel referred to a report, copies of which had been previously circulated, outlining the background to the display of plaques within the City Hall. They had originally been located in the Reception Hall and Robing Room and moved to the East Entrance in 1999, grouped under 4 themes. In 2002, an Advisory Panel had recommended that they be archived, as they were "of little historical or artistic value and could be replaced by items of greater merit". In 2004, the Policy & Resources Committee had decided to archive the plaques themed under <i>Cities</i> and <i>Organisations</i> , but had deferred a decision on the <i>Naval</i> and <i>Regimental</i> themed plaques.
2.2	All the remaining plaques had been removed during the City Hall refurbishment and the question of their re-instatement had been the subject of substantial recent discussion at the Strategic Policy & Resources Committee.
2.3	The Good Relations Manager reported that she had sought the advice of two local experts, recognised as being authorities in their own particular specialist fields i.e. naval and regimental memorabilia. The experts were aware of the sensitivities of the issue and were requested to identify those plaques which were of greatest importance or which had the closest relationship to the city of Belfast.

2.4	Each expert had submitted a list highlighting the significant plaques and the Good Relations Manager therefore recommended that the 39 plaques so identified (list attached as Appendix 1) should be retained and replaced permanently on the East Staircase area, with appropriate explanatory signage.
2.5	Members pointed out that 2 additional plaques – from the <i>Royal Sussex Regiment</i> and the <i>Band of the Brigade of Gurkhas</i> – also had significant local connections.
2.6	The <i>Royal Sussex Regiment</i> had been formed in Belfast in 1701 and was originally known as the Belfast Regiment; in addition, the Regiment had been granted the Freedom of the City of Belfast in 1961. The Gurkhas had been founded by General Frederick Young, from Culdaff in Donegal and have strong connections with the predecessors of the Irish Fusiliers.
2.7	<p>A Member expressed concern that replacing the plaques in the East Entrance at this stage would restrict options for additional items in the future. He asked if consideration could be given to delaying the replacing of the plaques in the East Entrance until a location for all items had been agreed in totality. After discussion, the Working Group agreed that:</p> <ul style="list-style-type: none"> • the reduced number of plaques identified as having a close or significant relationship with the city of Belfast, with the addition of those from the <i>Royal Sussex Regiment</i> and the <i>Band of the Brigade of Gurkhas</i>, should be retained as being of greatest value and interest, to be replaced in the East Staircase area on a permanent basis, with appropriate explanatory signage. A caveat was added that a re-location of the plaques will not be ruled out in the longer term. • the remaining plaques be offered on long-term loan, or donated, to an appropriate external agency, as outlined in the report.
3.0	MEMORABILIA IN THE CITY HALL – ‘REFLECTING THE PEOPLE, A CITY HALL FOR THE 21ST CENTURY’ – DRAFT REPORT BY MAUREEN MACKIN
3.1	Hazel reminded the group that Maureen Mackin had been commissioned to prepare a report (copy attached as Appendix 2) to address the issue of balance and better representation within the City Hall displays. Her draft report had been circulated to Members, including recommendations, an anticipated time scale and estimated costs. Hazel welcomed Maureen to the meeting to give an outline of her main recommendations, stating that the report should be regarded as a draft, providing a general framework for the way ahead.
3.2	Maureen thanked members who had contributed to the report by speaking individually to her or by attending the brain-storming session in November 2009 which had been arranged for all members of the Council. She had recommended that the Council should take a broad approach to the development of balance within the City Hall through commissioning of additional artworks and implementation/hosting of a high quality and diverse programme of events.
3.3	There were certain actions that could be completed quickly i.e. amendments to tour scripts and the promotion of the East Entrance exhibition space. There are also opportunities for external funding, for example, Heritage Lottery Fund and Peace III funding. Maureen has also recommended that, subject to receipt of external funding, a dedicated officer should be appointed to support the development and implementation of the programme in order to deliver an ambitious and high quality programme. This programme would need a strong marketing and communication strategy and would also need to link in with other Council strategies such as cultural tourism and city of festivals.

3.4	Councillor McCausland thanked Maureen and invited comments and questions from Members on the report. Members were generally in agreement with the recommendations of the report in principle and were happy to agree that an application should be submitted to the Heritage Lottery Fund under this general framework. The Good Relations Manager reported that additional information on resources, delivery framework and timeframe would be required before the application reached a final stage.
3.5	A Member enquired if a catalogue of City Hall artefacts would be available on-line. Maureen replied that on-line resources will be examined at some stage and the Heritage Lottery Fund would be keen to see this implemented, as access is one of their key considerations.
3.6	A Member noted that although the Council was keen to encourage greater use of the building there might be security concerns if the City Hall is to be used more frequently. Maureen reported that the Council could develop partnerships with other organisations and offer the City Hall as a venue. The report stated that all citizens were encouraged to use the City Hall and not just cultural elites; initiatives would be suggested which would have broad appeal to all the population.
3.7	After discussion, the Working Group agreed the draft report in principle and supported an application to the Heritage Lottery Fund to be submitted under this framework, with more detailed reports being submitted to future meetings of the Working Group. They also agreed that party group briefings should be held in parallel with the application being prepared to the Heritage Lottery Fund – these briefings would help to inform the application.
4.0	ANY OTHER BUSINESS
4.1	The Good Relations Manager reminded the Working Group that the Council had agreed at its meeting on 1 October 2009 that a Trade Union flag should be displayed in the City Hall as soon as possible. Hazel advised that the flag had now been cleaned and framed and was ready for display. A suggested location was opposite the Dockers' Strike Window on the ground floor as the two items had clear links. The Group agreed that the TU Flag should be displayed there.
4.2	Hazel informed the group that a local restaurant had recently been flooded and Mr M Deane had offered to lend some notable Oliver Jeffers drawings to the City Hall for temporary display, pending the restaurant re-opening. The Group noted that these would be located temporarily along the corridor outside the Chief Executive's office.
4.3	The Good Relations Manager reported that she had received a request from representatives of Armagh City Council to meet with the Working Group. They were examining similar issues round the question of attempting to achieve greater balance, in their case within Armagh Palace Demesne. It was agreed that they will be invited to meet the Group on Thursday 4 th March at 4.30 pm – an hour before the start of the next scheduled Working Group meeting.

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PLAQUES**EAST HALL****NAVAL**

Kamina – bird and sword Belgian Auxiliary ship-decommissioned 1967
 Comstanavforchan – Star-Commander Standing Naval Force Channel
 USS Halyburton – ship-US Navy Frigate-Still in service
 Duncan – Horn-HMS Duncan (is new HMS Duncan to be affiliated with Belfast?)
 1st FPB Squadron – winged fish-Royal Navy First Patrol Boat Squadron
 Stanavforlant – star- Standing Naval Force Atlantic- permanent peacetime multinational naval squadron composed of destroyers, cruisers and frigates from the navies of various NATO nations.
 Tiger-HMS Tiger –Royal Navy Decommissioned 1978
 H. R.M.S. Naassluis - crown
 Maritime College New York – 1874 (1965)
 Belfast – Seahorse-HMS Belfast, probably from Visit in 1946/47 City Presented Silver bell to Ship)
 Trosschiff Nienberg – coat of arms, 3 towers/portcullis/claw/lion
 Atlantic – St George's Cross
 Bermuda - lion
 S.S. Donan – Castle gate
 Bonaventure – horse shoe
 USS Hjellison – 2 sea horses
 USS Somersworth – seahorse/ E-PCER 849
 USS Irex – no. 1 ss482 fish
 USS Estocin –courage/ honour /tenacity
 RNAY Belfast – red cross/red hand /crown, probably Royal Naval Assoc, not a ship
 Quinque Uniter – solemn lion/ crest and crown with thistles
 USS Hardhead - helmet
 Hr. Ms. Issac Sweers – coat of arms, anchor, crown
 USS Furse – chess piece (knight)
 Ulster – red hand-Royal Navy Destroyer, Decommissioned 1970's
 USS Rhodes – helmet/lion crest
 USS Betelgeuse - goose
 Aurora – rising sun
 Richmond – winged portcullis Royal Navy Frigate-Still in Commission
 Crossed Anchors (no name)
 USS Jallao – fish with hat and bullet
 Royal Naval Assoc. – crown and anchor Probably from Royal Naval Association in Victoria Street
 Rapid – winged wheel
 Wakeful - eye
 Fleet Air Arm – winged crown
 Kent – white horse Royal Navy frigate-Still in Commission
 Odin – Viking (HMS Odin Royal Navy Submarine)
 Royal Naval Lifeboat Association – crown and anchor
 USS Archerfish – fish with crossbow
 USS Requisite – ship on horse
 Senior Naval Officer N.I. – crown and sails-Ceased operations as an organisation in 2003, now a single post holder, (Commander Don Crosbie) based in Lisburn
 Jaureguiberry 1960 ship/letter JH / R. Ms. Middleburg – tower

REGIMENTS

661 Field Regt. (Ulster) T.A.
 502 (M) H.A.A. Regt. RA (Ulster) TA
 247 (Ulster) L.A.A. SL Regt. RA (TA)
 245 (Belfast) (M) H.A.A. Regt. RA (TA)
 H.Q. 112 TPT. Coln. R.A.S.C. (TA)
 51 (M) A.A. Fire Command Troop
 R.A. (TA)
 853 (M) C+R Battery R.A. (TA)
 931 Coy R.A.S.C. (AA) Mixed (T.A.)
 601. Coy. Royal Army Service
 Corp (T.A.)
 107 (Ulster) Corps Royal Military
 Police (T.A.)
 North Irish Horse (T.A.)
 6th Bat. Royal Ulster Rifles (TA)
 107 (Ulster) Infantry Workshops R.E.M.E. (TA)
 107 (Ulster) R.A.O.C. Stores
 Section T.A.
 Intelligence Corps (TA)
 661 (U) ELD. Regt. R.A.Signal
 107 (Ulster) Field Ambulance
 R.A.M.C (T.A.)
 107 (Ulster) Indep. Inf. Bde. GP (TA)
 429 (Antim) Coast Regiment R.A. (TA)
 B. Coy. 328 (Ulster) Bn. W.R.A.C. (TA)
 502 Squadron Royal Aux. Air Force
 ** Royal Sussex Regiment
 67 Group H.Q. Royal Air Force
 Royal Military Academy, Sandhurst
 35(Ulster) A.A. Indep (M) Signal Squadron (TA)
 591 (Antrim) Field Squadron R.E. (TA)
 The Black Watch
 325 Engineer Park
 The Royal Scots
 The Light Infantry
 2nd Armd Div FD AMB
 The Band of the Prince of Wales (Clive)
 The Band of the Light Division
 2nd Armoured Div Engineer Regt.
 1st/9th (Co. Antrim) Battatlion UDR
 2nd Battalion The Queen's Regt.
 Royal Electricial + Mechanical Engineers
 The Light Infantry
 2nd Battalion Princess of Wales Regt.
 N.I. Army Cadet Force 2nd Battalion
 ** Band of the Brigade of Gurkhas
 The Ontario Regiment
 Irish Guards Regimental Band
 2e Brigade D'Infanterie "YSER"
 3rd Belgian Infantry Brig Rumbeke
 Ne Quis Impune Praterito Air Officer Scotland + N.I.
 35th Field Battery R.A.

Royal Tank Regiment
Civil Service Bowling Assoc
Utrisque Paratus
The Band of the Dragoon Guards
Military Wing Musgrave Park Hospital
2nd Battalion Coldstream Guards
Assoc. of Municipal Engineers NI Division
C Squadron I RTR.
2nd Armoured Div. Engineer Division
Royal Inniskilling Dragoon Guards
The Life Guards
1st Battalion The Royal Green Jackets

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Reflecting the People

a City Hall for the 21st century

FIRST DRAFT REPORT

Prepared for Belfast City Council by

Maureen Mackin Consulting
Strategy, Planning, Management
& Promotion for the Cultural Sector

January 2010

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Appendices

- Appendix 1** Brainstorming Session for Members – Responses
Appendix 2 Feedback from Members of Memorabilia Working Group

1. INTRODUCTION

- 1.1 This report has been prepared in response to the expressed need of Belfast City Council's Memorabilia Working Group (MWG) to develop ways in which the City Hall, as a public building, might portray a 'more balanced' representation of both the contemporary make-up of the Council and, by extension, the citizens that it serves.
- 1.2 This has emanated from a questioning of the image that is communicated by the Council as a consequence of both the historic fabric of the building and the objects it displays; perceived by some to be primarily Unionist. The extent to which this perception is valid and whether or not it merits significant redress has been discussed at length within the MWG; the differing views and proposed remedies tending to be related to the political background of Members.
- 1.3 In attempting to create a situation where there can be 'buy-in' from all political hues and where the practical outworking of proposals can be meaningful where they interface with the general public, a context and a plan of action (see section 8) have been developed. This attempts to address the need to counter the current perceived dominant 'characteristics' of the City Hall and to provide for 'additional' cultural expression which validates those coming from other backgrounds.
- 1.4 The plan advocates a gradual and long term approach which is based upon adherence to good practice in cultural diversity and which has inclusivity at its core. It aims to bring about an inclusive engagement with the City Hall by its citizens which is supported by political leadership and facilitation. It proposes much more than a supplementation to the bricks and mortar of the building but rather the creation of a programme of activity which signals to the community that they can be proud to have at the centre of their civic life 'A City Hall for All'.

2. HISTORICAL and ARCHITECTURAL CONTEXT

- 2.1 In 1888, Queen Victoria gave Belfast the title of city and, in due course, it was agreed that a new city hall was needed to reflect this change in status. Negotiations to acquire the one and a half acre White Linen Hall site, located in Donegall Square in central Belfast, began in 1896. The new hall was designed by Alfred Brumwell Thomas and built by local firm H&J Martin. Funding for the building was raised from the profits of Belfast Gasworks for which Belfast Corporation (now Belfast City Council) was responsible. The first stone was laid in 1898 and building work was completed eight years later.
- 2.2 Belfast City Hall opened its doors on 1 August 1906 during a time of great prosperity for the city. Today, the magnificent building is a lasting memorial to Belfast's success and a great source of civic pride.

Renovation and re-opening of City Hall

- 2.3 Belfast City Hall celebrated its centenary in 2006 and has recently undergone a major renovation. It re-opened its doors to the public in October 2009. The occasion was marked by an opening festival which aimed to represent and appeal to the diversity of communities and cultural perspectives within the city. The programme entitled 'A City Hall for All' included a celebration of Diwali, the Hindu festival of lights, Samhain, the Celtic harvest festival, and special evenings dedicated to the Irish language and Ulster Scots. The inclusion of a café within the renovated building has resulted in an influx of visitors to the City Hall and an impressive 17,260 participated in conducted tours between 17 October and 31 December 2009.

The Building

- 2.4 Inevitably, due to the historic ethos prevailing at the time it was built and the political environment for some time following, the fabric of the building in terms of memorabilia, portraiture etc is primarily reflective of a Unionist political culture. Recent additions to the building such as stained glass windows on the subjects of the Irish Famine and the Belfast Dockers' Strike and a commissioned bust of Mary Ann McCracken (philanthropist, social reformer and sister of the United Irishman, Henry Joy McCracken), have gone some way towards broadening the content of the physical infrastructure. However, it is felt by some that the building is still not reflective of all communities and that this must be addressed in a planned way.

Creating Additional Perspectives

- 2.5 Based upon a period of research and consultation, the report outlines possible mechanisms by which the City Hall might, in a creative and practical way, reflect the life and experience of its citizens and play a proactive part in furthering the Council's contribution to a vibrant, inclusive and optimistic civic society.

3. DEVELOPING A NEW APPROACH

Past, Present and Future

- 3.1 The refurbishment and re-opening of Belfast City Hall has provided an opportunity to reassess the functioning and presentation of the building as a place where citizens of the city can feel an echo of their own history and identity and where they can feel comfortable and 'at home'. There is also a need to engage with the present and to explore what the future may hold for Belfast. A combination of looking back, reflecting on contemporary culture and exploring ideas for shaping the future could generate a programme of activity which would position the City Hall as a key player in the cultural life of the city.

Memorabilia Working Group

- 3.2 The Memorabilia Working Group has been providing leadership in this area and has been addressing ways in which the diverse landscape of civic life, both past and present, can be represented within the City Hall. The appointment of a specialist independent Advisory Panel in 2002 generated a wide range of ideas. In recent meetings, further short term, medium term and long term possibilities have been proposed and discussed. These have included:
- the 'hiring in' of existing and relevant exhibitions from Belfast cultural organisations
 - the initiation of themed exhibitions by the Council which are inclusive in content and have a resonance for the community
 - the organisation of a series of lectures and debates to accompany exhibitions
 - the commissioning of new artworks to address under-representation in relation to cultural heritage and tradition, gender, young people, ethnic minority, working class people
 - borrowing work from the Ulster Museum (National Museums Northern Ireland) and the conditions that would have to be met if this proved possible
 - the development of an exhibition policy in relation to incoming and self-initiated exhibitions
 - interpretation in relation to historic portraits and other artefacts within City Hall (e.g. the Covenant Table)
 - the importance of communicating and generating ideas by way of a brainstorming session with other Council members (took place in November 2009)

Contemporary Cultural Life

- 3.3 The desire to reflect contemporary cultural life in Belfast and to showcase the work of the many cultural groups and organisations (across arts, heritage and sport) some of which the Council has been financially supporting over the years has also been highlighted.

Need for Forward and Operational Planning

- 3.4 The need for a rationale to underpin and broaden these initiatives and a forward and operational plan to support their implementation is required. The way forward proposed within this report has built on discussions and suggestions to date and has involved:

- further and broader consultation with Council members to ensure representative views and 'fit' with the needs of specific communities
- the creation of a rationale and set of principles to underpin a future programme
- an audit of the City Hall spaces where material could be displayed
- proposals in relation to the development of 'content' (exhibitions, lecture series, debates, performing arts events, films, readings etc) which is diverse and inclusive, integrates a range of cultural perspectives and is accessible, of high quality and of interest and relevance to local citizens
- development of appropriate themes and integration with other relevant 'public facing' initiatives that the Council may be undertaking
- continued exploration of additional exhibition available from libraries, museums and other relevant institutions
- an exploration of relevant policies in relation to exhibition etc
- the development of commissioning briefs in relation to new artworks
- the creation of an appropriate decision-making framework by which programme content and initiatives can be assessed and agreed
- suggestions as to how the programme would be marketed and promoted
- suggestions as to how the 'new approach' would be communicated to internal staff and the establishment of working groups if deemed necessary
- an approximation of the resources required to support the forward plan including training, where appropriate
- an articulation of roles and responsibilities in relation to implementation.

4. THE VIEWS of COUNCIL MEMBERS

- 4.1 Crucial to the process underlying the creation of this plan are the views of elected representatives. Consultation with Members involved both a brainstorming meeting held on 30 November 2009, attended by 23 Councillors and facilitated by Dr Duncan Morrow, Director of the Community Relations Council, and a series of consultations with individual Councillors carried out by Maureen Mackin.

Brainstorming Meeting

- 4.2 The decision to hold a brainstorming meeting was a recommendation from the MWG. It was felt that there should be discussion with Councillors to ascertain where their priorities lay in relation to prospective themes and approaches to development and an invitation was issued to all Members to attend.
- 4.3 Prior to the commencement of the brainstorming session, Hazel Francey, Good Relations Manager, outlined and contextualised the work of the MWG. She related how, as a result of an equality complaint, an independent advisory panel on City Hall memorabilia had been set up in 2002 and that all of the Council's work on memorabilia since that time had been based on the recommendations of that panel, namely, to aim to achieve a better balance and more inclusive interpretation of the history and heritage of the city. This included the view that there should be better acknowledgement of the contribution of the working class, women and minority communities in the life of Belfast. Several actions had been commissioned between 2003 and 2007 including: renaming of the Committee rooms, commissioning of the bust of Mary Ann McCracken, the *No Mean City* exhibition and the Dockers' Strike Centenary window.
- 4.4 In December 2008, in advance of the re-opening of the City Hall, the MWG had been re-established as a cross-party reference group and was continuing as the forum where discussion and actions in relation to City Hall memorabilia and the building's perceived ethos were being addressed. She explained that the purpose of the brainstorming session was to collate ideas and suggestions from a wider group and to use the opportunity to move towards a more favourable balance of artefacts. She outlined that, following the meeting, a report would then be submitted to the Memorabilia Working Group and, thereafter, to the Strategic Policy and Resources Committee in the normal manner.
- 4.5 During the session, Members were asked to consider three questions:
1. **What does 'A City Hall for All' mean?**
 2. **What specific ideas do Members have for action?**
 3. **What in the process makes Members nervous /what are their fears?**
- 4.6 The opening discussion pointed to the need for the City Hall to be:
- reflective of all sections of the community
 - balanced, welcoming and cherishing of people's backgrounds
 - meaningfully representative, avoiding tokenism
 - informed by the cross-community work that is going on across the city

- 4.7 The need to explore history in an inclusive way, to celebrate notable Belfast citizens, to reflect the wide-ranging cultural life of the city and to instil a sense of confidence was emphasised. There was an honest review and analysis of how the Council is perceived externally and Members expressed deep-felt opinions as to what they regarded as priorities as well as what they feared. Overall, the meeting was positive and signalled a desire for change based upon mutual respect. Members discussed the challenges that this would entail but there was general agreement that there appeared to be consensus in relation to about 90-95% of their suggestions (see Appendix 1 for full list of suggestions). The flag issue was regarded as a subject which would need to be treated separately.

Meetings with Individual Councillors

- 4.8 Meetings with Members gave rise to a related set of suggestions which included: the need to fully 'interpret' what is already in place within City Hall, through the provision of labelling and other printed material; ideas for exhibitions; additional art commissions; the need to explore and present the Irish, English and Scottish dimensions of the city and to provide opportunities for young people and ethnic minorities; and the need to explain the historical and political context around key events (see Appendix 2 for the full list of suggestions).
- 4.9 All Members acknowledged the challenges inherent within a shift from a position where the 'fabric' and 'ethos' of the building may be acceptable to some and not others and where moving towards what would be regarded as a more balanced environment would take time and would have to be undertaken with sensitivity and adherence to sound principles of equality.

5. PRINCIPLES for SHARED SPACE and PROGRAMMING

5.1 Belfast City Council is of the view that the City Hall is a key shared space. The MWG in considering the display of art and artefacts agreed that the major public areas of the City Hall should be kept free of any permanent memorabilia that could be construed as being partisan in nature. It also agreed that temporary exhibitions or installations in these public areas and function rooms should be permitted to allow for diversity of expression e.g. exhibitions of cultural traditions or sport, which might include emblems. However, as has been mentioned earlier, the extent to which the current ambience of the City Hall can be regarded as a 'neutral' environment has been challenged by some Members. The task now is to work towards a 'balancing' which is acceptable to all.

5.2 Council research suggests that the principles underlying a shared space should be that it is:

Welcoming – where people feel secure to take part in unfamiliar interactions and experience an overall sense of shared experience and community

Accessible – well-connected in terms of transport and pedestrian links within a network of similar spaces across the city and managed to promote maximum participation by all communities

Good Quality – offers attractive, high quality unique services and well-designed buildings and spaces

Safe – for all persons and groups and trusted by both locals and visitors

These principles build on those advocated by the Community Relations Council in its *Guidelines for a Cultural Diversity Policy* (2001) and referred to in 5.7 and 5.8 in relation to the design and implementation of events.

5.3 In adhering to the many aspects of the above principles, there is now an opportunity for the Council to enhance the overall sense of shared experience and community involvement, to promote maximum participation by all communities and to provide access to attractive, high quality and unique services in relation to the City Hall. The potential nature of these opportunities will be discussed later in this report.

Principles underpinning this Action Plan

5.4 The role of the MWG has been to address the 'cultural ethos' of the City Hall as it pertains to its artefacts including paintings, military plaques, flags, spaces for display, positioning of objects, the commissioning of new artworks and interpretative material including exhibitions. As mentioned previously, in considering 'how to achieve a more balanced and inclusive display which represents all aspects of former and contemporary life in Belfast' an Advisory Panel of specialists was appointed in 2002. In summary, they recommended that the ambience and presentation of the City Hall could become more balanced through:

- the commissioning and borrowing of additional appropriate artworks;

- the production of publications and audio-visual guides to enhance the interpretation of the City Hall and its ephemera
 - the commissioning of exhibitions on popular and inclusive themes
 - seminars and talks in support of the above
- 5.5 In theory, the fabric of the City Hall and the range of objects displayed could be continuously added to, depending on available budget and taking due cognisance of the need to fit with the ambience of a listed building. However, the image of the City Hall might be equally enhanced with a body of well-publicised activity and information-based services which demonstrate that the building is representative of all political persuasions and is open and welcoming to all.
- 5.6 This report recommends that the Council takes a broad approach to development which addresses both the fabric of the building and its displays as well as commissioning additional artwork and developing a high quality programme of events. It is recommended that the programme is wide-ranging with some events being popular, entertaining and targeted at a family audience while others might be more tailored to those who wish to debate their history and heritage and the influences that these have on Belfast today.
- 5.7 While the City Hall aims to address the issues pertinent to 'good practice' in shared 'physical' space, so, too, the events programme would be subject to similar 'proofing' in terms of its content, marketing and promotion, and implementation. The Community Relations Council's *Guidelines for a Cultural Diversity Policy* (2001) contains suggestions for the organisation and implementation of events / event programmes e.g. festivals, which aim to be culturally diverse. The guidance advises that major events classified as cultural diversity events should:
- represent all communities / clients living in the area for which the organisation has responsibility
 - include all age groups
 - cover the whole geographic area
 - involve all abilities
- 5.8 The guidelines also recommend that events and programmes should encompass:
- a range of organisations
 - a range of delivery mechanisms – concerts, exhibitions, workshops etc
 - a range of projects which have the potential of covering all age groups and address:
 - heritage (the past)
 - contemporary interests (the present)
 - creative projects (the future)
 - a wide variety of topics and approaches including:
 - identity (ethnic, religious, political etc)
 - local history
 - heritage
 - arts
 - music
 - language
 - faiths
 - sports

6. PROVIDING LEADERSHIP and MOVING AHEAD

- 6.1 Through the work of the MWG, Belfast City Council is providing leadership in the development of mechanisms which can help to bring about balance and participation in relation to its premier civic building. As one Councillor at the November brainstorming meeting put it: “‘Shared Future’ has been signed up to by parties at Stormont ... the City Hall is now much more visible ... it can take on a leadership role in relation to ‘Shared Future’”.
- 6.2 The process of moving towards ‘balance’ will not be easy and the challenges are recognised by Members. Conflict and violence between and within communities has left a deep and negative legacy in Belfast and Councillors face the consequences of this in their daily work. Despite recent positive developments in the political arena, Belfast people live, attend school, celebrate traditions, play sport and socialise separately. Aspects of our culture have become ‘contested spaces’ (faith, language, sport, cultural heritage and interpretations of history) rather than areas of commonality that we would be naturally disposed to explore together.
- 6.3 Against a backdrop of ongoing and energetic political activity, addressing and presenting the many aspects of Belfast’s civic, social and political history is a challenge which requires sensitivity, skill and collaborative working. Re-claiming our various histories and presenting our cultural backgrounds to one another in an open and non-threatening way will need facilitation and patience. Engaging meaningfully with the contemporary dimensions of the city deserves attention also and will assist in helping citizens to move into the present and forward into the future.

Areas of Action

- 6.4 It is proposed that in order to take the process ahead, a number of strategic areas of action might be considered. This will encourage clarity of purpose at both a strategic and operational level. While the MWG and the Good Relations Unit have undertaken most of the operational work in this area, it is likely that an expansion of the workload, as outlined below, will require additional human and financial resources; this will be considered later in the report. Proposed areas of focus are:
- *provision of physical space and presentational opportunities for additional and differing perspectives (historic and contemporary) through additional artefacts, commissioned artworks, commissioned large-scale photographs, purchased affordable contemporary artworks, exhibitions, publications, multi-media guides, introductory / visitor orientation film;*
 - *implementation of well-defined, Council–initiated events within City Hall paying due regard to community background and geographic spread;*
 - *development of the City Hall as a year-round cultural venue for activities which are aligned with MWG objectives and integrated with other relevant Council initiatives e.g. Cultural Tourism, City of Festivals, Events, Anniversary celebrations;*

- *development of partnerships* with individuals, organisations and institutions with the specialist expertise necessary for the optimum delivery of the programme;
- *creation of 'open access' to relevant opportunities* through a communications plan which is informed by relevant Council departments including Good Relations, Community Services, Tourism, Culture and Arts;
- *formulation of a training programme* for staff and, where desired, for Members
- *creation of a strategy to access the additional resources required* to implement the programme e.g. through Peace III, Heritage Lottery Fund and other relevant agencies;
- *establishment of quality standards* for the activities in relation to content, production values and adherence to cultural diversity principles;
- *establishment of a cross-departmental working group* to discuss, plan, prioritise and direct on-going and future development;
- *establishment of a post of Programme Co-ordinator* in support of the operational programme.

7. DEVELOPMENT, IMPLEMENTATION AND RECOMMENDATIONS

The Building and Existing Public-Facing Services

- 7.1 The City Hall is both a symbol of the city and a gateway to civic democracy. The architectural quality of the building, its city centre position and the intense political activity with which it has been associated throughout the recent conflict mark it out as a place of interest. Although it is a 'working' building and needs to function as such during working hours, it is also a landmark which dominates the city centre and, as such, has the potential to further its centrality within the mindset of locals and visitors alike.

Adding to the Fabric

- 7.2 The historic fabric of the building and its perceived ethos are in the process of being partially addressed through the commissioning of an artwork to reflect the Irish history and heritage of the city and those citizens for whom this is their cultural background. As mentioned at 5.5, the practice of commissioning additional artworks could be employed to further reflect various specific cultural backgrounds or, as has been suggested, to highlight the richness of church architecture or to honour individuals who made notable contributions to the city. As this is one of the only ways to add to the fabric of the building, it is recommended that, funding permitting, additional works on agreed subjects and themes are commissioned (see Section 4.8).

East Entrance Exhibition Space

- 7.3 The exhibition space available at the East Entrance has already hosted a number of exhibitions including one on Sporting Achievements and approximately a dozen more are planned. It is recommended that the opportunity to exhibit in this space is promoted more widely across institutions and relevant groups within the city and, as the proposed programme develops, that this space is used for Council-initiated exhibitions or for those hired in from cultural organisations such as the Linen Hall Library, Belfast Central Library, Public Record Office of Northern Ireland and others. This may require the purchase of flexible, self-standing, multi-functional display systems with integrated lighting and, if the inclusion of artefacts is desirable, a number of environmentally-controlled, museum-standard exhibition cases.

Contemporary Art Exhibitions

- 7.4 There is a large amount of wall space available at City Hall (including Ground Floor West and Ground Floor East (on way to 'The Bobbin')) and this could be used as hanging space for exhibitions; whether of historic or contemporary works. Many City Halls throughout the world have an ongoing programme of contemporary art exhibitions and this could be considered for Belfast. Providing an opportunity for both younger and more established artists to show their work, it would lend a contemporary feel to the building as well as introducing new audiences. An annual open submission process could be established with selection made by a different high-profile guest curator each year. Contemporary fine craft which could be displayed in the glass-fronted cabinets behind the main reception desk would also create interest and provide a showcase for an important element of Belfast's growing creative industries sector.

- 7.5 Contemporary aspects of Belfast could also be reflected through the commissioning of a series of large-scale photographs depicting life in the city today and including, for example, images of the Diwali and Chinese New Year festivals. A set of very large, colourful images could have a significant impact and could be located in an area with high footfall.

Borrowing from Other Institutions

- 7.6 Borrowing paintings and other artefacts from cultural institutions will require BCC to sign up to standard lending requirements and conditions. This should be explored with the National Museums Northern Ireland (NMNI). Reproductions of works are always an option and can be discussed with NMNI and other institutions as relevant.

Communicating the Council's Diversity – through portraits

- 7.7 The portraits of the Council's mayors reflect the make-up of the Council and its political developments over the years. It is essential that the conducted tours continue to include the mayoral portraits and that guides explain the political diversity therein. It is recommended that in order to create access to contemporary political life within the Council, a photograph of the current Lord Mayor is placed at the reception desk.

Communicating the Council's Diversity – through tours

- 7.8 The tours of City Hall provide an important opportunity for visitors to get to know the magnificent building and its history. They have been enhanced by the creation of seven themes prior to the recent opening (history of the City Hall, 'Freedom of the City' recipients, Belfast in the two World Wars, notable Belfast citizens, Titanic and Belfast's Lord Mayors, civic regalia and display of civic gifts). The tours also provide an opportunity for participants to hear about the political history of the Council and how its profile has changed. This will require some additional material to be incorporated within the tour script. The recent additions to the City Hall, e.g. the bust of Mary Ann McCracken and a number of stained glass windows commissioned to assist in achieving balance, should also be included.

Multi-media / Interactive Guide

- 7.9 There is also, perhaps, a need to 'orientate' visitors with the provision of an introductory film and / or multi-media interactive guide to the City Hall and to the city as a whole. This would serve to contextualise the city within its historic and political framework, demonstrating to visitors that the city is coming to terms with its past and envisaging a peaceful and optimistic future.

Enhanced Interpretation

- 7.10 There is a need to provide labelling and other printed material in relation to portraits and other ephemera within City Hall. This could be subcontracted to a specialist historian with the objective of creating interpretative material which is informative and accessible to a general audience. It will be important to ensure that material is available in languages other than English and in a variety of formats.

Conservation

- 7.11 The City Hall possesses important artefacts including paintings and documents as well as textile-based material. The Council has a civic responsibility to ensure that irreplaceable artefacts are properly conserved for future generations of citizens. There is a need to create a conservation plan for these in order to preserve them and prevent further deterioration. Previous conservation assessments should be referred to and appropriate action taken. Where repair is required this should be carried out as soon as possible.

Exploring Differing Perspectives

- 7.12 Dealing with the historic aspects of our culture and addressing issues of identity and political allegiance based upon personal and collective interpretations of history is a challenge in Northern Ireland. A lack of knowledge in relation to the complexity of history or a disinclination to engage with it can result in skewed interpretation which when presented as the 'final word' on a subject can cause confusion and misunderstanding. There is a need to explore the complexity of our society as it was in the past and as it is now. The Heritage Lottery Fund in its series of discussions about heritage and identity which it recently held across the UK (London, Edinburgh, Cardiff and Belfast), explored issues of 'nationhood', multiculturalism and social cohesion in relation to England, Scotland, Wales and Northern Ireland. Academics, heritage professionals, journalists, broadcasters and popular media figures debated how the past has shaped national identities, whether heritage can instil confidence or create conflict and how 'identities' change and re-invent themselves. This model worked well and could be adapted for Council use with the input of similar specialists.
- 7.13 Another model employed by the 'Cultural Traditions Group' in the late 1980s and 90s brought together expert speakers and facilitators in a series of talks, discussions and debates (the so-called 'Varieties' conferences) to explore issues around Irish, British, Scottish and European identity. The proceedings of these conferences were published and may provide a reference point for the MWG.
- 7.14 Exploring cultural heritage as a collective pursuit may be useful. The MWG may wish to consider the creation of a number of formats, whether in 'closed session' for participation of Council Members (and / or staff) only or open to the public, where specialists (including international experts) make presentations and facilitate debate on pertinent issues. The cost of this could be met through Peace III funding already obtained by Council.

Historic Exhibitions

- 7.15 In considering the hosting of exhibitions, whether already in existence and available from local cultural organisations, or to be initiated by BCC, the issue of contextualisation is, again, important. It is recommended that the MWG consider an over-arching theme of '**Belfast: Century by Century**' (working title) and within this context present exhibitions such as The United Irishmen (Linen Hall Library), The Famine Decade in Ireland (LHL), the Williamite Trail (Grand Orange Lodge Ireland). These episodes in history can then be seen within their own contemporary context. Accompanying talks and seminars would also contribute to enhanced exploration and understanding.

Themed Exhibitions

- 7.16 Themed exhibitions which are more contemporary or which involve 'notable citizens' are more self-contained and could be shown as they are, provided that the content reflects good practice in cultural diversity. BCC-initiated exhibitions on famous citizens should make use of the scholarship contained within the Dictionary of Ulster Biography as well as that of the Ulster History Circle, both of which have online access to material.

Anniversaries

- 7.17 The forthcoming decade will see a number of important anniversaries in the Belfast calendar. It is recommended that preparations for these commence as soon as possible in order that events will be of good quality and inclusive in terms of content and community involvement. It is also recommended that an over-arching title is used here again. The title '**Belfast – a century ago ... a hundred years on ...**' would point to both years, past and present, and allow both the historic and contemporary stories to be told. For example, 1912 is the year of the signing of the Ulster Covenant while 2012 is the Olympic year. The signing of the Covenant would be explored within a wide historic context and the contribution of Belfast to the Olympics plus other significant contemporary events could be included. The inclusion of an exhibition on boxing in 2012 might be appropriate and an excellent exhibition recently curated by the Ulster American Folk Park might be pursued. The 400th anniversary of the signing of Belfast's charter will take place in 2013; the historic and contemporary could be explored and presented (in this case, a different over-arching title would be required to indicate 400 years). Other events could be similarly treated e.g. 1914 (beginning of First World War) / 2014; 1916 (anniversary of Easter Rising) / 2016.

Making Greater Use of Space – City Hall as a Venue

- 7.18 The City Hall contains magnificent function rooms of differing sizes which allow for differing scales of events. Although not regarding itself as an 'arts centre' (the new MAC in Cathedral Quarter and the re-furbished Crescent Arts Centre will provide state-of-the art facilities in that regard), the City Hall could become a venue for the presentation of cultural events. This would undoubtedly be welcomed by cultural groups as a recognition of the importance of the work that they do and would provide access for members of the general public to a prestigious and alternative venue. It would also help to ensure the inclusion of diverse groups including young people who will be represented in cultural organisations such as Wheelworks, Trans / Urban Arts Academy, Youth Action's Rainbow Factory and the Belfast School of Music. The re-launch of the City Hall in October 2009 provides a good precedent for this. This programme included a variety of cultural events with activities for older people, young children, families and community groups. Cultural organisations involved included the Belfast Film Festival, Belfast Festival at Queen's, Beat Initiative, Young at Art, Artsekta, Ulster Scots and Irish language groups. The events attracted an audience of approximately 18,000 over the two week period and there was widespread positive coverage on TV, radio and in the press.

Integration with Council Strategies

- 7.19 Operating as a venue, the City Hall could align itself with the 'City of Festivals' initiative, working with promoters to host a selected (one or two, perhaps) events from festivals taking place throughout the city across the year. This would adhere to good practice in cultural diversity facilitating participation from widespread community backgrounds.
- 7.20 Engagement with cultural content would enable further integration with Council strategies. BCC is currently developing policies which encompass music, literary and heritage tourism and the City Hall could be instrumental as a venue / information point for this. The decision to locate a tourism information desk within City Hall substantiates this opportunity and will provide an additional opportunity to profile the city of Belfast as a whole with all of its traditions. An annual Summer School or set of Memorial Lectures in honour of famous Belfast artists and based in the City Hall, might be considered as a possible cultural tourism initiative. The Council should explore relevant partnerships with existing initiatives in this regard.

Fund-Raising and Development

- 7.21 The programme outlined can be delivered holistically or in parts, depending upon the urgency with which the Council wishes it to be implemented. It will take time to develop partnerships and to decide which elements of the proposed programme are best suited to deliver the Council's objectives. There is also a need to source external funding to support the programme, both from internal and external sources. Engagement with relevant and expert partners will substantiate the case for funding in that mutual benefit and collective impact is likely to be high. BCC's profile within the city, Northern Ireland and beyond will enhance its prospects for attracting appropriate funding and its ability to involve large numbers of people in high quality activity would also augur well. .

Staffing and Management

- 7.22 The potential changing nature of the work of the MWG with its emphasis on the development of new projects and programming would require additional human resources to make it work. At the moment, the Good Relations Unit is progressing the actions agreed at the MWG; however, an enhanced programme would entail a significant amount of practical implementation and this would require a dedicated member of staff.
- 7.23 It is proposed that the position might have a similar description to that of the Education, Community, Heritage and Outreach Officer at the Ulster Hall. The Ulster Hall, like the City Hall, possesses a range of important heritage resources and the need to achieve community ownership of the facility. It is proposed that the Programme Coordinator would work to deliver the programme as agreed by the MWG, researching, developing, organising and delivering projects and liaising with relevant external individuals, groups, organisations and institutions. External advice and support would be sought when necessary. It is envisaged that the post would initially be an externally funded full-time fixed-term post.

- 7.24 It would be important that the postholder would work closely with the Good Relations Unit (and possibly be located there) in order to continue the work with the MWG and to ensure an adherence to agreed objectives. Reporting to a cross-departmental grouping of relevant City Hall staff would be crucial in order to achieve commonality of purpose and 'joined-up' management. This group should be chaired by a Chief Officer.
- 7.25 Effective and informed marketing and promotion would be important in the implementation of what could, at times, be sensitive subject areas. There will also be a need to provide dedicated web presence for the programme and to target specialist audiences when appropriate including community groups, opinion formers, potential funders and sponsors, central government and appropriate agencies.

Concluding Remarks

- 7.26 This report sets out a framework which attempts to define and maximise the role that the City Hall could play in providing a positive and outward-looking manifestation of the Council's relationship with its community. There is a sense in which the Council – its elected representatives and its staff - constantly needs to 're-introduce' itself to its citizens, explore their needs and wants; their hopes and aspirations. There is a great sense too in which the citizens look to the Council to provide leadership in relation to issues where as individual citizens and communities they would find it difficult or impossible to have significant influence. The City Hall as a major physical edifice is a symbol of how the city regarded itself a century ago. Over one hundred years on, there is a challenge to 'make manifest' what the city feels about itself and its citizens, past, present and future, and to express this in an imaginative way within its walls.

8. SUMMARY RECOMMENDATIONS

- 8.1 It is recommended that underpinned by good practice in cultural diversity, the Council takes a broad approach to the development of 'balance' within the City Hall through the commissioning of additional artworks and the implementation / hosting of a high quality and diverse programme of events. The MWG should have the role of overall co-ordination of any future work related to memorabilia, ensuring that all items on display are of high quality, interesting, relevant and in keeping with their surroundings.

In summary, resources permitting, it is recommended that the Council:

Additional Artworks

- commissions additional artworks (to add to the 'fabric' of the building) on agreed subjects and themes;

Events Programme

- facilitates the development of a programme of activity ranging from popular, entertaining and family-friendly events to opportunities for discussion and debate on history and heritage and its influence on the Belfast of today;

Exhibitions and Display

- presents both self-initiated and hired-in temporary exhibitions from cultural institutions and organisations in the East Entrance area and the Ground Floor East and West corridors;
- publicises the availability of the East Entrance exhibition space to relevant institutions and groups within the city;
- considers the purchase of flexible, self-standing, multi-functional display systems with integrated lighting for exhibition purposes and other secure fixtures and fittings for wall-based displays;
- considers displaying the work of contemporary visual artists (both young and more established) accessed by way of an annual open submission process;
- considers the display of contemporary fine craft by local artists in the glass-fronted cabinets behind the reception desk;
- commissions a number of very large-scale colour photographs depicting life in the city today including, e.g. images of the Diwali and Chinese New Year festivals;
- explores the possibility of borrowing paintings and other artefacts from the National Museums Northern Ireland (NMNI) on the basis of agreed lending requirements and / or arranges for reproductions to be made where relevant;

- displays a photograph and brief biography of each year's serving Lord Mayor at reception desk;

Tours

- makes amendments to conducted tour scripts in order to reflect political diversity and recently commissioned work (bust of Mary Ann McCracken, stained glass windows);

Multi-Media Interactive Guide

- commissions a multi-media interactive guide which would act as an 'orientation' for visitors, contextualising the city within its historic and political framework and including current and future plans for its regeneration;

Enhanced Interpretation

- provides improved labelling for portraits and artefacts and accessible printed material (leaflets, text panels) where appropriate;

Conservation of Historic Artefacts

- develops a plan for conservation of historic artefacts;

Exploration of Differing Heritage and Identity Perspectives

- establishes a training programme to explore issues of heritage and identity involving academics, heritage and cultural commentators and other relevant professionals with distinctive strands for Members, staff and the general public;

Historic Exhibitions

- provides appropriate 'context' (through seminars, debates, performances, printed materials) when exhibitions which are historic in nature are on display in order to promote discussion and understanding of complex issues;

Anniversaries

- begins to prepare for forthcoming anniversary celebrations in order to ensure that events will be of good quality and inclusive in terms of content and community involvement;

City Hall as a Venue for Cultural Events

- develops and promotes the City Hall as a venue for cultural events, partnering with festivals and other cultural organisations throughout the year;

Integration with Council Strategies

- integrates City Hall initiatives with other Council strategies including 'City of Festivals' and cultural tourism and establishes specific City Hall-based events e.g. summer schools, lecture series;

Funding

- creates a strategy for the sourcing of external funding in support of the programme;

Staffing and Management

- creates a dedicated post to support the development and implementation of the programme;

Marketing and Promotion

- increases the visibility of the City Hall and its programmes through the development of a strong marketing programme targeting both the media and the general public;

Cross-Departmental Working Group

- creates a cross-departmental working group chaired by a Chief Officer in order to achieve clarity and shared purpose in relation to planning and implementation of all aspects of the programme.

9. TIME-TABLE and ESTIMATED RESOURCES

ACTION	Estimated Budget
Short term	
Prepare application to Heritage Lottery Fund	N/A
Prepare internal bid to Peace III	N/A
Establish cross-departmental working group	N/A
Assess applications for 'Irish ' heritage artwork	N/A (budget already agreed)
Make amendments to tour script	N/A
Display Lord Mayor's photograph at reception desk	N/A
Explore potential partnerships in relation to events, festivals and lectures	N/A
Promote East Entrance exhibition space	N/A
Devise secure hanging arrangements for temporary exhibitions	Existing budgets
Agree and implement temporary exhibition programme	Hire fees to be agreed with institutions
Agree and implement associated lecture and seminar programme in connection with exhibitions	Fees to speakers
Medium term	
Appoint Programme Co-ordinator	£40k (subject to funding)
Appoint specialist to create text for portraits and paintings	£6k (subject to funding)
Plan future programme including exhibitions	N/A
Commission introductory multi-media presentation	£15-£20k (subject to funding)
Build relationship with NMNI and agree lending arrangements for artefacts where possible	N/A
Arrange for reproductions and framing of NMNI works as appropriate	£20k
Commission an up-dated conservation plan for City Hall artefacts	£5k
Continue to build external partnerships	N/A
Host relevant festival events	N/A
Commission additional artwork on agreed theme	£20k (subject to funding)
Establish training programme involving specialists as outlined	£20k (Peace III)
Long term	
Plan for and implement anniversary celebrations	£100k+ (HLF large grant) cross Departmental potential
Plan and implement annual open submission visual art exhibition	N/A
Commission additional artwork on agreed theme	£20k (subject to funding)
Continue with exhibition and event programme	£50k per annum

Appendix 1

Memorabilia Working Group Brainstorming Session for All Members of Council Monday 30 November 2009

Response of Members

During the session, Members were asked to consider three questions:

1. **What does 'A City Hall for All' mean?**
2. **What specific ideas do Members have for action?**
3. **What in the process makes Members nervous /what are their fears?**

Responses were as follows:

1. What does 'A City Hall for All' mean?

- visibility
- fairness
- accessible and expansive
- balanced programme
- holistic
- sense of celebration and confidence
- more than orange and green – minority ethnic communities in the new Belfast
- working building versus museum
- welcoming – by both Councillors and staff
- security
- leadership – this is key in embracing difference
- acknowledgement of diverse social class i.e. the working class
- external features
- balance needed
- cherish all backgrounds
- ownership by all
- modern and up-to-date
- meaningful – not tokenistic
- importance of the individual
- attractive building
- controversial but not offensive
- non-confrontational

2. Specific ideas for action

- tension in achieving the balance of taking away or adding to
- temporary v permanent exhibitions
- representation of diversity and experience
- timescale for dealing with the challenging bits of the agenda
- how do we represent the parts of the past that were not represented in this building at that time e.g. 1916?
- contribution of music

- deal with flag issue
- historical reflections on political parties
- work of community groups
- work of churches
- contribution of sporting bodies/personalities
- address the current imbalance
- work & development of Trade Union movement
- work of Charities
- women
- history of Republicanism
- United Irishmen
- Irish language
- scientists and inventors
- minority ethnic communities
- poets
- Orange Order
- industrialists of Belfast
- statue of women mill workers at the front of the City Hall
- faith communities
- young people
- medical pioneers
- Belfast-born citizens who have been successful/famous elsewhere
- genealogy 'touch screen' exhibition
- 'plinth' idea (like Trafalgar Square) outside the City Hall
- white board for comments
- in-depth tours
- social history
- evolution rather than revolution

3. What in the process makes Members nervous/what are their fears?

- inclusive Somme resolution needed
- use of the term 'my party'
- triumphalism
- discussion of the Union flag
- members should not fear equality
- equality and balance not being achieved
- image of the Council if there is no consensus
- stalling tactics
- deliberate provocation / suggestions made to be divisive and create dissent
- 1st & 2nd World War representation and sensitivities around this
- so hung up on past, may miss potential of the future
- invisibility of certain groups
- fear of looking foolish if we don't get the work done

Appendix 2

Memorabilia Working Group Suggestions for Inclusion in City Hall Programme

- the need to fully 'interpret' what is already in place within City Hall e.g. the portraits of mayors and notable citizens, through the provision of labelling and other printed material
- additional stained glass windows to reflect Irish history and heritage, possibly based upon Irish myth and legend e.g. Cuchulainn, Children of Lir
- an artwork to mark Scottish influences upon the city
- the need to explore and present the three-fold – Irish / English / Scottish dimensions and histories of the city and how this has influenced how Belfast has evolved as a city and a community
- provision of opportunities for young people to present their creative output and ideas at the City Hall
- temporary exhibitions from Belfast-based cultural organisations e.g. Linen Hall Library, Belfast Central Library, Public Record Office, BBC, universities etc
- the need to trace the origins of contemporary politics and find a way of presenting this
- a presentation of the broad historic and political context pertaining to key historic events e.g. the First World War, 1916 rising etc and their relevance to Belfast
- the need to present the social history of East Belfast and Shankill
- exhibition about the Somme
- a monument to mark involvement in the Spanish Civil War
- an exhibition on football and famous Belfast footballers
- an exhibition on boxing and famous Belfast boxers
- theme of Revival / Evangelism is important within the history of the Protestant community
- history of 'religion' in Belfast could be explored
- Orange Order important as an historic and contemporary theme

- exhibition about those who have achieved e.g. in medicine, engineering, innovation etc
- enable children to discover the history of their grandparents and help to connect them to where they live
- Protestant / Ulster Scots writing – poetry and drama, both historic and contemporary
- need for sense of celebration
- exhibition on Belfast people who became famous in the USA
- exhibition on philanthropists e.g. Barney Hughes
- exhibition on educationalists e.g. Vere Foster, Sister Genevieve
- a stained glass window to honour Nationalist politicians e.g. Paddy Devlin, Gerry Fitt
- a window featuring well-known Belfast churches e.g. St Malachy's, Carlisle Memorial, St Mary's, St Anne's Cathedral, St Peter's Cathedral, Rosemary Street and oldest Presbyterian Church in Belfast
- a window in honour of ethnic minority communities

GOOD RELATIONS PARTNERSHIP**FRIDAY, 12th FEBRUARY, 2010****MEETING OF THE GOOD RELATIONS PARTNERSHIP**

Members present: Councillor Hendron (Chairman); and
Councillors Kyle, C. Maskey, McCarthy and Stoker.

External Members: Ms. M. Marken, Catholic Church;
Mr. P. Scott, Catholic Church;
Mr. R. Galway, Bombardier Aerospace/
Confederation of British Industries;
Mr. P. Bunting, Irish Congress of Trade Unions;
Ms. A. Chada, Minority Ethnic Groups;
Mr. L. Reynolds, Voluntary/Community Sector; and
Mr. S. Brennan, Voluntary/Community Sector.

Also attended: Mr. K. McClelland, Community Relations Council.

In attendance: Mrs. H. Francey, Good Relations Manager;
Mr. I. May, Peace III Programme Manager;
Mr. D. Robinson, Good Relations Officer; and
Mr. J. Hanna, Senior Committee Administrator.

Apologies

Apologies for inability to attend were reported from Ms. S. Bhat, Ms. J. Hawthorne, Ms. E. Wilkinson, Reverend J. Rea, Reverend L. Carroll and Messrs. P. Mackel and M. Wardlow.

Minutes

The minutes of the meeting of 15th January were taken as read and signed as correct.

Presentation – The Belfast Migrants Forum

(Ms. L. Dolan, Migrant and Minority Ethnic Project Officer, attended in connection with this item.)

The Partnership was advised that Ms. L. Dolan, Migrant and Minority Ethnic Project Officer, was in attendance to update the Members regarding the Project and the work of the Belfast Migrant Forum.

She outlined the background to the development of the Project and the establishment of the Forum and explained that research which had been commissioned by the Council and undertaken by the Institute of Conflict Research had indicated that the Council should take a more active role in engaging with the issue of migration and the emergence of new minority communities. In addition, the Council had felt that, given its role as a Civic Leader, it was in a key position to deliver such a project.

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The development of the Migrant and Minority Ethnic Project had been prompted by the increase in the number, background and diversity of migrant people moving to Belfast and was also a key element of the Council's Good Relations policy of supporting good relations between all citizens. She stated that the project was financed at 100% by the Special European Programmes Body under the Peace III Programme and outlined the Project's aims which were to:

- improve interagency cooperation in Belfast;
- improve awareness of migrant/minority ethnic issues in the Council;
- support community initiatives; and
- support the integration of new communities.

She explained that the Project sought to achieve these by encouraging a greater sharing of information among partners within Belfast in order to build a better picture of issues relating to migrant communities, changes in demographics and future trends. She stated that the Forum worked closely with the South Belfast Roundtable and other organisations and statutory bodies in the Village area to assist them in developing and implementing their community relations strategies.

She highlighted the achievements of the project to date including, amongst other things, the development of a Migrant Forum, migration awareness training, civic receptions and diversity training for staff. She explained that the Forum consisted of a core membership of representatives from partner statutory and voluntary organisations and was in the process of developing a work plan. The Forum met bi-monthly and the meetings offered an opportunity to share information and provided a forum for debate and discussion on key issues. She concluded by highlighting the key challenges for the Migrant and Minority Ethnic Project, which required keeping up-to-date with changes in world migration, encouraging collaboration among partners and ensuring that the Forum was kept relevant.

Ms. Dolan then answered a number of questions in relation to the training aspects of the Project and the work of the South Belfast Roundtable.

The Partnership thanked Ms. Dolan for her informative presentation and noted the information which had been provided.

Arising out of discussion in the matter, the Good Relations Manager undertook to refer the issue of the funding of the South Belfast Roundtable to the Race Equality Unit of the Office of First Minister and Deputy First Minister.

DisabledGo and Falls Community Council

The Good Relations Manager advised the Partnership that presentations would be provided at the next meeting of the Partnership in relation to the work of DisabledGo and the Peace III Interface Network project led by the Falls Community Council.

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Networking Event

The Good Relations Manager advised the Members that a networking event had been arranged for Tuesday, 2nd March for the Members of the Partnership, representatives of the Migrant Forum and the Honorary Consuls in Northern Ireland. She pointed out that there were costs associated with the holding of a small reception for the event and recommended that the Partnership request that the Strategic Policy and Resources Committee agree to the incurring of expenditure in order to provide hospitality.

The Partnership adopted the recommendation.

Peace III Implementation Update

The Peace III Programme Manager submitted a report which provided an update in respect of the implementation of the Peace and Reconciliation Action Plan. The report outlined the progress which had been achieved to date on the themes and actions within the Plan, together with a summary of expenditure under each of the four themes of the Plan along with the summary of actual and planned activity from January till March.

The Peace III Programme Manager explained that, given the possible delay in the Review of Public Administration, together with the slow spend achieved to date, the Special European Union Programmes Body had agreed to the extension of the activities under Phase 1 of the Local Action Plans until June, 2011. He indicated that project-related expenditure could be re-profiled to take the extension into account. That did not impact upon the management costs as the Programmes Body had indicated that those would be met from the Phase II allocation, once agreed.

He reminded the Partnership that, at its meeting on 12th June, it had approved the holding of a review session relating to the implementation of the Belfast Peace Plan. As a follow up to that review, which was held in September, 2009, and to look at the issue of commitment of funding under the current phase of the Plan, the Good Relations Unit had scheduled a working session for Partnership Members and Council staff. This would be held on 25th February, 2010 in Clifton House, Clifton Street, Belfast. A draft agenda had been issued to the Partnership but full papers would be circulated in advance of the session.

The Peace III Programme Manager advised the Members that the Programmes Body had outlined the proposed evaluation process relating to local Peace III Action Plans at a meeting which had been held for secretarial staff in Omagh on 22nd January. The key points arising from the meeting were as follows:

- a guidance note on monitoring and evaluations would be issued by the Programmes Body during February;
- the Programmes Body had an expectation that evaluation would be conducted in-house, with any external consultancy support capped at £6,000 unless a business case was approved for additional expenditure; and

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- all projects which had undertaken a Green Book Appraisal would require an independent evaluation. This would apply to the Shared Routes Programme under the Shared City Space Theme.

He reminded the Partnership further that, at its meeting on 12th June, it had considered the Aid for Peace indicators. He stated that a revised Letter of Offer which detailed these Indicators had been issued by the Special European Union Programmes Body for signature by the Council's Chief Executive. He pointed out that a mid-term review of the Aid for Peace report was required for March/April 2010 and it would be open to the Partnership to review the indicators at that stage. With regard to the previously approved Budget for Action 2.5 Dealing with Physical Manifestations, it was necessary to re-profile £2,000 from the capacity building element to the facilitation costs and he sought the Partnership's approval in this regard.

After discussion, during which the Peace III Programme Manager explained that the Project and Monitoring Officers worked closely with projects to provide assistance where possible in relation to spending on projects, the Partnership noted the information and granted the approval sought.

Meeting with Lisburn Good Relations Partnership

The Partnership agreed that a meeting be held at a future date with representatives of the Lisburn Good Relations Partnership to discuss the Peace III Programme.

**Peace III Shared Cultural Space –
Open Call for Projects in Line with Action 3.1 City of Festivals**

The Partnership considered the undernoted report:

“Purpose of Paper

To propose to the Partnership an approach to commitment of funding under Action 3.1 City Festivals under the Shared Cultural Space theme in the Belfast Peace & Reconciliation Action Plan.

Key Issues

Background

The Partnership will recall that £350,000 has been allocated to Action 3.1 City of Festivals under the theme of Shared Cultural Space within the Belfast Peace & Reconciliation Action Plan. £100,000 has already been committed to a number of festivals staged throughout the city in 2009. The allocation of funds was managed by the Peace III team through a tendering process. Following consideration of the issue by the Partnership at its October meeting, further consultation has been undertaken with SEUPB and other stakeholders.

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Aim of the Action

Action 3.1 aims to work with a range of groups to support local community festivals, based on a new civic charter on standards, based on the Chicago City of Parades model, e.g. Chinese New Year, St Patrick's Day, Orangefest etc work with Grand Orange Lodge and Féile an Phobail. This would include minority language events. The key outputs associated with this action are:

- Development of framework to increase sharing and interaction in cultural festival activities in Belfast
- Support to enhance the sharing and community cohesion element of 10 existing festivals
- Support the establishment of at least 2 new community based festivals. representing new cultural identities in the city by end of 2010
- A cross border exchange programme for 6 community based festival providers to share good practice.

The Good Relations Partnership at its review of progress in September flagged a number of improvements that could enhance the remaining delivery of this programme to ensure a more strategic and co-ordinated intervention to deliver the existing objectives and impacts over the lifetime of the Peace Plan.

- The need to clearly articulate the contribution made to tackling sectarian and racist attitudes through the funded activity
- The need to join up and standardise the funding model with other appropriate funding models operating within Council around support for festivals.
- Feedback received on current process
- Lack of a dedicated resource for implementing the action

Delivered to date

The GRP approved initial procurement exercises around four key events in Belfast at its meeting in April with an initial commitment of £100,000 of the £350,000 total allocation. These events were:

- (a) Programme of events to enhance community cohesion within Belfast City Centre in July 2009

- (b) Programme of events to enhance community cohesion around the Lord Mayor's Parade in 2009
- (c) Programme of events to enhance community cohesion around the reopening of the City Hall in Autumn 2009
- (d) Programme of events to enhance community cohesion around an expression of new cultural identities within the City

The following organisations were then appointed following a competitive procurement exercise:

- Beat Initiative appointed to deliver a programme of events around the City Carnival on 27 June 09.
- Festival of Fools appointed to deliver a programme of events around Orangefest on 13 July 09. Belfast City Centre Management delivered associated marketing, city dressing; communications and event management for the programme.
- ArtsEkta appointed to deliver a programme of events and associated training around the Belfast Mela on 30 August 09
- ArtsEkta and Beat Initiative appointed to deliver programme of events around re-opening of City Hall 17-24 October including Diwali/ Samhain celebrations

Proposal

It is proposed to the Partnership that an open call for projects in line with the aims of Action 3.1 City of Festivals within the Plan is made at the earliest opportunity. The assessment criteria and related application documentation are in line with the guidance note on project selection issued by the SEUPB. The assessment criteria are attached as an appendix to this report.

The open call will aim to identify projects led by properly constituted organisations with sound management and good governance arrangements with a track record of successful delivery that:

- will be in keeping with the principles of shared space (welcoming, accessible, good quality and safe) in its design, programming and management
- demonstrate active partnership in development and delivery of the activity including signed letters of support where applicable
- complement existing and/ or planned activity in the city
- will have an audience reach of at least 10,000 people.
- will take place before the end of June 2011.

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- demonstrate that all necessary licences, permits will be in place prior to the activity.
- adhere to good practice and Council guidelines on support for event management, health and safety and licensing.
- Have a robust methodology for monitoring and evaluation of activity in line with the PIII Aid for Peace Framework

Successful applicant organisations will also be expected to contribute to the development of a framework document on enhancing community cohesion and shared space elements of festivals activity in the city.

The fund for suitable projects identified under this open call is approximately £225,000 and it is anticipated that individual projects will receive funding up to £25,000.

In line with current practice in grants assessment of cultural programming activity it is proposed that consultancy support is bought in to make initial assessments against the pre-set criteria pending quality assurance from the Good Relations Unit, Tourism, Culture & Arts & Events Units before recommendations are brought back to the Partnership. The cost of the external consultancy support is estimated at approximately £5,000.

It is further proposed that approximately £20,000 is allocated to ongoing developmental work on festivals in Belfast including the development of the sharing framework and the exchange programme. This is being matched by £30,000 from the Tourism Culture & Arts Unit. This work will ensure complementarity and strategic fit with other Council initiatives and other statutory bodies and help to ensure the successful mainstreaming of identified good practice and principles in peace and reconciliation work. The Partnership will receive a full report on this work from the Tourism, Culture & Arts Unit.

Anticipated Timeline

<u>Activity</u>	<u>Lead</u>	<u>Date</u>
Report to Partnership	GRU	Feb
Specifications drawn up	GRU	Feb
Consultant Appointed	GRU/TCA	Feb
Application Form finalised	GRU/TCA	Feb
Call Publicised	GRU/TCA	Feb
Closing Date		Mar/April
Assessment	GRU/TCA/Events	Apr
Quality Assurance		Apr
Report to Partnership on projects	GRU	May

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Resource Implications

Financial Implications

Eligible expenditure will be recouped 100% from SEUPB.

HR Implications

None.

Recommendations

That the Partnership approves the proposed approach to implementing the City of Festival Programme and recommends the publication of an open call for proposals for Shared Cultural Space Festival events in line with the assessment criteria outlined.

That the Partnership approves the allocation of approximately £20,000 towards the development of the framework for sharing and associated festivals action plan and the delivery of the exchange programme and notes that a full report on this work will be given to the Partnership by the Tourism, Culture & Arts Unit at a future meeting.

That the Partnership approves in principle the Terms of Reference for external consultancy support in the assessment of applications received at a cost of approximately £5,000.

Decision Tracking

The PIII Programme Manager will be tasked with actions arising from this report and will provide an update on progress at the next Partnership Meeting.”

During discussion in the matter, the Good Relations Manager advised the Members that the funding criteria had been devised in conjunction with officers from the Council's Culture and Arts Unit. The Peace III Programme Manager pointed out that the fund was aimed at larger scale events which had an audience reach of at least 10,000 people. He pointed out that support for smaller festival events was available through the Community Festivals Fund.

After further discussion, the Partnership adopted the recommendations, subject to the amendment of one criterion to read that “the proposal is innovative or demonstrates good practice” and agreed that the recommendations be commended to the Strategic Policy and Resources Committee for approval.

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Peace III – Overview of Small Grants Fund

The Peace III Programme Manager provided an update on the progress which had been achieved to date on the 45 projects supported under the Peace III Small Grants Fund. He pointed out that there had been two calls under the Small Grants Fund in the Belfast Peace Plan and currently there were 43 projects in receipt of a Letter of Offer, with a further two Letters of Offer in preparation. He provided for the information of the Partnership a brief description of each of the projects, along with details of key outputs and key stakeholders, a summary of funding committed and vouched expenditure to date.

The Partnership noted the progress to date.

Attendance of External Members at Conferences

The Good Relations Manager reminded the Partnership that, at its meeting on 16th October, she had undertaken to clarify the legal position with regard to External Members attending conferences.

She advised the Members that the Director of Legal Services had indicated that Section 37 of the Local Government Act (Northern Ireland) 1972 restricted the powers of a District Council to incur expenditure in relation to conference expenses to its Councillors, although also including non-Councillor co-optees.

However, Section 115 of the Act, which dealt with special expenditure, allowed a Council to make any payment for any purpose which in its opinion was in the interests of, and would bring direct benefit to the Council, its district or any part of its district, the habitants of its district or any part of its district. Therefore, the Council did have the option of utilising the provisions of Section 115 to incur expenditure for External Members attending conferences providing the purpose met the criteria and to a resolution being passed by the appropriate Committee.

Noted.

Templemore Avenue Artwork

The Good Relations Manager advised the Members that the Council had a positive record in working alongside communities in the removal and replacement of murals over the previous ten years, firstly, through the Brighter Belfast Programme and more recently through the Re-Imaging Communities Programme. She pointed out that the Council had supported work in a number of local neighbourhoods in the aforementioned programme, which had been led by the Arts Council. An exhibition of the work which had been done to date by the Council would be held in the East Entrance of the City Hall in March.

She explained that the Re-Imaging Communities Programme was suspended currently since there was no funding available in this year's budget. However, the Unit had a small amount within its own budget to cover the removal and replacement of murals in the City. A community group in Templemore Avenue was keen to have an Ulster Young Militants mural removed as the site in which it was located was due for redevelopment. As a replacement, they were seeking to develop a mural or artwork representing the cultural heritage of the community in a nearby location.

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**Good Relations Partnership,
Friday, 12th February, 2010**

Accordingly, she recommended that an amount, not to exceed £5,000 for the cost of an artist, community engagement and materials, 75% of which could be recouped under the District Council's Good Relations Programme through the Office of the First Minister and Deputy First Minister, be provided to undertake the replacement artwork. She pointed out that a Good Relations Officer was continuing to work with the Group to assist and develop initial designs and content material and that any funding approved would support a wider engagement and consultation process in order to achieve maximum community buy-in.

The Partnership adopted the recommendation and agreed that the Strategic Policy and Resources Committee be requested to approve the expenditure.

International Women's Day

The Good Relations Manager reminded the Members that International Women's Day, which would be held on 8th March, was an important day that was marked annually throughout the World. Hundreds of events occurred not just on that Day but throughout March to mark the economic, political and social achievements of women.

She pointed out that this year an event was being organised by the Ulster Hall's Community and Outreach staff, in partnership with C21 Theatre Company and the Ormeau Baths Gallery. The Women's Support Network would be the principal organisers and were facilitating this through their networks. The focus of the day would be a celebration of the achievements of both local women and women who were new to the City. These activities would comprise of an exhibition, a series of facilitated workshops and a performance of the play "3 Women".

The Good Relations Manager recommended that the Partnership seek the approval of the Strategic Policy and Resources Committee to provide up to £3,000 for the costs associated with the holding of the event. She pointed out that 75% of the expenditure could be recouped under the Good Relations Programme through the Office of the First Minister and Deputy First Minister.

The Partnership adopted the recommendations.

Community Relations Week 2010

The Partnership was advised that the Good Relations Council had been organising Community Relations Week annually since 2003. Its aim was to raise the media profile and public awareness of Good Relations work and to encourage others to become involved.

The Good Relations Manager reported that, this year, Community Relations Week was being held from 26th April till 1st May. The week provided an opportunity to showcase and engage with some of the region's ongoing community relations activities which were working towards a more tolerant, inclusive and shared society. While "The Development of a Shared Society" remained the broad theme for community relations week this year, the Community Relations Council hoped to highlight the need to engage young people, the next generation, in building a society free from segregation, sectarianism and racism.

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The Good Relations Manager explained that the Unit ran an event every year to mark Community Relations Week. This year, the Minority Ethnic Project Officer would deliver a combined training session on Migrant Awareness and Preventing Hate Crime for Council staff and representatives from the voluntary and community sectors during the week. Partnership Members were welcomed to attend the session. In addition, the Unit was planning a cultural diversity evening event on Tuesday, 27th April to link in with a photographic exhibition by Paul Hutchinson, Centre Director of Corrymeela, to be held in the East Entrance of the City Hall. The Exhibition which was entitled "Walking a Line" would include images from the margins/edges of Belfast, with the aim of exploring what Belfast looked like from the margins and to encourage people to reflect on the various boundaries. Paul Hutchinson would facilitate a conversation on this theme, concluding with some poetry, music and refreshments.

The Partnership granted approval to the proposed events to mark Community Relations Week.

Chairman

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Report to:	Strategic Policy & Resources Committee
Subject:	Plaques in East Entrance, City Hall
Date:	Friday 19 February 2010
Reporting Officer:	Hazel Francey, Good Relations Manager Ext. 6020

Relevant Background Information

In September 1999, the Policy & Resources Committee agreed that a large number of plaques, previously displayed in the Robing Room and Reception Hall, should be moved to the East Entrance area, following the refurbishment of the Robing Room. At that time, the Head of Civic Buildings reported that there were over 200 plaques in the City Hall collection, most of which had been presented to the Council by visitors; he noted that the collection was only going to increase. He reported that they had been displayed at an inappropriate height and in no particular order and the Committee agreed that they should be grouped under *Cities* and *Organisations*, *Naval* and *Regimental* themes and repositioned in the East Entrance/East Staircase area.

In 2002 an Advisory Panel of external experts was established to examine ways of achieving a more favourable balance of artworks and artefacts within the City Hall. The Advisory Panel made a number of recommendations, reported to the Policy & Resources Committee in February 2003, including one that stated that "the large numbers of plaques in the east Entrance should be archived; they are of little historical or artistic value and could be replaced by items of greater merit".

In February 2004, the Policy & Resources Committee agreed that the plaques under the headings of *Cities* and *Organisations* (located on the ground floor East Entrance) should be archived but deferred consideration of those under the headings *Naval* and *Regimental* (located on the landing area of the staircase).

All the remaining plaques (i.e. *Naval* and *Regimental*) were removed during the major refurbishment of the City Hall and at its meeting on 16 October 2009 the Memorabilia Working Group agreed that any decision to relocate them should be considered within the wider context of City Hall memorabilia and the fact that the East Entrance area had now been designated to be used for community exhibitions; the Working Group agreed that the plaques should not be replaced in the interim.

The decision of the Working Group not to replace the plaques was discussed at the meeting of the Strategic Policy & Resources Committee on 23 October and became the subject of a vote, when the Committee agreed to refer the question of the plaques back to the Memorabilia Working Group for further consideration.

The Council, however, at its meeting on 2 November 2009, agreed that the plaques should be replaced on a temporary basis and that the Memorabilia Working Group give

consideration to their location on a permanent basis.

At the end of November, when the Remembrance Day commemoration events were over, the plaques were removed. This led to discussion and a vote at the meeting of the Strategic Policy & Resources Committee on 11 December, since the Council minute had not defined what was meant by "temporary" and there had been genuine confusion over the issue. The Committee was informed that, given the debate that had taken place at the Committee's meeting on 23 October, it was understood that the plaques were to be displayed only during the month of November while the various wreath-laying ceremonies took place.

The Strategic Policy & Resources Committee was also informed at its meeting on 11 December 2009 that research in relation to the plaques was underway and that a report would be submitted to the Memorabilia Working Group in the near future outlining which plaques should be replaced.

Key Issues

The Good Relations Manager has sought the advice of two local experts, who are recognised as having particular authority in their respective specialist fields i.e. naval and regimental memorabilia. The external experts are aware of the importance of the City Hall in the life of Belfast and of the sensitivity of this subject.

In each case, the expert has submitted a list highlighting which plaques are of greatest importance or which have the closest relationship to the city of Belfast (see lists attached).

In the list of 42 *Naval* plaques, the expert¹ has highlighted the 16 that are of significance; he is not aware of the other names on the list and assumes that they are from ships that merely visited Belfast.

In the list of 64 *Regimental* plaques, the expert² has highlighted the 23 that have a clear and unequivocal relationship with Belfast; the others have a tenuous connection and she suggests that the plaques may have been presented during the course of casual visits.

It is therefore recommended that the reduced number of plaques (39 from 106) identified as having a close or significant relationship with the city of Belfast should be retained as being of greatest value and interest, to be replaced in the East Staircase area on a permanent basis, and that appropriate explanatory signage be provided.

The Committee will be aware that external organisations have been very grateful for items given by the Council on long-term loan e.g. Schomberg House, which now proudly houses the *Accounts of the Paymasters General of 1690*. Members may therefore wish to consider offering on long-term loan, or donating, the remainder of the plaques to appropriate organisations, which would certainly appreciate receiving them.

The Sea Cadets or Naval Association and the NI War Memorial Home Front Exhibition or Somme Association have been suggested as possible recipients for the naval and regimental plaques respectively and a formal handover ceremony could be arranged. Members may wish to suggest other suitable organisations.

¹ Lieutenant Commander Wm Adams MBE, RN, RSO(T), HMS Hibernia, Thiepval Barracks

² Amanda Moreno MA, Head of Collections, NI Regimental Museums

Financial Implications

Minimal – included within existing budgets.

Recommendation

The Memorabilia Working Group considered this report at its meeting on 4 February 2010 and agreed unanimously with the recommendations outlined above.
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Members pointed out that 2 additional plaques – from the <i>Royal Sussex Regiment</i> and the <i>Band of the Brigade of Gurkhas</i> – also had significant local connections. The <i>Royal Sussex Regiment</i> had been formed in Belfast in 1701 and was originally known as the Belfast Regiment; in addition, the Regiment had been granted the Freedom of the City of Belfast in 1961. The Gurkhas had been founded by General Frederick Young, from Culdaff in Donegal and have strong connections with the predecessors of the Irish Fusiliers. (A full list of the plaques is attached as Appendix 1).

The Strategic Policy & Resources Committee is therefore requested to endorse the recommendations of the Memorabilia Working Group and agree that:

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| <ul style="list-style-type: none">• the reduced number of plaques identified as having a close or significant relationship with the city of Belfast, with the addition of those from the <i>Royal Sussex Regiment</i> and the <i>Band of the Brigade of Gurkhas</i>, should be retained as being of greatest value and interest, to be replaced in the East Staircase area on a permanent basis, with appropriate explanatory signage.• the remaining plaques be offered on long-term loan, or donated, to an appropriate external agency, as outlined in the report. |
|--|

Officer to contact for further information

Hazel Francey, Good Relations Manager, ext 6020; DDI 90270330

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PLAQUES**EAST HALL****NAVAL**

Kamina – bird and sword Belgian Auxiliary ship-decommissioned 1967
 Comstanavforchan – Star-Commander Standing Naval Force Channel
 USS Halyburton – ship-US Navy Frigate-Still in service
 Duncan – Horn-HMS Duncan (is new HMS Duncan to be affiliated with Belfast?)
 1st FPB Squadron – winged fish-Royal Navy First Patrol Boat Squadron
 Stanavforlant – star- Standing Naval Force Atlantic- permanent peacetime multinational naval squadron composed of destroyers, cruisers and frigates from the navies of various NATO nations.
 Tiger-HMS Tiger –Royal Navy Decommissioned 1978
 H. R.M.S. Naassluis - crown
 Maritime College New York – 1874 (1965)
 Belfast – Seahorse-HMS Belfast, probably from Visit in 1946/47 City Presented Silver bell to Ship)
 Trosschiff Nienberg – coat of arms, 3 towers/portcullis/claw/lion
 Atlantic – St George's Cross
 Bermuda - lion
 S.S. Donan – Castle gate
 Bonaventure – horse shoe
 USS Hjellison – 2 sea horses
 USS Somersworth – seahorse/ E-PCER 849
 USS Irex – no. 1 ss482 fish
 USS Estocin –courage/ honour /tenacity
 RNAY Belfast – red cross/red hand /crown, probably Royal Naval Assoc, not a ship
 Quinque Uniter – solemn lion/ crest and crown with thistles
 USS Hardhead - helmet
 Hr. Ms. Issac Sweers – coat of arms, anchor, crown
 USS Furse – chess piece (knight)
 Ulster – red hand-Royal Navy Destroyer, Decommissioned 1970's
 USS Rhodes – helmet/lion crest
 USS Betelgeuse - goose
 Aurora – rising sun
 Richmond – winged portcullis Royal Navy Frigate-Still in Commission
 Crossed Anchors (no name)
 USS Jallao – fish with hat and bullet
 Royal Naval Assoc. – crown and anchor Probably from Royal Naval Association in Victoria Street
 Rapid – winged wheel
 Wakeful - eye
 Fleet Air Arm – winged crown
 Kent – white horse Royal Navy frigate-Still in Commission
 Odin – Viking (HMS Odin Royal Navy Submarine)
 Royal Naval Lifeboat Association – crown and anchor
 USS Archerfish – fish with crossbow
 USS Requisite – ship on horse
 Senior Naval Officer N.I. – crown and sails-Ceased operations as an organisation in 2003, now a single post holder, (Commander Don Crosbie) based in Lisburn
 Jaureguiberry 1960 ship/letter JH / R. Ms. Middleburg – tower

REGIMENTS

661 Field Regt. (Ulster) T.A.
 502 (M) H.A.A. Regt. RA (Ulster) TA
 247 (Ulster) L.A.A. SL Regt. RA (TA)
 245 (Belfast) (M) H.A.A. Regt. RA (TA)
 H.Q. 112 TPT. Coln. R.A.S.C. (TA)
 51 (M) A.A. Fire Command Troop
 R.A. (TA)
 853 (M) C+R Battery R.A. (TA)
 931 Coy R.A.S.C. (AA) Mixed (T.A.)
 601. Coy. Royal Army Service
 Corp (T.A.)
 107 (Ulster) Corps Royal Military
 Police (T.A.)
 North Irish Horse (T.A.)
 6th Bat. Royal Ulster Rifles (TA)
 107 (Ulster) Infantry Workshops R.E.M.E. (TA)
 107 (Ulster) R.A.O.C. Stores
 Section T.A.
 Intelligence Corps (TA)
 661 (U) ELD. Regt. R.A.Signal
 107 (Ulster) Field Ambulance
 R.A.M.C (T.A.)
 107 (Ulster) Indep. Inf. Bde. GP (TA)
 429 (Antim) Coast Regiment R.A. (TA)
 B. Coy. 328 (Ulster) Bn. W.R.A.C. (TA)
 502 Squadron Royal Aux. Air Force
 ** Royal Sussex Regiment
 67 Group H.Q. Royal Air Force
 Royal Military Academy, Sandhurst
 35(Ulster) A.A. Indep (M) Signal Squadron (TA)
 591 (Antrim) Field Squadron R.E. (TA)
 The Black Watch
 325 Engineer Park
 The Royal Scots
 The Light Infantry
 2nd Armd Div FD AMB
 The Band of the Prince of Wales (Clive)
 The Band of the Light Division
 2nd Armoured Div Engineer Regt.
 1st/9th (Co. Antrim) Battatlion UDR
 2nd Battalion The Queen's Regt.
 Royal Electrical + Mechanical Engineers
 The Light Infantry
 2nd Battalion Princess of Wales Regt.
 N.I. Army Cadet Force 2nd Battalion
 ** Band of the Brigade of Gurkhas
 The Ontario Regiment
 Irish Guards Regimental Band
 2e Brigade D'Infanterie "YSER"
 3rd Belgian Infantry Brig Rumbeke
 Ne Quis Impune Praterito Air Officer Scotland + N.I.
 35th Field Battery R.A.

Royal Tank Regiment
Civil Service Bowling Assoc
Utrisque Paratus
The Band of the Dragoon Guards
Military Wing Musgrave Park Hospital
2nd Battalion Coldstream Guards
Assoc. of Municipal Engineers NI Division
C Squadron I RTR.
2nd Armoured Div. Engineer Division
Royal Inniskilling Dragoon Guards
The Life Guards
1st Battalion The Royal Green Jackets

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Belfast City Council

Report to:	Strategic Policy & Resources Committee
Subject:	CONSULTATION – BELFAST HEALTH & SOCIAL CARE TRUST: EXCELLENCE & CHOICE (LEARNING DISABILITY SERVICES)
Date:	Friday 18 th February 2010
Reporting Officer:	Ronan Cregan, Improvement Manager, ext 6184
Contact Officer:	Patricia Flynn, Strategic Planning and Policy Officer, ext 6204

Relevant Background Information

Purpose

To bring to the attention of the Strategic Policy & Resources Committee details of a further “*Excellence and Choice*” consultation by the Belfast Health and Social Care Trust (the Trust) on its future service delivery, this time in relation to Learning Disability Services in Belfast, and to present a draft response for further comment and endorsement.

Background

Towards the end of 2008 the Trust issued the consultation: “New Directions: A Conversation On The Future Delivery Of Health And Social Care Services In Belfast” which set out its strategic thinking regarding future service delivery generally. This consultation document builds on the thinking set out in New Directions and outlines the strategic direction and plans for the future of learning disability services in Belfast and at Muckamore Abbey Hospital. Some consultation has already taken place with people with learning disabilities and their families in developing the strategy. The purpose of the paper is to seek views on the strategic direction for adult learning disability services from the wider population.

Key Issues - Strategic Context

Policy

The regional policy for learning disability services is set out in the Equal Lives report (2005), developed as part of the Bamford review on mental health and learning disability, and in the subsequent Implementation Action Plan (2009) which sets out the Government’s proposals on how to take forward the recommendations of Equal Lives. The strategic direction of the Belfast Trust as outlined in the consultation paper is in line with the recommendations in the government’s Action Plan.

The Equal Lives report highlighted that people with a learning disability in Northern Ireland do not enjoy equality of opportunity and that they are often excluded from the opportunities that other citizens enjoy.

Financial Implications

The Equal Lives report made 74 recommendations and the cost of implementing these in full was estimated at approximately £175 million over a fifteen to twenty year period. Initially an extra £17m has been secured by the Minister of Health to begin this process over the 3-year period 2008/09 to 2010/11. The Belfast Trust’s share of this is almost £3.8m. The Belfast Trust currently has around £52m available annually from the Health and Social Care Board to support the delivery of adult learning disability services. However, the Trust has to achieve efficiency savings of 3% a year from 2008 – 2011 as well as managing an underlying deficit. This equates to £5m efficiency to be achieved over the 3-year period for adult learning disability services. The Trust recognises that there will be challenges in delivering its vision for Learning Disability Services in the current financial climate and that the implementation of some of the proposed elements will rely on appropriate levels of funding being secured. The Trust therefore aims to make the best use of existing resources and any new funding to invest in more modern services and achieve efficiencies in order to deliver the services that people with learning disabilities have said they want and which are

detailed in Equal Lives. Some of the recommendations within the report are therefore subject to resources.

Young People

Elected Members have previously expressed the view that there are limited facilities provided for people with learning difficulties, particularly young adolescents, and as such additional resources needed to be targeted in that area. Within this consultation, the Trust states that as part of the further enhancement of the Trust's community based (non centre) daytime provision for adults with a learning disability, an initial focus will be on the needs of school leavers.

Guiding Principles

The Trust has developed a number of guiding principles, in collaboration with service users, their families and carers, to guide the approach to learning disability services. The fundamental principle underpinning reform in learning disability services is **individualisation**. The direction of travel for the service is away from congregated living and large institutional establishments towards services that are flexible and tailored to suit the needs of an individual.

Summary of the Consultation

The Trust currently delivers services to people with learning disabilities through three strands. They are:-

1. Somewhere to live and a fuller life.
2. Access to additional support in the community, including specialist community treatment and support services and respite.
3. Access to specialist inpatient assessment and treatment services.

Within these parameters The Trust is proposing:

1. Somewhere to live and a fuller life:

- An expansion of supported housing across the city of Belfast.
- The replacement of the four remaining residential homes with a range of supported housing options for the people who live there to improve their quality of life.
- The further enhancement of its community based (non centre) daytime provision for adults with learning disability, focusing initially on the needs of school leavers.
- The re-provision of existing out dated centres with purpose built facilities providing no more than forty places at a time.
- That in future day centres will only provide services for people who are unable to meaningfully participate in integrated community opportunities.
- The further development of the supported employment model and supported employment opportunities in Belfast.

2. Access to additional support in the community, including specialist community treatment and support services and respite:

- The re-provision of residential respite services in dedicated respite facilities no more than four beds in any one facility.
- Enhancement of Community/ leisure - based respite.
- Increase of Family respite placements as a form of respite break.
- Increased access to mainstream services where appropriate.
- The expansion of Multidisciplinary Community Learning Disability Teams to provide proactive services and support to people with learning disability to access mainstream & learning disability specific services.
- Development of Specialist service networks including epilepsy services, genetics, complex health services, autism services, primary care mental health services, dementia services, and addictions services.
- Development of Specialist Mental Health and enhancement of Behavioural Services.
- Enhancement of specialist treatment options provided across the city of Belfast, including a

community forensic service.

3. Access to specialist inpatient assessment and treatment services:

- To provide access to acute inpatient mental health beds for people with high levels of adaptive functioning/mild learning disability who require therapeutic intervention as a result of mental health problems.
- To bring forward a plan to resettle all remaining longstay patients from Muckamore Abbey hospital by 2014 subject to the appropriate levels of funding being available.
- To commence a discussion with all relevant stakeholders on the future of inpatient specialist assessment and treatment services at Muckamore Abbey hospital.

The full consultation document can be accessed at:

http://www.belfasttrust.hscni.net/involving/reference/Excellence_and_Choice_Learning_Disability_Nov09.pdf

Recommendations

The deadline for the consultation is 25th February 2010 (new extended closing date); therefore the Committee is asked to approve the draft response and its submission to the Belfast Trust subject to Council ratification on March 1st.

Key to Abbreviations

Belfast Health and Social Care Trust - the Trust

Documents Attached

Appendix 1 – Draft Belfast City Council Response to the consultation

Appendix 2 – Summary of the Belfast Trust 'Excellence & Choice' consultation on the future provision of Learning Disability Services in Belfast.

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BELFAST CITY COUNCIL (DRAFT) RESPONSE**Belfast Trust Excellence and Choice Consultation: The Future Provision of Learning Disability Services in Belfast****February 2010****General Comments on the Consultation Document**

Belfast City Council welcomes the opportunity to comment on this consultation document. Our Elected Members are particularly interested in the issues affecting health and social care services and had previously requested that ongoing dialogue be established between the Trust and the Council to explore the ongoing implementation of the high level proposals set out in the New Directions report.

The Council provides a range of services which can impact on people's health and well-being – leisure services, parks, playgrounds and open spaces, community services, community safety etc; many of which are provided directly within communities. The Council has a number of facilities, such as community and leisure centres, and operates a range of programmes and initiatives which taken holistically contribute to improved health promotion and well-being. It is important that services such as these, which exist outside the traditional Health and Social Services field, are considered and utilised where appropriate.

The Council is committed to working in partnership to improve the quality of life for all people of the city. One of our key priorities is to create a healthy and active city through the services we provide directly and through those we provide in partnership with others. The Council is currently completing a strategic review of leisure where the future leisure provision requirements of the city are being considered. This includes examining the partnerships required to deliver effective and affordable services to address agreed priorities throughout the community. We would therefore like to highlight the willingness of Council in working in partnership with the health service and other partners, to assist in service provision where appropriate and shared asset usage, providing information on services available and in providing a civic leadership role in terms of partnership working across agencies.

The Review of Public Administration will give councils a new power of wellbeing, and Belfast hopes to use this new power to become much more involved in promoting health and wellbeing. Four Councillors from BCC will be represented on the Local Commissioning Group and plans are well advanced for local collaborative working arrangements between the Council and the new public health agency, and in particular through the creation of a joint health development unit.

The Council is supportive of the guiding principles outlined in the consultation document and welcomes the focus on the individual and supports a more joined-up approach to addressing the needs of people with learning disabilities. We look forward to working with the Trust to identify and maximise potential opportunities to work in a more coordinated and holistic person-centred manner in relation to improving health and wellbeing generally.

In the following sections we provide more specific responses to the question posed on the future provision of Learning Disability Services in Belfast.

Consultation Questions:

Somewhere to live and a fuller life

- 1. Do you agree with the above Trust proposals in relation to having somewhere to live and a fuller life?**
- 2. What are your concerns about accommodation and day services and do you think these plans will answer your concerns? If not, why not?**
- 3. Do you have any suggested additions to these plans?**
- 4. Are there any other issues that you think need to be taken into consideration?**

The Council welcomes the Trust's key objective to support people with learning disabilities in their own home first and foremost and the concept of 24 hour access to support. We are therefore supportive of plans to expand supported housing across the city of Belfast in collaboration with the Northern Ireland Housing Executive.

However, the Council notes with some concern that the proposed replacement of the four remaining residential homes is subject to resources being available. It is critical that before any closures or changes to service delivery are made that the necessary resources are in place to enable, at the very least, continuity of care. Service users must have the necessary support packages in place before changes are made to their care arrangements. Given the vulnerable nature of this group of people, it is also important that meaningful consultation is undertaken in advance with service users and their families. In addition assurances are sought that people who need continuing residential accommodation or who may need access to this in the future will not be adversely affected by the proposed policy closures.

The Council welcomes plans to enhance community based provision and the creation of purpose built facilities to support the aim of 'fuller lives'. The Council is keen to work in partnership with the health and voluntary and community sector to develop more holistic approaches to health and wellbeing generally. More specifically we encourage approaches that support and make better use of local community facilities, particularly those which also enhance community development and community cohesion. The council is currently reviewing the facilities and provision available and this may inform and enhance proposed community based provision. The Grove Wellbeing model is a working example which can be developed or act as a baseline for the future development of integrated community provision.

The Council particularly welcomes the proposed initial focus on the needs of school leavers as part of the further enhancement of the Trust's community based (non centre) daytime provision for adults with learning disability. Our Elected Members have previously expressed the view that there are limited facilities provided for people with learning difficulties, particularly young adolescents, and as such additional resources need to be targeted in that area.

The Council is also supportive of plans that lead to improved economic success and welcome plans to further develop the supported employment model and supported employment opportunities in Belfast. The Council's Economic Initiatives section is keen to encourage collaborative working and explore opportunities that maximise employability, skills and wealth creation.

Access to additional support in the community, including specialist community treatment and support services and respite

- 1. Do you agree with the above Trust proposals in relation to the development plans for community treatment and support (including respite) services?**
- 2. What are your concerns about community services and do you think these plans will answer your concerns? If not, why not?**
- 3. Do you have any suggested additions to these plans?**
- 4. Are there any other issues that you think need to be taken into consideration?**

The document makes reference to the enhancement of community/ leisure based respite. One of the Council's corporate priorities is to enhance health and well-being. As a provider of community and leisure based services within local communities we are keen to explore opportunities that would better utilise these assets to the advantage of local people and their improved quality of life. The Council has a number of local facilities, such as community and leisure centres, parks, playgrounds and pitches, as well as a range of programmes and initiatives that support health and wellbeing. It is important that services such as these, which exist outside the traditional Health and Social Services field, are also considered and utilised where appropriate. Therefore; joined-up approaches between the Council and the health sector are particularly welcomed. The development of the joint health development unit should provide a useful learning and support tool in this regard and should provide a driver and focal point for developing joint projects and initiatives. The Council looks forward to working together with the Trust in developing a cohesive health improvement agenda for the city. Opportunities for community / leisure based respite may provide one visible way of doing delivering this. Access to provision is also an issue, and the Council is endeavouring to work in partnership to improve access for all sections of the community.

The Council would also welcome ongoing dialogue with the Trust, and other relevant agencies, about the future use of facilities in the city in order that opportunities for shared and integrated facilities can be availed of for the benefit of local communities.

The Council is supportive of proposals to expand multi-disciplinary Community Learning Disability Teams and the concept of a proactive service and support. Through our experience of working with local communities, we have found that issues are often interdependent and therefore a cross-cutting approach is required to effectively and efficiently address need. Equally, individuals will be better served when there is a seamless service and connectivity, rather than a silo approach to needs and issues.

The Council recognises that increased access to mainstream services is desirable both in terms of efficiency and for ensuring that individual service users receive all the support and care they may need. The role of the community teams therefore will be important in ensuring that individuals with learning disabilities are given the necessary support to access these services. It is not clear from the document how this service will be enhanced and resourced. Assurances are sought therefore that the necessary resources will be made available to ensure the support is provided to enable users to fully access mainstream services where required.

Given the rather specialised nature of residential and respite care; we do not feel it would be appropriate for the Council to comment on the more specific elements of this service. However the Council would stress that the needs of people with learning disabilities are distinct from the needs of those with mental health problems and the approaches need to be very different. This should be clearly reflected in the proposed future service provision.

Access to specialist inpatient assessment and treatment services

- 1. Do you agree with the above Trust proposals in relation to the development plans for specialist inpatient assessment and treatment services?**
- 2. What are your concerns about specialist inpatient assessment and treatment services and do you think these plans will answer your concerns? If not, why not?**
- 3. Do you have any suggested additions to these plans?**
- 4. Are there any other issues that you think need to be taken into consideration?**

Given the specialised nature of inpatient assessment and treatment services; the Council is not in a position to comment meaningfully on the proposed changes to this service. However the Council strongly endorses the need for full, open and honest dialogue with all relevant stakeholders on the future of inpatient specialist services at Muckamore Abbey hospital, particularly those individuals and their families / carers who will be affected by any potential changes.

Summary of Consultation: Excellence and Choice – Learning Disability Services

Guiding Principles

The fundamental principle underpinning reform in learning disability services is **individualisation**. The direction of travel for the service is away from congregated living and large institutional establishments towards services that are flexible and tailored to suit the needs of an individual. In developing the direction, the following principles were agreed in consultation with service users, carers and families and staff.

Guiding principles

- Services will focus on the needs of individuals.
- People with learning disabilities and their carers will be fully involved in the planning and development of their **own** health and social care services.
- People with learning disabilities have the right to experience community living, community presence and participation. Inclusion is a right for all.
- People with learning disabilities in Belfast have the right to experience the same level of service regardless of location.
- Service improvement and modernisation will be based on best practice.
- Staff will be supported in their professional and personal development.
- Services will be delivered in an efficient and effective manner within available resources.

Service Delivery Model for Learning Disability Services

There are three strands to the services that will be delivered to people with learning disabilities in the Belfast Trust. They are:-

1. Somewhere to live and a fuller life.
2. Access to additional support in the community, including specialist community treatment and support services and respite.
3. Access to specialist inpatient assessment and treatment services.

Somewhere to Live:

Whilst the majority of adults with a learning disability are accommodated and supported directly by their parents and carers in the parental home, the Trust currently has the following range of accommodation across Belfast:

Accommodation Type	Places
Trust Residential Homes	38
Independent residential Homes	197
Private Nursing Homes	263
Supported housing tenancies (both Trust and independent sector)	176

A key objective for the Trust's service is to support people with learning disabilities in their own home first and foremost. Therefore, the use of residential accommodation and private nursing home facilities will, in future, only be used in exceptional circumstances where housing with support options are not adequate or available. People who currently live in these types of accommodation will remain there as long as it meets their needs but new admissions will be by exception.

Subject to available resources, the Trust proposes to replace its four remaining residential homes with a range of supported living options. This will range from minimal support to intensive 24 hour support.

Subject to available resources, the Trust, in conjunction with the Northern Ireland Housing Executive and Supporting People, will continue the expansion of supported housing across the city of Belfast.

A Fuller Life:

Having a Fuller Life includes being meaningfully occupied. One of the ways in which the Trust helps with this is through the provision of day services. Within Belfast this consists of:

Service type	People supported
Day centres	620
Employment and training services	100
Community day services	110

The focus for the future will be to move away from large congregated day centres and to continue to build on the more flexible model provided through community day services. This relies less on buildings and more on the provision of individualised support to access a range of activities and opportunities available in local communities. The Trust does acknowledge however, that there are a significant number of individuals who are used to receiving day services in a day centre and who at this time would be reluctant to consider more inclusive community based options.

In the first instance the Trust will focus these developments primarily to meet the needs of school leavers, bearing in mind that these young people are leaving school with different expectations and aspirations than those who have been receiving traditional forms of day service.

There is an understanding that some people with complex needs who are unable to meaningfully participate in integrated community opportunities may still require a building based solution. The provision of centre based day support has already been reviewed by the legacy Belfast Trusts and plans exist to re-provide existing out dated centres with smaller, purpose built facilities providing no more than forty places at a time. This development is however, dependant on capital being made available.

The Trust, in partnership with the voluntary sector, will support the further development of the supported employment model and supported employment opportunities in Belfast. A multiagency partnership approach is already well developed which provides a range of training opportunities and real jobs for individuals with learning disabilities throughout Belfast.

Community support and Treatment:

This strand of the service currently relies on 4 community learning disability teams, supported by a very small specialist service for people with more complex difficulties. The Trust aims to provide this strand of the service through three tiers.

Level 1 – for people with learning disabilities who do not need specialist services and who should be able to access the same health and social care services as the rest of the population with little or no support.

Level 2 – community teams provide this tier of service. Their core role will remain one of providing support to service users and their families, signposting individuals towards appropriate services and fulfilling statutory functions such as assessing and managing risk and vulnerability. Over time, the teams will be expanded to become fully multidisciplinary so that people can more easily access the range of support that they need. Networks to support parents with learning disability and young persons leaving care will also be further developed.

Level 3 – This relates to specialist community services. Existing specialist treatment options will be enhanced/ provided across the city of Belfast. These options will include:

- Development of the existing *Hear to Help Service* which currently delivers psychological therapies and emotional support. The newly developed service will deliver both assertive outreach and psychological interventions.
- Enhanced Behaviour Support Service, a time limited intensive assessment and intervention

service, which reduces placement breakdown and increases capacity of individuals, families and service providers to cope with behaviour that challenges.

- Community Forensic Service, providing risk assessment and offence related intervention services to those with histories of, and at risk of, offending.

These services will be person centred, task focused and offer short interventions based on the need of individuals. They will be developed over time commencing in 2010/11. The specialist community treatment service has a longer term aim of being able to support people in their own homes 24hours a day, 365 days a year.

Respite Services:

Respite provision currently encompasses short stays in residential accommodation, short stays with another family and a range of social and leisure activities. Some of this is provided directly by the Trust and some by voluntary partners.

Residential respite services will be provided in dedicated respite facilities with no more than four beds in any one facility. The first of these is planned for development in East Belfast.

The provision of **community/ leisure - based respite** exemplified by the Caring Breaks service will be enhanced and developed to become accessible to all. The Trust recognises the increasing importance placed by families on this form of non-residential provision; it also aims to increase the opportunities to experience family placement as a form of respite break.

Specialist Inpatient Assessment And Treatment Services:

Muckamore Abbey Hospital provides a regional specialist assessment and treatment service for people with learning disability who require a period of inpatient care. New facilities have been developed which will enable adults who require this level of support to have access to appropriate specialist inpatient facilities. Other adults with a learning disability who require a period of inpatient assessment and treatment for mental illness will receive this in mainstream mental health services. In Belfast, there are plans for a new inpatient mental health unit and the learning disability service will work with colleagues in mental health services to ensure that people with learning disability have access to this facility.

The children's assessment and treatment service will move from the Muckamore site to Belfast in March 2010. A new purpose built centre is being developed in Belfast which will provide 8 beds for children from the Belfast Trust, the Northern Trust, South Eastern Trust and Southern Trust.

The Trust has also started to examine regional care pathways with the other two learning disability hospitals in Northern Ireland and the Health and Social Care Board. The outcome of this work, alongside the future development of community treatment services, will help shape the future bed numbers at Muckamore Abbey Hospital.

There is a Ministerial target which states that no-one should live unnecessarily in hospital beyond 2014. There are a number of people (174) who are living in Muckamore Abbey Hospital because resources have not been made available for them to resettle to appropriate community settings. Belfast Trust, in collaboration with Northern Trust, South Eastern Trust and the Health and Social Care Board, has produced a paper for the Department of Health and Social Services which describes a costed model (resources and actions) necessary to complete the resettlement of patients from Muckamore Abbey Hospital. When these individuals have been successfully resettled to new facilities, their beds will be closed.

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