



Belfast City Council

Report to:	Parks and Leisure Committee
Subject:	Northern Ireland Railways Access to Stewart Street Playground
Date:	9 February 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 Northern Ireland Railways Company Limited (NIR) to provide access for plant and personnel over Stewart Street Playground. The access is required over a period of approximately two weeks in mid-February 2012 to facilitate urgent repairs to the fence separating the playground from the adjoining railway line.
1.2	NIR wish to gain access across the playground (shown shaded yellow on the attached map) to the fence marked with a red line. The access is required for night-time working approximately between the hours of 12 midnight and 6.00 am. The site will be cleared each morning following the night-time working and there will be no disruption to use of the playground during the normal park opening hours.
1.3	Parks and Leisure staff have distributed leaflets to local residents informing them of the works and the council's Night-Time Noise Team have been informed.

2	Key Issues
2.1	Emergency access was provided to NIR on 19 January 2012 for a short period to allow removal of some fence panels. This access was regulated by way of an exchange of letters with NIR.
2.2	Given the duration and nature of the proposed works on the playground site in mid-February legal advice and common practice indicate it is considered appropriate for this use to be regulated by way of a formal licence agreement. The agreement would set out the responsibilities of NIR in relation to insurance, indemnities and reinstatement etc. and would include a licence fee, to be agreed with NIR.

3.	Resource Implications
3.1	<u>Financial</u> It is normal practice, where a formal licence agreement is prepared, for the council to agree a licence fee with the contractor which would assist in ensuring the contractor's occupation does extend indefinitely.
3.2	<u>Human Resources</u> Existing Parks and Leisure, Estates Management Unit and Legal Services resource involved in compiling appropriate draft licence agreement.
3.3	<u>Asset and Other Implications</u> Requirements regarding reinstatement of any damage to the council's playground would be incorporated within the proposed licence agreement.

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 approve the grant of a licence agreement, on terms to be agreed by the Estates Manager, to Northern Ireland Railways Company Limited to provide them with night-time use of Stewart Street Playground for a period of approximately two weeks commencing mid-February 2012 for use as referred to in this report.

6.	Decision Tracking
	Director of Parks and Leisure to ensure appropriate licence agreement implemented prior to commencement of site works.

7.	Key to Abbreviations
	NIR – Northern Ireland Railways Company Limited

8.	Documents Attached
	Appendix 1. Map showing location of Stewart Street Playground (shaded yellow) and line of NIR fence (red line).