



Belfast City Council

Report to:	Parks and Leisure Committee
Subject:	Contractor's Use of Stewart Street Playground
Date:	10 January 2013
Reporting Officer:	Andrew Hassard, Director of Parks and Leisure, Ext 3400.
Contact Officer:	Cathy Reynolds, Estates Manager, Property and Projects Department

1	Relevant Background Information
1.1	The Council lease Stewart Street Playground from Northern Ireland Electricity (NIE) and the Northern Ireland Housing Executive (NIHE) on two leases each with approximately 12 years to run until they expire. The Housing Executive previously owned adjoining land previously used as the site of a district heating unit, but have now sold this to Clanmil Housing Association. Clanmil are now well advanced in construction of a six storey apartment block on the site and wish to commence construction of a new boundary fence between the apartment block and the Playground.
1.2	To facilitate carrying out of construction works on the new boundary fence, the contractor acting for Clanmil (Geda Construction Company Limited) wish to fence off a portion of the Playground for a period of approximately 12 weeks to protect the new fence during and after construction and to make construction simpler and less expensive.
1.3	For the first week from commencement of works the portion of the Playground to be fenced off will comprise a 4.2 metre wide strip parallel to the site boundary (the areas hatched red and cross hatched red on the attached map (Appendix 1)). Thereafter, for the remainder of the period, the works will be confined within a two metre wide strip (cross hatched red on Appendix 1). The Playground site manager is content that the temporary loss of these areas does not unduly interfere with any of the Playground equipment.
1.4	It remains important to ensure the fence is constructed in the correct position to avoid any incursion into the Playground site. Any encroachment could lead to future action against the Council by the ground landlords (NIE and NIHE). The majority of the land along the boundary is held on lease from NIE.

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2	Key Issues
2.1	It is proposed that a Licence Agreement be put in place to regulate use of the relevant portion of the Playground site by Geda Construction. The Licence would require Geda to provide all relevant insurances and to indemnify the Council against any claims arising from the works and to carry out any reinstatement of the Playground as may be required. Geda will pay an agreed Licence Fee of £75 per week to the Council in consideration of the grant of the Licence.

3	Resource Implications
3.1	<p><u>Financial</u></p> <p>A small income of £75 per week would become payable by Geda Construction to the Council for the duration of the Licence period (estimated at approximately 12 weeks).</p>
3.2	<p><u>Human Resources</u></p> <p>Resources in Parks and Leisure, Estates Management Unit and Legal Services involved in agreeing detailed terms and drawing up the proposed Licence Agreement.</p>
3.3	<p><u>Asset and Other Implications</u></p> <p>An important element of the proposed Licence Agreement is to preserve the line of the proposed new boundary wall in a manner consistent with the Council's title to the Playground. Any incursion of the Clanmil site into the Playground site could become very costly to the Council at a later date and should be avoided.</p>

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

5	Recommendations
5.1	Committee is recommended to approve the grant of Licence Agreement to Geda Construction Company Limited for a period of approximately 12 weeks to facilitate the construction of a boundary wall, subject to a Licence Fee of £75 per week, subject to detailed terms to be agreed by the Estates Manager, incorporated in a suitable Licence Agreement to be drawn up by the Town Solicitor and ratification by the Strategic Policy and Resources Committee in accordance with Standing Orders.

6	Decision Tracking
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The Director of Parks and Leisure to liaise with the Director of Property and Projects to bring this matter to the next available meeting of the Strategic Policy and Resources Committee.

7	Key to Abbreviations
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NIHE – Northern Ireland Housing Executive.
NIE – Northern Ireland Electricity Limited.
Geda – Geda Construction Company Limited.
Clanmil – Clanmil Housing Association Limited

8	Documents Attached
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Appendix 1 – Map showing land at Stewart Street Playground held on lease by the Council (shaded yellow) and portions required by Geda Construction (cross hatched area required for up to 12 weeks, hatched area required for one week).