

## **ARDS BOROUGH COUNCIL**

A meeting of the Council was held in the Boardroom, 2 Church Street, Newtownards on Wednesday, 26 November 2008 at 7.00 p.m.

### **PRESENT:-**

**In the Chair:** The Mayor (Councillor Fletcher)

**Aldermen:** Craig  
Ennis (7.07pm)  
Gibson (7.10pm)  
McCarthy  
Shannon

**Councillors:** Bell (7.08pm) T Hamilton  
Boyle (7.08pm) Magill  
Carson McDowell  
Drysdale McIlveen  
Elliot (7.18pm) Montgomery  
Ferguson Oswald  
Gregory Smyth  
S Hamilton

**In Attendance:** Chief Executive, Director of Corporate Services, Director of Development, Director of Environmental Services, Director of Leisure Services, Principal Administrative Officer, Project Officer, Public Relations Officer & Senior Committee Administrator

**Apologies:** Councillors McBriar & Williams

### **BIBLE READING & PRAYER**

The Mayor opened the meeting with the reading of a passage of Scripture (Isaiah Chapter 7 Verses 10-15) and followed by a Prayer.

### **MINUTE'S SILENCE**

The Mayor asked members to observe a minute's silence as a mark of respect for the four PSNI officers killed as the result of a car accident the previous weekend.

**NOTED.****MINUTES OF MEETING OF 29 OCTOBER 2008**

Minutes of Meeting of 29 October 2008 (copy previously circulated) were tabled.

**RESOLVED:-** (On the proposal of Alderman Shannon, seconded by Councillor Smyth)

**THAT** the Minutes be taken as read and signed as a correct record.

**BUSINESS ARISING OUT OF MINUTES****Review of Public Administration (RPA) – Associated Costs**

One member referred to the costs associated with the RPA and a decision taken at the previous Council meeting to write to the Minister and NILGA expressing concern that the ratepayers should bear the costs. He asked if a response had been received to date.

The Chief Executive was unaware of a response being received. He stated however that an item of correspondence had been received from NILGA on the issue which would be dealt with later in the meeting under Any Other Business.

(Alderman Ennis entered the meeting at this stage – 7.07 p.m.)

Councillor Smyth proposed, seconded by Councillor T Hamilton, that the Council writes to the Minister for the Environment asking that RPA be put on hold until the necessary finance was identified.

(Councillors Bell & Boyle entered the meeting at this stage – 7.08 p.m.)

One member expressed concern at the proposal. He acknowledged that many people did not welcome change however he stressed the need for streamlined local government. He stated that he could not support the roll back of the process.

(Alderman Gibson entered the meeting at this stage – 7.10 p.m.)

The next speaker acknowledged the problems regarding the RPA, namely finance, adding however that change was necessary. He referred to an item on the agenda – Appointment of Members to Transition Committees - and he stressed the need for the Council to focus and move forward.

The proposer stated that while he did not oppose the RPA he had concerns, due to the current financial climate, that the costs of the RPA could have negative implications for the ratepayers of the Borough.

On the proposal being put to the meeting, with 8 voting For, 10 voting Against and 2 Abstaining, it **FELL**.

Councillor Smyth having requested a Recorded Vote, the voting was as follows:-

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTAINING</b>
<b>Aldermen</b>	<b>Aldermen</b>	<b>Councillors</b>
Ennis	Craig	Boyle
McCarthy	Gibson	McDowell
<b>Councillors</b>	Shannon	
Carson	<b>Councillors</b>	
Ferguson	Bell	
Fletcher	Drysdale	
T Hamilton	Gregory	
Magill	S Hamilton	
Smyth	Mcllveen	
	Montgomery	
	Oswald	

CG 4068

### **MAYOR'S BUSINESS**

The Mayor referred once again the death of four PSNI officers in County Down the previous weekend. He extended his sympathies to their families at this difficult time and undertook to write to the Chief Constable.

He then referred to two engagements he had attended during the month. One of which had been to visit Shorts/Hallmark and the other to visit Mash Direct. He reported that both businesses were trading extremely well, despite the current conditions, and indeed Mash Direct was to expand its sales into the Baltic regions increasing output by 100%. The company had also recently won the UK Small Business of the Year Award, the highest accolade

such a business could achieve. He wished both companies success in the future.

A number of members rose to welcome the success of the companies and reference was made to the contribution of the Council's Development Department in their progress. One member referred to the opportunities for apprenticeship which continued to be available in Shorts.

**NOTED.**

(Councillor Elliot entered the meeting at this stage – 7.18 p.m.)

**DEPUTATION**

HP 8114

**Mr Clifford McIlwaine, Planning Service - Streamlined Consultation Process**

The Chairman welcomed Mr Hillen and Mr McIlwaine to the meeting and invited Mr McIlwaine to make his presentation.

Mr McIlwaine thanked members for the opportunity to address the Council on the Streamlined Consultation Process and to seek its support in implementing the same. In the first instance he referred to the Reform of the Planning System and its aim, which stated that:-

“The Executive's overarching aim is to build a peaceful, fair and prosperous society in Northern Ireland supported by a vibrant and dynamic economy and a rich and sustainable environmental heritage. A modern, up to date planning system is critical to achieving this aim.”

He then referred to the Reform Agenda, which included:-

- A wide-ranging package of proposals for reform and modernisation of the planning system.
- Development plans.
- Processing of planning applications.
- Preparation of planning policy.
- How the Planning Service financed the system and set planning fees.
- Carrying out consultations.
- How the Planning Service interacted with the public and other key stakeholders.

Mr McIlwaine then referred to the challenges faced by the Planning Service. These included:-

- Planning applications increased by 62% between 2000 and 2006.
- On average 30,000 applications were received each year.
- Increased regulation and public scrutiny.
- *But* at the end of September, the Planning Service was meeting three out of four business targets for those parts of the process within its control. This was perhaps due to a slight reduction in the number of applications received.

Mr McIlwaine explained the background to the scheme which included the MPP identified project, political support being secured as well as Ministerial agreement to pilot.

He then referred to the Streamlined Scheme, as follows:-

- It related to straightforward applications only.
- Non-contentious only – excluded applications with objections; refusals; Council requests; DPM requests; and EIA schemes.
- The Planning Service would consult the Council on receipt of applications, not when opinion was formed.
- The Planning Service would issue the decision unless the Council requested formal consultation.

He also highlighted the objectives of the new system. These included:-

- To reduce the time taken to process straightforward applications.
- Better customer service.
- Improved flexibility.
- Allow case officers to focus on more complex proposals.
- Better use of Council time at External Affairs and Planning Committee. It would also allow for a greater focus on key applications.

Mr McIlwaine then outlined the applications to be included in the Scheme of Streamlined Consultations:-

- Extension and alterations to dwellings.
- Minor works, for example, ATM machines, boundary walls, fences, roads in industrial estates, etc.
- Residential garages, garden sheds and other similar development within the curtilage of an existing dwelling.

- Reserved Matters.
- Advertisements and direction signs.
- Electricity Lines (up to 33 kv) and substations.
- Change of house types on approved sites.
- Shop fronts and minor alterations to commercial business and industrial premises.
- New accesses and hard standing serving development.
- Agricultural buildings, structures and associated works
- Minor alterations and extensions to schools, churches, health centres and other educational, civic or community facilities.
- Other similar development proposals which were minor in nature, for example, smoking shelters and disability access arrangements.

He also highlighted the benefits, as follows:-

- Getting it right first time – Applicants/Agents.
- Complete/valid submissions.
- Ensuring proposal complied with policy.
- Checking planning history - particularly outline.
- Paying attention to details, drawings, land ownership and conditions.
- Making sure Planning Service could streamline the application.

Members were then informed of the success to date in respect of the new arrangements:-

- Pilot commenced December 2007 (Northern Division – Londonderry and Limavady).
- On average less than 5% of applications had become non-streamlined.
- Average processing time 28 days.
- Roll out across 26 Councils target March 2009.
- Planned introduction in Downpatrick Division January 2009.

That concluded the presentation.

Members were then invited to raise any queries and the following responses were received as a result:-

- Mr McIlwaine confirmed that the scheme had worked well in Londonderry and Limavady with very positive feedback received.
- It was noted that if an objection was raised the application would be withdrawn from the Streamlined Process. It was noted that objections did not have to be for planning reasons.

- Planning Officers also had the flexibility to move applications from the Streamlined Process.
- It was noted that the Planning Schedule presented to the Council could be reduced by as much as 50-60%.
- The same statutory controls were in place, regardless if a planning application was streamlined. All applications were advertised and neighbour notification undertaken. No determination could be made by the Planning Service within the first 14 days after receipt of the application.
- It was noted that the Council would be notified of all applications when received and would be given a period of three weeks to decide if they wished the application to go through the normal planning process (Planning Schedule).
- Members were informed that in the first six months of the scheme running in Londonderry that no requests were made by members to take an application out of the streamlined process.
- Mr McIlwaine was keen to introduce the scheme in Ards in January 2009 – this would ensure that all applications received in 2009 were dealt with under this process. It was the intention that the scheme would be running throughout the Planning Service by the end of 2009.
- The scheme had been well received by both the public and elected members elsewhere.
- The scheme had been introduced in Banbridge in October 2008.
- Mr McIlwaine explained that members would be notified, once a month, of applications received. It would also indicate whether it was the intention to streamline applications or put them through the normal process. If a member wished to see an application taken out of the streamlined process they should notify Council officers who would inform the Planning Service.
- Streamlined applications would be dealt with very quickly.
- Mr McIlwaine assured members that there were safeguards in place to ensure objectors had an opportunity to air any disquiet. Applications would be advertised and neighbour notification undertaken in the normal way. Elected members would have three weeks from the date they were notified to lodge any objections. He stressed that once an objection was received by the Planning Service it would be removed from the Streamlined Process. (The Principal Administrative Officer informed members that it was her intention to prepare a report on the practicalities and internal workings of the scheme for the Policy and Resources Committee on 11 December 2008.)

- Mr McIlwaine confirmed that the Planning Service would continue to consult with the Roads Service and other agencies. He stressed that some applications could take two to three months to process, depending on their complexity, however it was hoped that streamlined applications would be processed within 28 days.
- It was noted that in other areas the Councils had adopted a policy where, if one member submitted an objection, this was deemed to be the corporate view of the Council, and the application to which it related was therefore removed from the streamlined process. He explained that the member would contact a Liaison Officer within the Council who would then notify the Planning Service of the objection. This would be deemed the Council view. (This was however an internal matter for the Council to deal with.)
- It was noted that the Downpatrick Section had been keen to pilot the scheme, however due to staffing difficulties, it had been unable to do so.
- Mr McIlwaine expressed the view that the system worked well and would benefit many people. He referred to the high number of applications which appeared on the Planning Schedule without any representation from the public. In the future these would be streamlined.
- Mr McIlwaine confirmed that the Council could object to applications without stipulating a "clear planning reason". (One member stated that he would have been keen to see some criteria in place regarding those applications which could be removed from the streamlined process.) Mr McIlwaine explained that in six months of the scheme running in Londonderry that no objections had been received from the Council.
- Reference was made to the new telephone arrangements for the Planning Service. Mr McIlwaine explained that the call centre took messages for Planning Officers which they responded to within two days.
- It was noted that all objections had to be in written form.
- Mr McIlwaine stated that applicants were encouraged to liaise with their neighbours in respect of extensions, etc prior to submitting planning applications. He stressed that if the Planners had concerns regarding the mass and scale of an extension that they would remove it from the streamlined process.
- It was noted that streamlined applications would be subject to normal planning legislation.

- Mr McIlwaine stated that the Planning Service would be keen to extend its capabilities under Permitted Development Rights.
- The new scheme would allow resources to be directed to larger applications. Reference was made to the Strategic Planning Team which had been set up to deal with large applications.
- It was noted that currently it took around one week of group discussions to bring about the Planning Schedule each month. It was hoped the streamlined process would reduce this to around three days. This would allow decisions to be issued in a more timely fashion.
- It was noted that currently Downpatrick had in the region of 150 deferred applications relating to PPS 14, 50 of which related to Ards. Mr McIlwaine stressed that they would be reviewed as quickly as possible. He was mindful however of changes being made to the legislation and was not keen to rush a number of refusals through.

The Mayor thanked Mr Hillen and Mr McIlwaine for attending the meeting.

(Councillor Drysdale left the meeting at this stage – 8.05 p.m.)

**MINUTES OF MEETING OF EXTERNAL AFFAIRS & PLANNING COMMITTEE HELD ON 10 NOVEMBER 2008** (Appendix I)

Minutes of Meeting of External Affairs & Planning Committee held on 10 November 2008 (copy previously circulated) were tabled.

**RESOLVED:-** (On the proposal of Councillor T Hamilton, seconded by Alderman Shannon)

**THAT** the minutes be adopted.

**MINUTES OF MEETING OF POLICY & RESOURCES COMMITTEE HELD ON 13 NOVEMBER 2008** (Appendix II)

Minutes of Meeting of Policy & Resources Committee held on 13 November 2008 (copy previously circulated) were tabled.

**Pages 22-25 – OS 11059 – Request for Sightlines at Main Street, Kircubbin**

The Chief Executive requested that this item be referred Into Committee and dealt with later in the meeting.

One member queried why it should be dealt with In Committee, given that a site meeting had taken place on the issue and that all interested parties had been present.

The Chief Executive stated that he was keen to deal with the matter In Committee as he had received legal advice which he wished to report to the Council. It was normal practice to deal with such issues in committee.

It was agreed, on the proposal of Councillor Oswald, seconded by Alderman Shannon, that this item be referred Into Committee.

**RESOLVED:-** (On the proposal of Alderman Gibson, seconded by Alderman Shannon)

**THAT** the minutes be adopted, subject to the above decision and any decision taken in relation to the above.

**MINUTES OF MEETING OF HEALTH & SOCIAL SERVICES SUB-COMMITTEE HELD ON 17 NOVEMBER 2008** (Appendix III)

Minutes of Meeting of Health & Social Services Sub-Committee held on 17 November 2008 (copy previously circulated) was tabled.

**RESOLVED:-** (On the proposal of Councillor Carson, seconded by Alderman Shannon)

**THAT** the minutes be adopted.

**MINUTES OF MEETING OF COUNCIL SERVICES COMMITTEE HELD ON 18 NOVEMBER 2008** (Appendix IV)

Minutes of Meeting of Council Services Committee held on 18 November 2008 (copy previously circulated) were tabled.

**Pages 6-9 – Leisure Services Report – Construction of Multi-use Stadium at Portaferry Road, Newtownards**

Councillor S Hamilton proposed an amendment, seconded by Alderman Shannon, that included in this report is a needs analysis and economic appraisal to specifically address the following:

- The current provision of football facilities in the Borough, their current cost, levels of use and the identification of the teams or communities that use them.
- A cost - benefit analysis of the proposed project.
- An examination of how the proposed project will specifically address the identified needs of football teams and other sports clubs as well as the wider Ards Borough community.
- The financial viability of the proposal together with projected levels of use and cost recovery.
- A projection of its long-term economic sustainability.

In addition, that a report be prepared on the total estimated cost of the development of Londonderry Park to the standard envisaged by officers for the Places for Sports Surfaces Programme, together with any further development necessary to create a facility capable of hosting Senior and Intermediate Football.

The proposer stated that he had never opposed the enhancement or improvement of leisure facilities in the Borough, however he believed his amendment was key to the proposal made at the Council Services Committee on 18 November 2008.

He stated that he was keen to ensure that the community's needs were met and also that a legacy was provided for the ratepayers of the Borough. He referred to the Places for Sports Surfaces Programme, adding that he was eager to improve facilities within the Borough and welcomed the opportunity to bid for Government funding. He stated however that he had concerns as he believed there was a deep desire amongst some members to provide a stadium for one club only.

Continuing, he stated that the amendment would establish need, costs, financial viability and sustainability. He stressed the need for robust procedures to be in place when dealing with large schemes, and he referred to the Review of Leisure Services, which had been a lengthy and worthwhile process. He stated that he was keen for consideration to be given to any stadium being able to facilitate Senior and Intermediate football.

The seconder referred to the Portaferry Road/Londonderry Park sites which had been used as football venues for many years. He too welcomed the opportunity to apply for Government funding to enhance the facilities at Londonderry Park.

He also referred to the recent success of Ards Football Club and predicted them as the winners of the Steel Dickson Cup, due to be held on Christmas Day. He also mentioned other Council areas where football facilities were provided for local clubs, including Cookstown, where the pitches were used by eight local clubs, including Killymoon. The facility had cost in the region of £2.1 million and included all weather pitches, facilities for Gaelic and rugby, flood lighting, a small grandstand and eight changing rooms. The facility was operated by the Council and rented out to local clubs. Ballymoney Borough Council also had facilities for local football with four to five pitches available. The member stated a hope that the proposed facilities would allow football to be played at a senior level.

The proposer of the original proposal stated that he was content with the amendment. He reminded members that Alderman Ennis had previously asked that costs be provided to the Council on the provision of a stadium at the Portaferry Road. An estimated figure had been provided and Councillor T Hamilton had sought a report on the issue to give members a better indication of the total costs of such a scheme. He stressed that if the costs were prohibitive the scheme would fall by the wayside and that he had merely wished to either consider, or rule out, the possibility.

Continuing, he stated that he was keen to leave a legacy for the people of the Borough, adding that similar facilities had been built throughout Northern Ireland, which had been welcomed by their local communities.

The next speaker stated that he had always supported the notion of multi-use sports facilities being provided in the Borough, adding that he believed the preparation of a business plan in such cases was essential. He highlighted the many benefits of a business plan, but urged some caution at the length of time this could take to prepare. He suggested, at this stage, that external expert assistance may be required.

The Director of Leisure Services acknowledged that a detailed set of reports had been requested, which would be a challenging task. He stated that he would be seeking assistance externally and that the earliest he believed the reports could be delivered was February 2009.

A further member stated that if the Council was keen to preserve senior soccer in the area it would need to pursue the issue in a timely fashion. He stressed the need for the pitches to be suitable for senior football, adding that third generation pitches were not acceptable to the IFA.

He also referred to the Londonderry Park site, querying where a stand could be provided. He too was aware of the facilities at Cookstown, adding that the Council was currently upgrading the pitches there to meet IFA standards. He explained that if Ards Football Club won the league that it would not be able to achieve senior status, as it did not have pitches fit for purpose.

The next speaker expressed concern at the debate in the Chamber and the fact that it centred around football. He pointed out that the proposal was for a multi-use facility and he referred to the minutes of the Council Services Committee, which again had centred around senior football. He welcomed the amendment as the way forward, adding that he was keen to have full costings on the proposed facility. He commented on the possibility of high costs in respect of site works.

The Director of Leisure Services explained that gas would have to be extracted if a building was being constructed on the site. He stated however that this would not be necessary to the same extent when providing pitches.

A further member stressed the need for the report to be undertaken as a matter of urgency and suggested that discussions take place with the Lottery Fund, to ascertain if funding would be available for such a facility.

One member queried if the pitches would meet IFA standards.

It was noted that pitches for senior soccer would be acceptable by the IFA.

On the amendment being put to the meeting, with 18 voting For, nil voting Against and 1 Abstaining, it was **DECLARED CARRIED**.

**RESOLVED:-** (On the proposal of Councillor S Hamilton,  
seconded by Alderman Shannon)

**THAT** included in the report is a needs analysis and economic appraisal to specifically address the following:

- The current provision of football facilities in the Borough, their current cost, levels of use and the identification of the teams or communities that use them (where possible).
- A cost - benefit analysis of the proposed project.
- An examination of how the proposed project will specifically address the identified needs of football teams and other sports clubs as well as the wider Ards Borough community.
- The financial viability of the proposal together with projected levels of use and cost recovery.
- A projection of its long-term economic sustainability.

In addition, that a report be prepared on the total estimated cost of the development of Londonderry Park to the standard envisaged by officers for the Places for Sports Surfaces Programme, together with any further development necessary to create a facility capable of hosting Senior and Intermediate Football.

Councillor T Hamilton called for a Recorded Vote. The Mayor ruled that a Recorded Vote could not take place as he had already called for the vote.

### **Leisure Centre – Update**

The Director of Leisure Services reported that Transport Consultants had been appointed in respect of the above to consider access issues. It was noted that they would commence work the following day.

**NOTED.**

**RESOLVED:-** (On the proposal of Councillor Elliot,  
seconded by Alderman Shannon)

**THAT** the minutes be adopted, subject to the  
above decision.

**TRANSFER OF RIGHTS OF BURIAL**

The following transfer applications were received:-

	<b>Name</b>	<b>Transferred to</b>	<b>Cemetery</b>	<b>Section</b>	<b>No</b>
BG 13025	H P Reilly (dec'd)	J Reilly	Movilla	59	307
BG 13030	K Campbell (dec'd)	F Campbell	Movilla	46	61
BG 13035	J Magreehan (dec'd)	J Neil	Movilla	23	35&36
BG 13039	W H McDowell	V Scott	Kircubbin	25	7
BG 13041	J C Smyth (dec'd)	H G Smyth	Comber	6	167
BG 13043	J McGouran (dec'd)	D McGouran	Movilla	37	74

**RESOLVED:-** (On the proposal of Councillor Smyth,  
seconded by Alderman Shannon)

**THAT** the Transfers be approved.

**SEALING DOCUMENTS**

**RESOLVED: -** (On the proposal of Councillor Smyth,  
seconded by Alderman Shannon)

**THAT** the Seal of the Council be affixed to the  
following documents:-

Grant of Right of Burial Nos. 7283, 7284, 7285  
& 7286

## **NOTICES OF MOTION**

### CG 10466 **Irish Guards**

Alderman Shannon proposed, seconded by Councillor Magill, that the Council hosts a homecoming parade for the members of the Irish Guards returning from a planned tour of duty in 2010 and that as part of that ceremony the Council confers the freedom of the Borough on the Regiment.

The proposer referred to the Irish Guards and to its association with the Borough. He stated that many of its officers were from the area and had served in Iraq and Afghanistan in recent times. He informed members that they were to undertake a planned tour of duty in 2010 and that he believed they should be honoured on their return. He stated that the soldiers had provided a distinguished service to the Irish Guards and that the most appropriate way to honour them would be by conferring the Freedom of the Borough on the Regiment and by having a march past.

Continuing, he stated that the Irish Guards were the only Irish soldiers left in the British Army, which comprised 60% Roman Catholic and 40% Protestant members. Its colours were presented by the Queen and blessed by the Roman Catholic Padre.

He also referred to the high number of local people serving in the Irish Guards, some of whom were commissioned others NCOs and Junior NCOs.

In addition he referred to the conflicts in which they had been involved, including both World Wars and Iraq (2003) as well as their most recent activity. The regiment had been awarded six Victoria Cross medals for bravery since its inception.

The seconder concurred with the comments of the previous speaker and informed members of the number of soldiers who were killed and injured during their many conflicts. He also highlighted the locations the Irish Guards had served over the years including Cyprus, Northern Ireland, the Golf, Balkans and Iraq. Indeed he pointed out that the Irish Guards had been the first regiment to take Basra in 2003 and had also undertaken peace keeping duties in Iraq in 2007. A planned tour of duty was scheduled for 2010.

The next speaker referred to the number of people from the area who served in the Irish Guards. He stated that he was aware of many families in the Borough, whose loved ones were serving in Afghanistan, a country so brutal that young girls could be killed for learning to spell.

He paid tribute to the soldiers who left their families to serve their country and he expressed the hope that they would not suffer any fatalities in Afghanistan. He referred to the homecoming parade in Belfast, which had been a very successful event and he stated that he very much looked forward to the proposed event.

A further speaker alluded to the links the Irish Guards had with the Borough, adding that it was appropriate to honour the regiment with the Freedom of the Borough. He acknowledged that many people did not believe the British Forces should be fighting in Afghanistan and he reminded members that the soldiers did not ask to be placed in that situation, but it was the politicians who put them there.

He reminded everyone that the Irish Guards took part in the Trooping of the Colours and indeed had acted as the pallbearers at the funeral of the Queen Mother. He wished the Irish Guards every success during their tour of duty and a safe return.

**RESOLVED:-** (On the proposal of Alderman Shannon, seconded by Councillor Magill)

**THAT** the Council hosts a homecoming parade for the members of the Irish Guards returning from a planned tour of duty in 2010 and that as part of that ceremony the Council confers the freedom of the Borough on the Regiment.

WS 570

**Proposed Waste Water Treatment Works at New Harbour Road, Portavogie**

Alderman McCarthy proposed, seconded by Alderman Shannon, that the Council, while supporting the need for an upgraded sewerage system for the East of the Ards Peninsula, and given that Northern Ireland Water has agreement with a landowner in Ballyhalbert for such a facility, writes to the NIEA asking for a relaxation for Portavogie until this permanent sewerage facility is constructed.

The proposer referred to the recent presentation made by Mrs Diane Adair, in respect of the proposed waste water treatment works to be erected adjacent to her business. Mr Jonathan Rowe, NI Water, had also presented at the meeting. Mr Rowe had outlined his needs for the area and had highlighted the pressures he faced to upgrade facilities in the peninsula.

Mr Rowe had however explained that the proposed facility in Portavogie was a temporary facility until the permanent facility was erected in Ballyhalbert. A planning application for the Ballyhalbert site had been submitted and Mr Rowe had indicated a keenness to focus on that facility, which was sited some distance from residential or other properties. The member also referred to the financial benefits of focusing on the Ballyhalbert site.

The member referred to Mrs Adair's business, a restaurant, which had won many awards since opening in 1998. He stated that the success of the restaurant was a testimony to the hard work of its proprietors, adding that the siting of a waste water treatment works so close by could have a detrimental affect.

The seconder stated that if the NIEA agreed to a relaxation for Portavogie that NI Water could focus on the facility in Ballyhalbert. He explained that the temporary facility in Portavogie would take in the region of 18 months to erect, and yet the land was available in Ballyhalbert and a planning application pending for the permanent works. He stated that the impact on the restaurant could be detrimental, adding that Mr Rowe had acknowledged there could be issues with "customer perception".

A further member highlighted the stress the current situation was causing the owners of The Quays. He stated that businesses everywhere were struggling with the effects of the financial climate, and that this was merely to adding to their burden.

Another member referred to the success of The Quays Restaurant and to good work ongoing in the village. He stated however that Northern Ireland Water was very committed and he referred to a recent programme of works carried out in Portaferry.

**RESOLVED:-** (On the proposal of Alderman McCarthy, seconded by Alderman Shannon)

**THAT** the Council, while supporting the need for an upgraded sewerage system for the East of the Ards Peninsula, and given that Northern Ireland Water has agreement with a landowner in Ballyhalbert for such a facility, writes to the NIEA asking for a relaxation for Portavogie until this permanent sewerage facility is constructed.

CG 3907

**REVIEW OF NORTHERN IRELAND LOCAL GOVERNMENT BOUNDARIES PROVISIONAL RECOMMENDATIONS REPORT**

The Chief Executive informed members that the Oral Hearing was due to take place the following day, 27 November 2008, in the Viceroy Suite, Clondeboye Lodge Hotel at 10.00 a.m.

One member referred to the meeting which had taken place for members to discuss the above and prepare a response. He stated that four members had attended and that no agreed position had been reached and therefore he felt the Council was unable to make a presentation at the hearing. He pointed out that parties would make their individual positions known.

**NOTED.**

CG 10431

**CALL FOR PUBLIC INQUIRY INTO MAJOR RETAIL APPLICATIONS IN NEWTOWNARDS**

Letter dated 5 November 2008 (copy previously circulated) was tabled from Ross Planning. The letter referred to the attendance of Newtownards Chamber of Trade at the previous Council meeting to discuss current retail planning applications in Ards and the Chamber's ideas on how these major proposals should be comprehensively scrutinised. In summary, the Chamber wanted to encourage new retail development, but only if development would be truly complementary to the town centre in terms of linkages, overall scale and retail type.

The Chamber was calling for the applications to be considered together through a Public Inquiry. It believed that the outcome of such an Inquiry would establish certainty and confidence about the future for retailing in the town and would be the most expedient way of resolving the current planning applications. The Chamber was supportive of the Master Planning process currently being promoted by the Council and it was confident that the Public Inquiry process would harmoniously feed into the Master Plan work.

The Chamber was formally requesting the Council to support the proposal for a Public Inquiry and writes to the Minister accordingly.

Alderman Shannon proposed, seconded by Councillor Montgomery, that the correspondence be noted.

Alderman Ennis proposed an amendment that the Council asks for a Public Inquiry into planning approvals granted in the area. (This proposed amendment was disallowed as it was a direct negative to the proposal).

One member reported that he had received a letter from the Minister on the issue which stated that the Planning Service had recommended that retail planning applications approved in the area be dealt with by way of a joint Public Inquiry.

The Chief Executive reported that the Council's Planning Consultant had also indicated that a Public Inquiry was being considered.

**RESOLVED:-** (On the proposal of Alderman Shannon, seconded by Councillor Montgomery, with 12 voting For and 4 voting Against)

**THAT** the Council notes the correspondence.

CG 8483  
Pt II

## **STRENGTHENING MEMBER COUNCIL ENGAGEMENT AND PROTECTIONS FOR NILGA**

Letter dated 24 October 2008 (copy previously circulated) was tabled from NILGA stating that, at its AGM on 26 September 2008, members voted to make several changes to the NILGA constitution. These changes were primarily to meet two objectives:-

- To offer councils a greater opportunity for participation
- Protection for NILGA members

For clarity, the changes were detailed and the revised constitution was furnished to members for information. The changes were based on legal advice and consideration of the views expressed in earlier consultation with councils. The amendments paralleled the provisions in the constitution of fraternal LGAs.

As part of the NILGA improvement and development plan it invited Robert Gilmore, as an external advisor, to undertake a review of NILGA meeting structures. This mini review was in advance of any significant overhaul in the context of a completely revised Local Government Association.

Specifically, the review was to seek ways to be more inclusive and to enhance participation at meetings. During the review members felt that the retention of the 'six meetings a year' structure would best facilitate good communication across the sector, thereby supporting effective implementation of the RPA.

Members also felt that meetings could be operated in a more open way in the coming months and that NILGA should seek to ensure full participation from member councils.

To this end NILGA had amended its constitution to allow councils to nominate Substitute Members to attend meetings. Substitute Members would have voting rights and therefore had to be agreed by the Council and must be from the same political party as the lead NILGA member. The protocol for this process was set out in Annex 2, also furnished to members. The Council was encouraged to avail of the opportunity and notify NILGA accordingly.

In light of the increased activity of the organisation, NILGA felt it was necessary to review its constitutional arrangements. It was therefore recommended that it had provisions to hold property, inform dissolution and manage membership arrangements. These revised provisions were set out in Annex 1 and it was reiterated that they paralleled the arrangements in other regions.

NILGA acknowledged that there was not universal support for the provisions in the dissolution policy. It wished to inform the Council that due to the increased level of activity it was also exploring the potential of becoming a company limited by guarantee. If that operational model was selected it would supersede the issues that the constitutional changes were designed to deal with.

One member expressed the view that the Council should be supporting NILGA in this regard.

**RESOLVED:-** (On the proposal of Alderman Shannon, seconded by Alderman Gibson, with 10 voting For and 4 voting Against)

**THAT** the Council notes the correspondence.

CG 10223

**ANNUAL AUDIT LETTER - ARDS BOROUGH COUNCIL 2007-08**

Letter dated 13 November 2008 (copy previously circulated) was tabled from the Northern Ireland Audit Office stating that Regulation 13 required a local government body to:-

- a) publish the letter, and
- b) notify the local government auditor of the date of publication.

Under the Code of Audit Practice the Audit Office was required to ensure that all members received a copy.

**RESOLVED:-** (On the proposal of Councillor Smyth, seconded by Alderman Shannon)

**THAT** the Council notes the correspondence.

DPP 57

**APPOINTMENT OF ARDS DPP CHAIRMAN**

Report dated 2 October 2008 (copy previously circulated) was tabled from the DPP Manager stating that the Chairman of the DPP was appointed by the Council, from the political members of the DPP, for a twelve month period. The position of Chairman was held in turn by each of the four largest political parties represented on the Council immediately after the last local government elections.

Councillor McDowell was currently the Chairman and his term of office was due to end on 30 November 2008. A member of the DUP should therefore take up post for the next twelve month period from 1 December 2008.

In light of the above, it was **recommended** that a DPP Chairman be appointed from the DUP party to take up post from 1 December 2008 for a 12 month period.

Alderman Shannon proposed, seconded by Councillor Bell, that Councillor Oswald be appointed.

The proposer commended Councillor Oswald for the position, adding that since he had taken up his place on the DPP that he had made a significant contribution at public and private meetings as well as the numerous working groups. He also placed on record his thanks to the outgoing Chairman, Councillor McDowell, for his hard work during the year and the sense of fairness he had shown during that time.

The seconder concurred with the comments of the previous speaker, adding that Councillor McDowell had dealt with a number of difficult issues during his term, not least the closure of Greyabbey Police Station.

In response to a query, the Chief Executive clarified that although the report referred to the chairmanship being rotated amongst the four main political parties, only three parties were represented on the DPP.

Councillor McDowell thanked members for their comments and their support during the year. He wished Councillor Oswald every success.

Councillor Oswald thanked his proposer and seconder for the nomination and also took the opportunity to congratulate the outgoing chairman, Councillor McDowell.

**RESOLVED:-** (On the proposal of Alderman Shannon, seconded by Councillor Bell)

**THAT** Councillor Oswald be appointed chairman.

## **CONFERENCES, INVITATIONS, ETC.**

### **Affirmative Action Models to Increase Travellers Employment - Can this Work? - Belfast - 2 December 2008**

It was noted that this item had already been dealt with at the Council Services Committee.

**NOTED.**

CG 8483  
Pt II

### **Together, Stronger, Safer: A Community Safety Consultation Event - Beechlawn House Hotel, Dunmurry - 10 December 2008**

Topics Include - Community Safety - The Story So Far, Sharing the Learning - Local Government Leading the Way and Together, Stronger, Safer: Taking the Strategy Forward.

**RESOLVED:-** (On the proposal of Councillor Smyth, seconded by Councillor T Hamilton)

**THAT** Councillor Carson and an officer be appointed to attend.

## **CORRESPONDENCE**

The following items of Correspondence were tabled:-

CG 10457 New Powers for Wheel Clamping Unlicensed Vehicles (Letter dated 1 November 2008 from DVA)

CG 10244 Northern Ireland Fire & Rescue Service - Road Safety Strategy 2008-2013

NILGA News - October 2008 (Copy placed before members)

NILGA - RPA Newsletter (Copy placed before members)

HP 8114 NI Direct Telephone Call Handling Arrangements (Copy letter from the Planning Service placed before members)

Provision of Remote Broadband Services in Northern Ireland (Copy letter dated 21 November 2008 from DETI placed before members)

NILGA Press Release - NILGA Press Assembly on Urgent Waste and Planning Issues (Copy placed before members)

NILGA Press Release - NI Local Government Awards (Copy placed before members)

Local Government Reform - Keeping You Informed - Issue 7 (Copy placed before members)

NILGA - New Address (Information placed before members)

NILGA Press Release - Councils Caught in Rates Fiasco (Copy placed before members)

NILGA Press Release - Rural Planning - A Building Issue for Local Councils and Citizens (Copy placed before members)

**RESOLVED:-** (On the proposal of Alderman Shannon, seconded by Alderman Craig)

**THAT** the correspondence be noted.

### **ANY OTHER NOTIFIED BUSINESS**

It was agreed that Any Other Notified Business be dealt with In Committee.

**AGREED.**

### **INTO COMMITTEE**

It was agreed, on the proposal of Councillor Smyth, seconded by Alderman Craig, that the Council goes "**Into Committee**" at this stage of the meeting.

**Minutes of Meeting of Exploris Sub-Committee held on 22 October 2008** (Appendix V)

Minutes of Meeting of Exploris Sub-Committee held on 22 October 2008 (copy previously circulated) were tabled.

**RESOLVED:-** (On the proposal of Councillor S Hamilton, seconded by Councillor Smyth)

**THAT** the minutes be adopted.

**Minutes of Meeting of Development Committee held on 18 November 2008** (Appendix VI)

Minutes of Meeting of Development Committee held on 18 November 2008 (copy previously circulated) were tabled.

**Comber Fair in the Square – 27 November 2008**

The Director of Development informed members that a request had been received from Castle Espie to display Wicker Brent Geese at the above event. It was noted that the display would be sited away from memorial structures and would be subject to the normal conditions.

It was agreed, on the proposal of Alderman Craig, seconded by Councillor Boyle, that permission be granted to display the Wicker Brent Geese, subject to the above and the Council's normal conditions.

It was **AGREED TO RECOMMEND**, on the proposal of Councillor Carson, seconded by Councillor McDowell, **THAT** the minutes be adopted, subject to the above decision.

CG 10231 **Community Festivals Fund** (Referred from Policy & Resources Committee held on 13 November 2008) (Appendix VII)

Report dated 4 November 2008 (copy previously circulated) was tabled from the Chief Executive stating that at the Council meeting he had been asked to review the earlier exercise which was carried out to consider applications for funding under the above.

As a result he undertook a two-stage exercise where firstly the guidance from the Department of Culture Arts and Leisure on the dispersal of funds was revisited. The second part of the review was a meeting with the officers involved in the earlier exercise to examine the scores awarded in each case as well as the monetary amounts which were recommended.

The guidance issued from the Department was general in nature and gave councils the flexibility to develop their own application process and criteria for funding, so long as this was consistent with the policy framework.

From examination it was found that the application process and scoring matrix used was in accordance with the Broad Assessment Criteria set out in the Guidance Framework.

Discussions with the officers also revealed that the scores attributed to each of the applications could be explained in a way that appeared to tie back to the applications which had been received.

However the officers were unable to provide a robust explanation which linked the points awarded in each instance to the sums of money which were proposed. Indeed there seemed to be an element of subjectivity injected into the process at that point which would make the defence of the recommendations to the Council difficult to sustain.

As a result the writer revisited the mechanism for translating scores to cash to ascertain if they could be re-balanced in a way which would ensure a mechanical linkage to the points awarded.

To do this the lowest score with the highest monetary award was taken as a benchmark. This resulted in each point awarded equating to £27.27 in grant funding. However as some of the new amounts would exceed the total applied for, some of the scores were limited to the full value of the application, i.e. 100%.

The effect of applying this to the scores derived earlier was explained on the spreadsheet attached to the report (Appendix VII).

From this it was apparent that some of the applicants would receive further funding amounting in total to £681.82. This additional sum could be accommodated from the under-spend of the Community Festivals Fund and would not impact on any other budgets.

In order to ensure fairness a similar exercise was carried out, based on the percentage which the sums awarded represented of the total applied for. This proved less satisfactory, with some applicants receiving a smaller amount than that originally awarded, while for others there was a lesser increase.

It was **recommended** that the amounts indicated on the attached spreadsheet under “New Sum” be used to distribute this round of the Community Festivals Fund.

It was **also recommended** that if the event with the previous lowest score (Donaghadee Children’s Halloween Festival) had already been held, additional funding in accordance with the New Sum would be made for that event, subject to the production of receipts. However, as that group had suffered a detriment, if its Halloween event had cost less than the full amount awarded under the revised scheme, then the additional sum should be rolled over to the Children’s Christmas Festival project.

Alderman Shannon proposed, seconded by Councillor Bell, that the recommendations be adopted.

One member expressed concern at the protracted way in which this issue was being dealt with. He stated that the reason the report had been deferred initially had been due to the behaviour of one councillor, who had openly threatened that if members did not accept the recommendation he would be reporting them to various bodies and indeed that the Council could be subject to Judicial Review.

The proposer asked the Chief Executive to explain how he had arrived at his recommendation.

The Chief Executive stated that he had concerns regarding the first report. He had therefore reconsidered the matter as requested and revised the funding, adding that the recommendation contained in the report was now more robust and should be easily agreed. He stated that the report fully explained the situation.

The seconder then responded to the previous comments regarding his earlier behaviour. He stated that he did not believe he had threatened members, but perhaps had spoken “clumsily”. He added that if members had felt threatened by his comments that that was their perception.

A further member stated that despite not commenting on the issue at the previous two meetings, he wished to place on record his support for the member concerned, Councillor McIlveen, and the two officers, the Community Development Officer and Good Relations Officer. He then referred to the previous meeting, from which Councillor Bell was absent, and during which a number of members had criticised his previous behaviour. Indeed at that meeting Councillor Williams had stated that he hoped those members would make the same comments in Councillor Bell's presence.

He then referred to Councillor Bell's comments pointing out that he had suggested at the meeting that members were "discriminating" against certain groups. The debate had also called into question the ability of the member and of officers. He concluded that while he supported the report tabled from the Chief Executive, he felt unable to approve it as he believed Councillor McIlveen and the officers had been correct in their judgement.

The next speaker expressed the view that the loser in this situation was the community. He then referred to the right of appeal, expressing the view that an appeal should have been heard before any review was commissioned. He stated that for this reason he would be unable to support the recommendation.

Continuing, he stated that members had to bear in mind that if they accepted the recommendation they were setting a precedent for how such matters would be dealt with in the future.

In response to a query, the Chief Executive confirmed that any decision the Council made could be appealed. He reminded members that he had been asked by the Council to review the initial report, which he had done. He acknowledged that one of the groups could ask the Council to review its decision or submit a Judicial Review.

A further member stated that he had seen no problems with the initial report, adding that the member had been asked to sit on the panel in good faith. He expressed the view that members may not be keen to get involved in such a situation in the future, adding that it would make him question the policy of issuing community festivals funding.

In response to a further query, the Chief Executive stated that an appeal could be submitted at any stage. He explained that those requesting funding were normally issued with the funds after they had been agreed by the Council. He explained that in the case of a complaint to, for instance, the Ombudsman, he would write to the Chief Executive asking him to review the initial report and provide a timeline. The Ombudsman would then consider the report and consider the equality implications.

Another member stated that he had been a member of the LSP for many years and had been involved in considering grant applications and issuing funding. He explained that following the letter of offer being issued, appeals could be received.

In response to a query, the Chief Executive confirmed that the officer involved had made an unauthorised payment to one group, prior to it being agreed by the Council. He assured members that the relevant Director was dealing with the matter through the Council's normal processes. He assured members that he had spoken with the officer who was aware of his displeasure at the situation. He stated that the same procedure was followed, as was followed by the LSP, however in this case the officer had acted prematurely.

The Chief Executive stressed that if the recommendation did not go through the Council that he would be unable to present a robust defence, if challenged.

One member asked that Councillor Bell withdraw his earlier comments.

A further member commented that the recommendation protected the Council and therefore it would be unwise not to support it.

Another member asked if he abstained from the vote, could he be subject to surcharge.

Councillor Bell stated that he believed the issuing of community funding to be very worthwhile. He added that he would not personally be taking legal action, however he believed one group could proceed to Judicial Review. He withdrew his comments at the request of Councillor Smyth.

It was agreed, on the proposal of Alderman Shannon, seconded by Councillor Oswald, that the meeting adjourn at this stage – 10.30 p.m.

The meeting reconvened at this stage – 10.50 p.m.

**RESOLVED:-** (On the proposal of Alderman Shannon, seconded by Councillor Bell, with 7 voting For, 5 voting Against and 8 Abstaining)

**THAT** the recommendations contained within the report be adopted.

Councillor Carson having requested a Recorded Vote, the voting was as follows:-

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTAINING</b>
<b>Aldermen</b>	<b>Aldermen</b>	<b>Alderman</b>
Gibson	Ennis	Craig
Shannon	McCarthy	<b>Councillors</b>
<b>Councillors</b>	<b>Councillors</b>	Elliot
Bell	Boyle	Ferguson
Gregory	Carson	Fletcher
S Hamilton	McDowell	T Hamilton
Montgomery		Magill
Oswald		Mcllveen
		Smyth

**Nomination of Members to Transition Committee (EIGHT Members)**

The following nominations were made:-

(On the proposal of Councillor Gregory, seconded by Councillor Bell)

**Alderman Shannon**  
**Councillors S Hamilton, Mcllveen & Oswald**

(On the proposal of Councillor T Hamilton, seconded by Councillor Magill)

**Councillors Carson, Ferguson & Smyth**

(On the proposal of Alderman McCarthy, seconded by Councillor Smyth)

**Councillor McDowell**

The Chief Executive informed members that he had been considering the Transition Committee Guidance and had subsequently sought legal advice on the matter. The Council's solicitor was of the opinion that there was no basis in place to form Transition Committees at this time. He stated that, in light of the advice, he would be keen to write to the Director of Local Government Reform to seek assurances prior to proceeding. This correspondence would be copied to North Down Borough Council. (It was noted that the Council's solicitor had also had an informal conversation with North Down Borough Council that day.)

In response to a query, the Chief Executive explained that in April 2010 Transition Committees would be tasked with appointing the Chief Executive and Senior Team of the new Council. He stated that the Council's solicitor had indicated that prior to new legislation the Transition Committee would currently be formed under the Local Government Act 1972.

One member commented that the guidance referred to voluntary Transition Committees, adding that such groups could do a certain amount of work.

The Chief Executive commented that while they could undertake some work, they may not have any statutory duty.

(Alderman Craig & Councillor Smyth left the meeting at this stage – 10.58 p.m.)

Another member queried the make-up of the Transition Committee. The Chief Executive clarified that the guidance said that the Committee should represent the political strength of the Council. He acknowledged that there was a flaw in the system and that it did not work particularly well for independent councillors or single party members. He confirmed that this issue had been raised with the DOE.

**RESOLVED:-** **THAT** Alderman Shannon, Councillors Carson, Ferguson, S Hamilton, McDowell, McIlveen, Oswald & Smyth be appointed to the Transition Committee.

**FURTHER RESOLVED:-** (On the proposal of Councillor Smyth, seconded by Councillor Ferguson)

**THAT** the Chief Executive writes to the Director of Local Government Reform seeking assurances regarding the operation of Transition Committees.

OS 1143A **Use of Land at Upper Crescent, Comber**

Report dated 20 November 2008 (copy previously circulated) was tabled from the Project Officer stating that the Council previously agreed to a request from T & A Kernoghan Limited to use a portion of ground at the above location as a temporary storage space and car park and the Council's agent was tasked with negotiating a suitable consideration for it.

Correspondence had been received from P Fitzpatrick and Son advising that a rental of £250 per month had been negotiated.

In light of the above, it was **recommended** that the Council accepts the valuation of £250 per month and permits the Company to use the area identified subject to it:

- indemnifying the Council against all claims which may result from its occupation of the area and
- reinstating the area to the satisfaction of the Council's officers.

**RESOLVED:-** (On the proposal of Councillor S Hamilton, seconded by Councillor Oswald)

**THAT** the recommendation be adopted.

(Councillor Magill left the meeting at this stage – 11.00 p.m.)

BG 3182 **Disposal of Former Caretakers Cottage at Ballyvester Cemetery**

**Subject to Contract**

***Some information within this section is considered to be exempt from publication under the Freedom of Information Act 2000, Part II, Section 40 (Personal information).***

Report dated 20 November 2008 (copy previously circulated) was tabled from the Project Officer stating that the Council previously agreed to dispose of the above and its agent was tasked with advertising the property. All those who were interested were advised of the current highest bid and following this it was reported that the highest bid was £325,000 made by , which the Council accepted.

Correspondence had now been received from the Council's agent advising that had withdrawn his bid and had now offered £275,000 for the property. The Council's agent had also contacted all the other bidders and none wished to proceed at this time.

The Council's solicitor had confirmed that no contract had been made with or had the process commenced to a stage where it could have been deemed to have been made.

The Council was under a legislative obligation to obtain the best price for any disposal it was making, except with Departmental approval, and therefore it would be unable to accept offered without first testing the market again.

In light of the above, it was **recommended** that the property is once again put on the market and the Council's agent it tasked with undertaking this.

**RESOLVED:-** (On the proposal of Councillor Ferguson, seconded by Councillor Montgomery)

**THAT** the recommendation be adopted and that the property be placed back on the open market in the new year.

**Land at Beverly**

The Project Officer informed members that he was withdrawing this item from the agenda. He stated that, despite a consultation with the legal team, there was no formal recommendation at this stage.

**NOTED.**

**Formal Appeal Results**

***Some information within this section is considered to be exempt from publication under the Freedom of Information Act 2000, Part II, Section 40 (Personal information).***

Copy report dated 26 November 2008 (copy placed before members) was tabled from the Human Resources Manager stating that further to the evaluations carried out as part of the Pay and Grading Review the following posts were heard at Formal Appeal Stage. The results were as follows:-

Post	Officer (s) name	Result at Informal Appeal	Result after Formal Appeal	Effective Date
Senior Environmental Health Officer		PO4	PO4	N/A
Building Control Surveyor		SO2	PO1	1 / 4 / 2003
Operations Manager – Works and Stores		PO1	P02	6 / 6 / 2002
Technical Supervisor – Works and Stores		SO1	S02	1 / 4 / 2003

**RESOLVED:-** (On the proposal of Alderman Shannon, seconded by Councillor Boyle)

**THAT** the report be accepted.

## **OPENING OF TENDERS**

### GREL 142 **Good Relations Audit and Strategy**

**RESOLVED:-** (On the proposal of Councillor Ferguson, seconded by Alderman Shannon)

**THAT** the tenders be opened by the Mayor and Officers after the meeting and that a report be brought back to a future meeting.

## **ANY OTHER NOTIFIED BUSINESS**

### **Minutes of Meeting of Policy & Resources Committee held on 13 November 2008**

#### **Pages 22-25 – OS 11059 – Request for Sightlines at Main Street, Kircubbin**

The Chief Executive referred to the decision taken at the above meeting, adding that in his view the recommendation to the Council was flawed. Due to his concerns he had raised the matter with the Council's solicitor who agreed.

He reminded members that when the issue had first been discussed in the Chamber on 16 October 2008 one member had declared an interest and left. However, when it was later discussed on 13 November 2008 the same member remained in the Chamber for the discussion and voted on the proposal. He stressed that under the 1972 Act it was not the duty of officers to draw a member's attention to their interest but that it was a member's responsibility. He stated that given this flaw the issue would have to be referred back to the Committee and considered again from the beginning.

One member stated that he was in receipt of a letter from Mr Fitzgerald, the individual who submitted the request, and he suggested that he should be given the opportunity to address the Council.

Another member expressed the view that the situation was being engineered to change a democratic decision.

The Chief Executive assured members that he was merely trying to protect the Council. He stated again that when the issue was first discussed the member had declared an interest and left the Chamber. He had failed to do so on the next occasion and had taken part in a recorded vote on the matter. He reiterated that it was a member's responsibility to declare an interest and leave the Chamber. He stressed that a Judicial Review was an option for the applicant if the decision was flawed.

**RESOLVED:-** (On the proposal of Alderman Shannon, seconded by Councillor Boyle)

**THAT** the Council does not accept the recommendation of the Policy and Resources Committee and refers the matter back to the Committee and requests a complete reconsideration of the application.

(Alderman Ennis left the meeting at this stage – 11.15 p.m.)

**Invitation from the Ulster Farmers Union - Gordonall Farms, Greyabbey - 1 December 2008**

**RESOLVED:-** **THAT** the invitation be noted.

CG 7906

**Saturday Markets over the Christmas Period**

Report dated 26 November 2008 (copy placed before members) was tabled from the Borough Inspector stating that a request had been received from the Newtownards Saturday Market Cooperative for permission to hold a market on Wednesday, 24 December 2008 in Conway Square, Newtownards and to cancel the Saturday market due to be held on 27 December 2008.

It had been noted that due to the holiday period the Council's Cleansing Section would not be on duty after 3:00pm on the 24<sup>th</sup> and would not resume its operations until the 27 December 2008 causing concern that the market may lead to the Square and immediate vicinity remaining in an untidy condition over the holiday period. The operators had however given an undertaking to clean the Square following the market.

In view of the above, it was **recommended** that the request is approved subject to the Square and immediate area being cleared of all litter, including the emptying of bins, and all other normal Saturday market conditions being met.

**RESOLVED:-** (On the proposal of Alderman Shannon, seconded by Councillor Carson)

**THAT** the recommendation be adopted.

CG 8483  
Pt II

**Significant Investment for Local Government Required  
Transition to Transformation**

Letter dated 28 November 2008 (copy placed before members) was tabled from NILGA seeking the Council's support and endorsement for it to be tabled to the Minister at the NILGA Full Meeting on 28 November 2008.

The letter stated that local government was committed to working with the department and wider central government to capitalise on the opportunities presented by the RPA, to seek efficiencies and improve services to citizens. Local government agreed that the appropriate way to achieve this was to focus on the transition to the 11 new councils and then to provide a longer term focus on modernisation. NILGA welcomed the new emerging partnership with the department which was facilitating genuine political leadership as well as the new guidance on transition committees and the proposed resource package to underpin the transition work which represented a substantive move forward.

However, NILGA had raised the issue of a wider resource package to support the change process consistently with Ministers, since the inception of the RPA in 2002. This issue came into sharp focus at the RPA Planning Day on 5 November 2008 which was attended by all the key leaders across the sector. Members and officers articulated their significant apprehension about the capacity to effectively implement the RPA transition phase without an appropriate funding package.

It was therefore regrettable that NILGA was writing, in the mouth of the implementation phase, to raise the significant concern across the sector regarding the lack of identified resources to support RPA.

Councils and NILGA had demonstrated their commitment to taking the RPA forward. However councils were already in difficult financial circumstances due to the ongoing issues with rates revenue and increasing delivery costs. Councils therefore had extremely limited capacity to further invest in major change and it was not tenable, nor fair, to place a further burden on ratepayers at this time of economic hardship.

Furthermore, unlike its counterparts in other regions, councils in Northern Ireland had not received additional resources to support modernisation; this was despite many central government functions receiving significant support to improve. Councils were close to communities; they were responsible, accountable and provided an essential integrating role, which could add value right across the public sector. It was therefore vital that local government was not treated as an 'after thought' in the modernisation of government. Councillors wanted to ensure services could be delivered effectively and in a modernised way and that local government had an opportunity to drive forward public services in partnership with other agencies, as in the case in neighbouring regions.

NILGA wished to reiterate that the project was initiated by central government and since its inception the commitment had always been that central government would provide the resources. An appropriate funding package which was promised and deemed necessary in the first place was therefore now essential.

The NILGA Executive members identified securing government resources to support firstly transition and then transformation as its overriding priority at the Strategic Planning Day on 14 November 2008.

NILGA therefore called on the Minister and the Executive to redress this situation as a matter of priority. As a first step it would request government urgently agrees a funding package to support the transition process, the cost of which was estimated to be in the region of £60 million by Deloitte. In the longer term, it would welcome reassurances that a further substantive investment would be provided to support the modernisation process.

While NILGA appreciated that the Executive was facing financial constraints, local government must be afforded a fair apportionment of public resources. Failure to do so would not just undermine local government, but the entire public sector as it sought to provide services in a joined-up manner, which was accountable to the communities it served. NILGA believed that failure to provide resources at this time would defeat the entire purpose of the RPA.

In closing it did not consider it acceptable, nor practicable to bring forward the RPA without providing the necessary funding.

As an indication of the strength across the sector the letter had been endorsed by 26 local authorities. NILGA hoped therefore the Minister would take the appropriate strenuous action to address the situation as a matter of priority.

The Chief Executive clarified that the finance was for Local Authorities.

One member expressed concern at the high costs associated with the RPA.

**RESOLVED:-** (On the proposal of Councillor Ferguson, seconded by Alderman Shannon)

**THAT** the Council endorses the letter as long as the finance is for Local Authorities alone.

RD 2239

### **Closure of Blair Mayne Road South**

Letter dated 24 November 2008 (copy placed before members) was tabled from the Roads Service stating that the above closure was required to facilitate service alterations and realignment of the Blair Mayne Road South in connection with the Somme Road scheme. It also enabled the site work to be carried out with greater speed and safety than would be achieved with a partial closure. To delay this work for six weeks until after Christmas would incur substantial financial penalties and add delays to the main contract work.

Roads Service was aware that the Ards Shopping Centre was in the vicinity of the road closure and site staff had discussions with the store manager to explain the details of the works and ensure that any inconvenience was kept to a minimum. All entrances and exits to and from the centre were unaffected.

The bulk of visitors to the shopping centre and Newtownards, would come from the west (Belfast/Dundonald) and the east (Newtownards/Bangor) on roads which were unaffected by the closure. Only a small number of Newtownards residents would access the shops directly from the south via Blair Mayne Road South.

Any other businesses in Newtownards would similarly be unaffected as described above and the diversion for the closure on Blair Mayne Road South was short and via good quality roads.

The nearby roadworks scheme, the Frederick Street Link, was scheduled to be opened on Monday, 24 November 2008 and would improve traffic movements in the area.

**RESOLVED:-** (On the proposal of Councillor Carson, seconded by Alderman Shannon)

**THAT** the correspondence be noted.

#### **Request to Use Council Land at Floodgates**

The Project Officer informed members that he had received a request from the contractor, acting on behalf of NI Water, who wished to transport ten to twelve tankers of raw sewage from the pumping station at Blair Mayne Road to the pumping station at Portaferry Road on a suitable Sunday in the future. The contractor was requesting to use the Council's land at the floodgates and had undertaken to restore the land and fence to the satisfaction of the Council's officers.

**RESOLVED:-** (On the proposal of Councillor Carson, seconded by Councillor Boyle)

**THAT** the Council permits NI Water to use its land at the floodgates, subject to the normal conditions.

(Alderman Gibson left the meeting at this stage – 11.24 p.m.)

CG 8483  
Pt II

**NILGA Seminar - Initiating Change - Building Strong Local  
Government - Cookstown - 28 November 2008**

**RESOLVED:-** (On the proposal of Alderman Shannon,  
seconded by Councillor Boyle)

**THAT** the conference be noted.

**THAT CONCLUDED THE BUSINESS  
(The meeting terminated at 11.25 p.m.)**