



Belfast City Council

Report to:	Parks and Leisure Committee.
Subject:	City of Belfast – Golf Course
Date:	15 September 2011
Reporting Officer:	Andrew Hassard, Director of Parks and Leisure
Contact Officer:	Stephen Walker, Principal Parks and Cemeteries Development Manager

1	Relevant Background Information
1.1	<p>The Committee is reminded that at its meeting in January 2010 it received a report relating to the need to erect fencing adjacent to the first hole at the City of Belfast Golf Course to prevent the encroachment of golf balls onto nearby residential properties. At the time the Committee was asked to authorise a one off payment of £40,000, to the Golf Club Committee to erect the fencing. The Committee agreed not to provide a one off payment to the Club in connection with the installation of the ball stop net and also agreed that a report in relation to the operation and possible future use of the facility be submitted for its consideration in due course.</p>
1.2	<p>Members are reminded that the matter of the future of the golf course was considered at a Special Meeting of the Parks and Leisure Committee in January 2011 and again in August 2011 and it has been agreed to enter into a long term management arrangement with the Club for a period of up to 21 years. It was also that provision would be made to keep under review in the medium term the issue of development potential for the site.</p>
1.3	<p>At the meeting in January 2011 the issue of the fencing was raised and it was noted that a separate report would be brought to the Committee; at the time the Club had stated that it would contribute 50% of the cost of the fencing. This matter had been deferred to enable the issue of the future of the facility to be clarified.</p>
1.4	<p>A report was due to be brought to Committee in September 2011 to seek to address the ongoing problem. However, the issue has been escalated recently. The Council has now received a solicitor's letter, on behalf of a minor, who resides in a property adjacent to the Golf Course. The letter points out that the activities at the Golf Course continue to present a risk to the minor as a result of golf balls egressing from the facility and landing at the minor's present address and garden area. The letter refers to incidents on 11 May 2011 and 5 August 2011. The letter states that in addition to the</p>

<p>1.5</p>	<p>risk of personal injury; it constitutes a nuisance in respect of the child's ability to have a quiet and peaceable enjoyment at his family home location; it further states that the risk interferes with the child's Article 2 and Article 8 rights under the Human Rights Act.</p> <p>The Solicitor has asked that:</p> <ol style="list-style-type: none"> 1. An undertaking for the appropriate location within the Golf Course from which the risk emanates be immediately closed down in order that the risk can be removed in the interim; 2. Works be immediately undertaken for the purposes of remedy of the situation; and 3. The appropriate area from which the risk emanates remain closed off until appropriate works have been completed;
<p>1.6</p>	<p>The letter concludes that the Solicitor has been instructed to make an appropriate application at Court level for the purposes of obtaining a Civil Injunction against the Council for the purposes of providing for the safety and well being of the minor.</p>

<p>2</p>	<p>Key Issues</p>
<p>2.1</p>	<p>The key issue for the Committee to note is the potential for a Civil Injunction to be awarded against the Council which will result in the closure of the 1st hole at the City of Belfast Golf course until such times as the requirements outlined above have been satisfied.</p>
<p>2.2</p>	<p>Following discussions with Legal Services a response has been issued to the Solicitor's acting on behalf of the minor and have set out our proposals to them. We have stated that we are proposing that a ball-stop net be erected at the boundary of the golf course. This net will be at a significant height. In order to facilitate its installation NIE will have to carry out works to electricity cables in the area. It is estimated that the NIE works will take around 6-8 weeks and the erection of the netting 2-3 weeks.</p>
<p>2.3</p>	<p>Pending completion of these works we have proposed to have the first hole shortened which would eliminate the use of drivers, fairway woods and long irons. In addition the tee box will be re-orientated. This should stop balls from straying in the manner complained of.</p>
<p>2.4</p>	<p>We have stated that with the implementation of these measures there is no need to close the hole. We have given an undertaking that we intend to have the effectiveness of these interim measures monitored with the matter reviewed again if necessary</p>
<p>2.5</p>	<p>There has been no further contact from the Solicitor at this time.</p>
<p>2.6</p>	<p>Failure to undertake the works will we believe result in an Injunction to close the 1st hole. Whilst we believe that this situation can be endured for a short time, discussions with the Club have concluded that the viability of</p>

	the facility would be severely compromised should the situation continue beyond the short term.
2.7	The Committee will also note that there is no provision in the estimates for such works to be carried out.
2.8	Should the works be carried out it will be necessary for contractors to take possession for a portion of council land and that in this case will be necessary to have an appropriate legal agreement in place.

3	Resource Implications
3.1	<p><u>Financial</u> The cost of the works is estimated to be in the region of £40,000. The Club has agreed to meet the total cost of the works at this time to facilitate the speedy resolution of the problem. However, they have pointed out that the money to be used had been set aside to pay for the construction of the new club house and has asked that the Council agree to make provision for 50% of the fencing within its estimates at a future date to enable the Club House to be constructed as intended.</p>
3.2	<p><u>Human Resources</u> There are no additional human resource implications at this time.</p>
3.3	<p><u>Asset and Other Implications</u> The undertaking of the proposed work will significantly reduce the risk of straying golf balls.</p>

4	Equality and Good Relations Considerations
4.1	None.

5	Recommendations
5.1	<p>It is recommended that:</p> <ol style="list-style-type: none"> 1. The Committee note the report; 2. Agree to undertake the measures as set out in paragraphs 2.2 – 2.4 above; 3. Agree to make provision to meet 50% of the cost of the works within the 2012/13 financial year - estimated at £20,000. 4. Agree that Officers enter into an appropriate legal agreement with the necessary contractors in relation to the carrying out of any works in relation to the erection of the fencing.

6	Decision Tracking
Actions to be completed by the Principal Parks and Cemeteries Development Manager.	

7	Key to Abbreviations

None.

8	Documents Attached
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None.
