



Belfast City Council

Report to:	Special Meeting of Parks and Leisure Committee
Subject:	Contractor's Access at Ballysillan Playing Fields
Date:	17 January 2012
Reporting Officer:	Andrew Hassard, Director of Parks and Leisure
Contact Officer:	Cathy Reynolds, Estates Manager, Property and Projects Department

1	Relevant Background Information
1.1	The council has been approached by Whitemountain Quarries Limited to provide access for lorries and plant along the path network at Ballysillan Playing Fields to facilitate re-surfacing work being undertaken on part of the playing fields currently occupied by Upper Ardoyne Youth Centre. Whitemountain want to traverse some 600 metres of path to the site and park a lorry on the council's path to load excavated materials. Re-surfacing materials will be brought by Whitemountain to site in the same fashion.
1.2	Although vehicle access is available to the Upper Ardoyne Youth Centre, Whitemountain has taken the view it would be more cost effective for them to utilise the path network through the playing fields.
1.3	The duration of use of the path network is envisaged to be approximately ten days.

2	Key Issues
2.1	Legal advice and common practice indicate that the risks associated with the proposed use of the Playing Fields by Whitemountain should be governed by a formal licence agreement between the council and the company which would set out the responsibilities in relation to insurance, indemnities and reinstatement etc.
2.2	It is understood that Whitemountain wish to commence work immediately and legal advice has confirmed that the council may be able to facilitate this through an exchange of letters with signature of a licence agreement to follow if the works continue beyond the beginning of February 2012. The relevant letter would require signature by an authorised signatory of Whitemountain and endeavour to cover the main issues which would normally be referred to in a licence agreement.

3	Resource Implications
3.1	<p><u>Financial</u> Normally where a formal licence agreement is prepared, the council would seek to agree a licence fee with the contractor which would in part reflect the contractor's costs savings. In this case it is likely the works will be completed prior to the commencement of any licence agreement and thus a fee arrangement would be impractical.</p>
3.2	<p><u>Human Resources</u> Existing Parks and Leisure, Estates Management Unit and Legal Services resource involved in compiling appropriate letter and draft licence agreement.</p>
3.3	<p><u>Asset and Other Implications</u> Requirements regarding reinstatement of any damage to the council's playing fields would be incorporated within any exchange of letters.</p> <p>Members may wish to note there is no general delegated authority to council officers in relation to the grant of licence agreements and they remain a matter for committee approval.</p>

4.	Equality and Good Relations Considerations
4.1	There are no equality or good relations issues associated with the matters referred to in this report.

5.	Recommendations
5.1	Committee is recommended to provide authority for council officers to enter into an exchange of letters with Whitemountain Quarries Limited to provide for their proposed access through Ballysillan Playing Fields and associated uses for a period of approximately ten days, with a view to entering into a formal licence agreement if their use continues for an extended period.

6.	Decision Tracking
	Director of Parks and Leisure to ensure appropriate letters exchanged.

7.	Key to Abbreviations
	Whitemountain – Whitemountain Quarries Limited

8.	Documents Attached
	Appendix 1: Map showing location of Upper Ardoyne Youth Centre (shaded blue) and surrounding playing fields and path network in council ownership (shaded yellow).