



Belfast City Council

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| Report to: | Parks and Leisure Committee |
| Subject: | Maintenance Agreement for Pocket Park at 380-390 Newtownards Road |
| Date: | 9 August 2012 |
| Reporting Officer: | Rose Crozier, Assistant Director of Parks and Leisure |
| Contact Officer: | Stephen Walker, Parks and Leisure Department |

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| 1 | Relevant Background Information |
| | <p>The Committee is asked to note that the East Belfast Partnership Board has requested that the Council, through the Parks and Leisure Department undertake the maintenance of a proposed Pocket Park @ 380-390 Newtownards Road.</p> <p>The project is part of a wider scheme to undertake environmental improvements along the Newtownards Road. The Partnership has identified 6 derelict or underused sites on the Newtownards Road. The particular project at 380-390 Newtownards Road is to create a small area of open space, appropriately landscaped with seating and a small stage consistent with the notion of a civic space which could be used for passive recreation and small scale events. The land is owned in part by the DRD Roads Service (380-388) whilst the remainder of the site, previously 390 Newtownards Road has been acquired by the Partnership Board.</p> <p>Background information on the site is attached as Appendix 1 a schematic of the proposed pocket park is shown as Appendix 2, a side elevation view is shown as Appendix 3.</p> <p>Funding has been secured through the Alpha Programme which is administered by Groundwork NI. Planning approval has been secured and work is scheduled to commence in mid August with completion expected in October 2012.</p> <p>DRD Roads Service has given its consent to the works and has agreed to make a maintenance contribution towards the upkeep of the grassed areas on the part of the proposed park which will remain under the ownership of the Department.</p> |

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| 2 | <p>Key Issues</p> <p>The key issue for the Committee is to consider the Partnership Board's request that the Parks and Leisure Department undertake the maintenance.</p> <p>During preliminary discussions Officers have indicated that the Council could undertake the work within the context of an appropriate legal agreement and providing the cost was met by a third party, such as the Department for Regional Development. It was stressed that as the land is not owned by the Council we would be unable to meet the cost of the maintenance, therefore an agreement with the relevant landowner would be required. Members are asked to note that in this case, there are two landowners – DRD Roads Service and the East Belfast Partnership Board.</p> <p>We have sought legal advice on the matter and it has been confirmed that the Council has the authority to enter into a legal agreement to undertake the work providing the cost is incurred by the land owner. However, Legal services has indicated that should an accident occur owing to our negligence in carrying out the maintenance function we might be held liable and may incur damages. Legal Services has stressed that any policy shift in this direction, i.e. the undertaking of maintenance for land other than owned by Belfast City Council should be undertaken with due diligence within the context of both the potential liability that may incur from injury on the site and the potential precedence set by taking on the responsibility.</p> <p>Owing to the short time scales, discussions are currently ongoing with DRD Roads Service and the Partnership Board regarding the detail of any proposed agreement and these require further discussion. At all times discussions are without prejudice and are undertaken in the knowledge that Committee approval is required.</p> <p>Similarly, as a consequence of the short time scales involved the approval of the Committee is being sought in advance of any detailed agreement on the arrangements with the landowners.</p> |
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| 3 | <p>Resource Implications</p> <p><u>Financial</u> This will generate income for the Council, although the actual amount is not known at this time. There will be no cost to the Council.</p> <p><u>Human Resources</u> The work will be undertaken within existing resources.</p> <p><u>Asset and Other Implications</u> There are no further implications for Council assets, however, the project</p> |
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| | itself will contribute to the environmental improvement and enhancement of the Newtownards Road. |
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| 4 | Equality and Good Relations Considerations |
| | There are no equality implications. |

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| 5 | Recommendations |
| | It is recommended that Committee agree to the Council undertaking the maintenance works in respect of the proposed pocket park at 380-390 Newtownards Road subject to an appropriate legal agreement being in place between the respective parties. |

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| 6 | Decision Tracking |
| | A further report will be presented to Committee upon completion of the works. |

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| 7 | Key to Abbreviations |
| | DRD – Department of Regional Development |

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| 8 | Documents Attached |
| | Appendix 1: Background information Appendix 2: Schematic of proposed pocket park Appendix 3: Side elevation view |