

ARDS BOROUGH COUNCIL

A meeting of the Council was held in the Boardroom, 2 Church Street, Newtownards on Wednesday, 29 April 2009 at 7.00 p.m.

PRESENT:-

In the Chair: The Mayor (Councillor Fletcher)

Aldermen: Craig
Ennis (7.05pm)
Gibson (7.05pm)
McCarthy
Shannon

Councillors: Bell (7.19pm) Magill
Boyle (7.07pm) McBriar
Carson McDowell
Drysdale McIlveen
Ferguson (7.18pm) Oswald
Gregory (7.16pm) Smyth
S Hamilton (7.06pm) Williams

In Attendance: Chief Executive, Director of Corporate Services, Director of Development, Director of Environmental Services, Borough Inspector, Project Officer, Public Relations Officer & Senior Committee Administrator

Apologies: Councillors Elliot, T Hamilton & Montgomery
Director of Leisure Services
Councillors Bell, Ferguson & Gregory (for lateness)

(Aldermen Ennis & Gibson entered the meeting at this stage 7.05 p.m. followed by Councillor S Hamilton at 7.06 p.m.)

BIBLE READING & PRAYER

The Mayor opened the meeting with the reading of a passage of Scripture (Luke Chapter 11 Verses 5 to 10) and followed by a Prayer.

MINUTES OF MEETING OF 25 MARCH 2009

Minutes of Meeting of 25 March 2009 (copy previously circulated) were tabled.

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

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

CG 4068

MAYOR'S BUSINESS**Concert of Band & Dance – Ards Leisure Centre – 22 May 2009**

The Mayor notified members of the above event. Tickets were available from Susan Senior, Administrator Co-ordinator, at a cost of £10 each with all proceeds going to the charity, Combat Stress.

(Councillor Boyle entered the meeting at this stage – 7.07 p.m.)

One member rose to encourage everyone to support the event. He stated that the organiser was an ex-service person who had lost her eye sight. Despite her impairment she worked tirelessly for the charity. He suggested that if members were not keen to attend the event that they make a donation.

NOTED.

MINUTES OF MEETING OF TRANSITION COMMITTEE HELD ON 5 MARCH 2009 (Appendix I)

Minutes of Meeting of Transition Committee held on 5 March 2009 (copy previously circulated) were tabled.

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

THAT the minutes be adopted.

**MINUTES OF SPECIAL MEETING OF COUNCIL
SERVICES COMMITTEE HELD ON 1 APRIL 2009**

(Appendix II)

Minutes of Special Meeting of Council Services Committee held on 1 April 2009 (copy previously circulated) were tabled.

Pages 1-12 – CG 9046D – Standalone Stadium at Portaferry Road, Newtownards (incorporating redevelopment of Londonderry Park)

Alderman Shannon proposed, seconded by Councillor Oswald, that the Council initiates a meeting with the relevant stakeholders to advise of the proposed development at Londonderry Park.

The proposer reminded everyone that the project embraced more than the provision of a stadium. It was aimed at establishing a centre of excellence for a number of sports and would be the subject of a grant application (up to 90% of total costs) in due course. The project included:-

- 2 x 3G Soccer pitches
- 1 x Sand filled hockey pitch
- 1 x New cricket square
- 1 x 70m x 30m Training area
- Improvements to grass pitch no 5
- Improved floodlighting (500 Lux)
- Additional car parking

Continuing, he explained that the facilities would meet the needs of intermediate football, however match officials' facilities would be future proofed, for senior football. It was noted that the pitches would be available for all clubs throughout the Borough.

(Councillor Gregory entered the meeting at this stage – 7.16 p.m.)

The member also referred to the other decisions within the minutes to provide a community centre in the East End of the town and a community house in the Scrabo Estate. Consideration was also being given to enhancing Comber Leisure Centre.

The seconder thanked the Director of Leisure Services and Strategic Leisure for their efforts to date. He stated however that as the Council entered Phase Two of the project the clubs had to commit to the scheme.

(Councillor Ferguson entered the meeting at this stage - 7.18 p.m.)

One member urged caution that the Council must be clear the scheme was depended on the success of the grant application.

The Chief Executive responded that if the Council was not successful in its grant application it would have to raise loans.

(Councillor Bell entered the meeting at this stage – 7.19 p.m.)

The member stated that this would result in an additional cost to the ratepayer. He added that he felt it was wrong to suggest that the project would be completed by next year, adding that the process could be a lengthy one.

A number of members rose to welcome the proposal, stressing the importance of engagement with stakeholders, and progressing the scheme, particularly in light of the RPA in 2011. Members believed the scheme would be a Centre of Sporting Excellence with many sports played there. It was noted that a gymnastics facility was also to be provided on site.

In response to a query, the Chief Executive confirmed that third generation pitches met IFA standards, adding that senior football could be accommodated at additional cost. He stressed that the surface would suit senior football.

A further member expressed the view that the Council should have assisted Ards FC a number of years earlier. He referred to the RPA and queried the timescale for works, adding that he would be keen for works to proceed as soon as possible.

The Chief Executive confirmed that the Director of Leisure Service had met with Architects and that plans were likely to be completed within two weeks. He stressed that the decision of the Committee was to prepare a funding bid to submit as soon as the funding opened later in the year.

It was agreed, on the proposal of Alderman Shannon, seconded by Councillor Oswald, with 19 voting For and nil voting Against, that the Council initiates a meeting with the relevant stakeholders to advise of the proposed development at Londonderry Park.

Alderman McCarthy having requested a Recorded Vote, the voting was as follows:-

FOR	AGAINST
Aldermen	
Craig	
Ennis	
Gibson	
McCarthy	
Shannon	
Councillors	
Bell	
Boyle	
Drysdale	
Ferguson	
Fletcher	
Gregory	
S Hamilton	
Magill	
McBriar	
McDowell	
McIlveen	
Oswald	
Smyth	
Williams	

(Councillor Carson was absent from the Chamber at the time of voting)

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

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

MINUTES OF MEETING OF EXTERNAL AFFAIRS & PLANNING COMMITTEE HELD ON 15 APRIL 2009

(Appendix III)

Minutes of Meeting of External Affairs & Planning Committee held on 15 April 2009 (copy previously circulated) were tabled.

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

THAT the minutes be adopted.

**MINUTES OF MEETING OF POLICY & RESOURCES
COMMITTEE HELD ON 16 APRIL 2009** (Appendix IV)

Minutes of Meeting of Policy & Resources Committee held on 16 April 2009 (copy previously circulated) were tabled.

Page 25 - BG 3182 - Former Caretakers Cottage at Ballyvester Cemetery - Subject to Contract

It was agreed, on the proposal of Alderman Gibson, seconded by Councillor Smyth, that the above item be deferred into committee.

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

THAT the minutes be adopted, subject to the above.

**MINUTES OF MEETING OF COUNCIL SERVICES
COMMITTEE HELD ON 21 APRIL 2009** (Appendix V)

Minutes of Meeting of Council Services Committee held on 21 April 2009 (copy previously circulated) were tabled.

Page 8 – Environmental Health Report – Swine Flu

One member requested an update in respect of the above and asked what measures the Council was taking.

The Director of Environmental Services explained that ultimately the Minister for Health, Michael McGimpsey, along with the Department of Health and the Health Authorities, were responsible for containing the virus. He stated that Council staff had been involved in meetings with Public Health Agencies and helpline details had been placed on the Council's website.

Continuing, he reported that the Council had issued a special Team Brief stating that if employees had travelled to the affected area in recent times, and were experiencing flu like symptoms, they should remain at home and seek medical assistance. He stressed that guidance was to be issued to all homes by the Department of Health.

He informed members that although the death toll in Mexico had reached 159, only approximately 25 of those individuals had confirmed cases of Swine Flu. He stressed the importance of good personal hygiene, adding that alcohol based cleansing materials were to be provided for Council staff.

He explained to members that a pandemic of Swine Flu could affect the Council's own activities, as it could result in increased absence, which would affect the provision of key services such as burials, waste collection, etc.

A number of members rose to urge caution that the Council did not 'scaremonger' and suggested that the public be informed the Council was taking all necessary steps in regard to the virus. It was also suggested that members should ensure they had correct information in regard to the virus to address questions from the public.

NOTED.

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

THAT the minutes be adopted.

TRANSFER OF RIGHTS OF BURIAL

The following transfer applications were received:-

	Name	Transferred to	Cemetery	Section	No
BG 13126	R J Kerr (dec'd)	R Jordan	Movilla	49	21
BG 13127	M A Donnan (dec'd)	R Donnan	Kirkistown	29	1&2

BG 13138	Joan Kelly (dec'd)	Joanne Kelly	Movilla	58	6
BG 13139	Joan Kelly (dec'd)	Joanne Kelly	Movilla	58	7
BG 13142	J M Clarke	S J Clarke	Movilla	34	1&2
BG 13143	J M Clarke	S Clarke	Movilla	34	3&4
BG 13144	E Smyth (dec'd)	E Smyth	Movilla	17	57
BG 13150	E Magowan (dec'd)	E Patterson	Comber	6	244
BG 13152	J Acton (dec'd)	K Acton	Movilla	18	93
BG 13163	S Catney (dec'd)	J Catney	Movilla	55	266
BG 13164	L G Elliot (dec'd)	W Elliot	Greyabbey	5	13
BG 13169	W H McDonald (dec'd)	F Murphy	Movilla	35	15&16
BG 13170	C Boyd (dec'd)	H Kane	Comber	17	170&171
BG 13173	M Campbell	D Hollinger	Movilla	54	149
BG 13174	D Hollinger	M Campbell	Movilla	54	128
BG 13175	J Calvert (dec'd)	R Calvert	Comber	18	143

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

THAT the Transfers be approved.

SEALING DOCUMENTS

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

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

Grant of Right of Burial Nos. 10249 - 10292

Duplicate Grants of Right of Burial No. 7299, 7300, 7301, 7302 & 7303, 7304, 7305, 7306, 7307 & 7308

BG 10306 - Licence - DARD & Ards Borough Council - For the Construction of Road Works at Ballygowan Road, Comber

CONSULTATION DOCUMENT

CG 10523 **Draft Fire Safety Regulations (NI) 2009** (Comments to be submitted no later than 8 May 2009)

Report dated 22 April 2009 (copy previously circulated) was tabled from the Borough Inspector stating that correspondence had been received from the Department of Health, Social Services and Public Safety seeking comments on the above.

The Proposals

The paper reported that existing fire safety legislation had developed in a piecemeal fashion over the years, with the result that it was scattered over many pieces of legislation causing confusion and adversely impacting on compliance. The new regulations sought to simplify existing fire safety legislation and reinforce the modern risk-based approach to fire prevention.

The objectives of the regulations were to contribute to the overall aim of reducing avoidable fires and consequently death, injury and loss of property by:

- Creating a single regime applying to all premises, with the exception of private dwellings

- Creating a regime clearly based on risk assessment and fire mitigation measures; and
- Ensuring that fire safety facilities and equipment were maintained.

In essence the new approach would replace the present system of fire certification for non-domestic premises with a requirement for those with responsibilities for premises to assess the risk of fire and ensure that fire safety standards were met.

In order to assist duty holders to comply with their duties the Department had indicated that it would issue a series of guidance documents examining general fire safety duties and legislation while also providing more sector specific guidance.

Comments

The Fire Safety Panel for NI had examined the proposals and commented as follows:-

- *The 'statutory bar' should be retained, where buildings were constructed in accordance with the Building Regulations to the satisfaction of Building Control, to prevent any action against the owners/developers by the NIFRS. The 'statutory bar' was introduced to ensure a conflict between two separate enforcing authorities would not occur; it was critical to ensure it was retained. Removal could result in confusion, duplication and potentially unnecessary abortive work being required of applicants*
- *The supporting Guidance Documents were not yet available; it was not therefore possible, through that consultation exercise to comment on the specific impact of this legislation for small and medium enterprises. A further consultation exercise should be undertaken when the Guidance Documents were available in draft.*
- *Art. 13 (relating to means of escape) was inappropriate. It was outdated and prescriptive. Building Regulations and other Fire Safety guidance documents in this jurisdiction had been in a functional format since 1994. It was not legitimate to have two differing and conflicting standards applicable to the same project. The requirements for 'means of escape' in Art. 13 should accurately mirror the functional standards cited in Regulation E2 of the Northern Ireland Building Regulations.*

- *Local Councils were the Licensing Authority with responsibility for the issuing and administration of various licenses in a range of premises, including those where public entertainment was held, or where amusement was provided. This proposal was unacceptable, in that, it duplicated responsibility for those premises. Local Councils had highly skilled and experienced staff who undertook this work. This included unannounced inspections to ensure the licence conditions (in relation to a full range of matters, including fire safety) were being adhered to. We would be strongly opposed to any repetition, duplication or dilution of the quality service currently being delivered locally through the District Councils.*
- *It was misleading and inaccurate within the commentary to the draft regulations to suggest the proposal would “create a single regime applying to all premises”. This was clearly not the case. Local Councils, through their Building Control staff were the lead authority in relation to fire safety design and construction of the built environment. Through our Environmental Health service and our Licensing Officers, Councils had a key role in protecting the welfare of the public within certain types of premises. There were many other agencies including the RQIA, HSE, NITB which played a critical role in protecting the safety of the public in relation to fire safety. Insufficient consideration had been given to responsibilities, and interaction of the various bodies.*
- *Meaningful workshops were required with all of the relevant agencies as part of this consultation exercise to determine how the regulations needed to be adapted to suit the Northern Ireland context, as this was very different to the Scottish legislative framework. Failure to do so could result in conflicts, wasteful duplication, confusion amongst the business sector and ultimately a reduction in the level of fire safety in some types of premises.*
- *The Governments ‘Hampton Report’, confirmed there should not be duplication of inspection. Licensing Authorities should retain full responsibility for the premises within their remit.*
- *It had not been demonstrated that the additional burden imposed by these regulations were justifiable. The incidence of injuries to firefighters must be balanced against the additional burden to landlords, both in the private rented sector and in social housing providers. It was unclear how this was to be enforced. The Council would support the measures, where it evidenced that it would benefit the life safety of occupants or that it made a*

meaningful and necessary contribution to the safety of firefighters. This had not been demonstrated.

- *It is not possible to fully understand the standards or implications which would be applied by the enforcing authority (NIFRS) until the Guidance Notes had been made available for comment.*
- *The Regulations failed to address the issue of fatalities caused by fire. Statistics from Fires in Northern Ireland consistently demonstrated the vast majority of deaths occurred in private dwellings. The regulations did not address this issue.*
- *The Council did not accept that self regulation, with interim spot inspection in relation to Fire Safety, offered its citizens the equivalent level of safety as was previously the case when the NIFRS certified key public buildings annually.*

It was **recommended** that the Council comments as follows, namely that it;

1. Supports the aim of simplifying the legislative framework around fire safety in order to enhance compliance with important fire safety requirements.
2. That it supports the views' of the Fire Safety Panel for NI and responds accordingly.

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

THAT the recommendation be adopted.

LX 82

NOMINATION OF MAYOR 2009-10

Alderman Shannon proposed, seconded by Councillor Smyth, that Councillor Montgomery be nominated Mayor for 2009-10.

The proposer stated that Councillor Montgomery had served the Borough well over the years and had been a loyal member of the DUP during that time. He added that Councillor Montgomery was well respected and enjoyed a vast knowledge of historical issues relating to the Borough.

The seconder stated that he had first met Councillor Montgomery when he joined the Council, adding that he was one of the finest gentlemen he had the privilege of knowing.

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

THAT Councillor Montgomery be nominated
Mayor for 2009-10.

CONFERENCES, INVITATIONS, ETC.

ST 11131 **Planters in the Valley Conference - The Plantation in Ulster 400
Years On - The Valley Hotel, Fivemiletown - 22-23 May 2009**

Conference Fee £25 + mileage £90 + accommodation £60 = Total
Approximate Costs £175

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

THAT Councillors Bell and Drysdale be
nominated to attend.

GREL 50 **Fundraising May Ball in Aid of The Link - Clandeboye Lodge
Hotel - 15 May 2009**

Alderman Craig proposed, seconded by Councillor Williams, that
instead of sending a group of members to the Ball, the Council
makes a donation to The Link of £300 (equivalent to taking six
seats), subject to the relevant finance being available and the funds
being expended in the Borough. Further that the Mayor and
Mayoress be nominated to attend, if available.

The proposer stated that she would prefer a donation to be made
as The Link would then receive the full amount, rather than a
percentage of the ticket price.

A further member stated that he had attended the AGM of The Link,
along with other members, the previous evening, adding that the
staff worked tirelessly and did a fantastic job.

Another member stated that The Link had dealt with many issues
within the Borough and ensured that those who needed help
received it.

(Alderman McCarthy left the meeting at this stage – 8.07 p.m.)

RESOLVED:- (On the proposal of Alderman Craig,
seconded by Councillor Williams)

THAT instead of sending a group of members to the Ball, the Council makes a donation to The Link of £300 (equivalent to taking six seats), subject to the relevant finance being available and the funds being expended in the Borough. Further that the Mayor and Mayoress be nominated to attend, if available.

CORRESPONDENCE

The following items of Correspondence were tabled:-

DPP 3 Pt II DPP News - Dealing with Domestic Abuse

NILGA Press Release - Planning Reform (Copy placed before members)

Holocaust Memorial Day Trust Commemorative Book 2009

NILGA News March 2009 (Copy placed before members)

T S Bulwark Newsletter - March 2009 (Copy placed before members)

CG 10587 Northern Ireland Audit Office - The Investigation of Suspected Contract Fraud

LX 150
Pt II SEELB Seeks School Governors

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

THAT the correspondence be noted.

ANY OTHER NOTIFIED BUSINESSCG 3918
Part IV**Launch of South Eastern Health & Social Care Trust Public & Personal Involvement Plan - Downpatrick - 20 May 2009 at 11.00 a.m.**

RESOLVED:- **THAT** the following members be nominated to attend:-

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

Councillor Drysdale

(On the proposal of Councillor Smyth,
seconded by Councillor McBriar)

Councillor Carson

CG 3907

Boundary Commission Proposals - Map of Ward Boundaries

Report dated 22 April 2009 (copy placed before members) was tabled from the Principal Administrative Officer stating that, at the meeting of the Policy & Resources Committee on 12 March 2009, it was agreed to request a simple map from the Local Government Boundaries Commissioner detailing the ward boundaries within the new North Down & Ards Council area.

The writer had subsequently contacted the Commissioner and received a response that the Commission had nothing which it believed would meet the Council's needs. It recommended the use of the interactive mapping system on its website:-

www.lgbc-ni.org/index/maps-interactive.htm

Having attempted to access the above system, both the writer and the Council's Technical Assistant found it difficult to enter and navigate, and they found nothing which could be described as a simple ward boundary map.

A copy of the boundary maps which were included in the Review of Northern Ireland Local Government Boundaries Revised Recommendations Report were therefore attached. These had been reduced to A4 format for convenience and ease of reference.

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

THAT the Council writes to the Local Government Boundaries Commissioner expressing concern that the Interactive Mapping System on its website is difficult to enter and navigate and did not allow it to avail of the required information.

INTO COMMITTEE

It was agreed, on the proposal of Councillor Smyth, seconded by Councillor Oswald, that the Council goes **“Into Committee”** at this stage of the meeting.

(Councillors McBriar, McDowell & McIlveen declared an interest in Ards Business Centre and left the Chamber – 8.15 p.m.)

Minutes of Meeting of Development Committee held on 21 April 2009 (Appendix VI)

Minutes of Meeting of Development Committee held on 21 April 2009 (copy previously circulated) were tabled.

Complimentary Tickets – Game Fair, Ballywalter

The Director of Development informed members that he had received 18 complimentary tickets to the Game Fair due to take place on 2&3 May 2009. The tickets would be distributed on a first come first served basis.

NOTED.

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

THAT the minutes be adopted.

CG 8541
A10

British Armed Forces Day (Referred from Meeting of Policy & Resources Committee held on 16 April 2009)

Report dated 17 April 2009 (copy previously circulated) was tabled from the Project Officer stating that at the meeting of the Policy and Resources Committee held in April 2009 a request to fly the 'Armed Forces Day Flag' was discussed. This was a Government sponsored initiative. It had been agreed to defer this request until some further clarification had been obtained.

A special flag had been commissioned for the event, as shown below.



It had been requested that the flag be raised at 10.30 am on Monday, 22 June and flown until Saturday, 27 June, which was the actual date of Armed Forces Day. The flag was basically a variation of the Union Flag.

As members were advised, the Council's current policy on the flying of flags did not allow for variations to the policy. However, in 2008 another Government initiative saw a request for a specially commissioned flag to be flown on 24th August when the Olympic Flag was handed to the Mayor of London. At that time the Council agreed, that as the request was to fly the Olympic flag for a two hour period on the specific date, that it should take part in the United Kingdom wide event and fly the Olympic Flag at Conway Square.

At that time a legal opinion was also sought on the proposal which clearly stated the Council's decision was outside the policy it had created following legal advice from an eminent QC and consultation with the Chief Commissioner of the Equality Commission.

At that time the writer had also contacted Mr Oakes of the Equality Commission who said that he had been approached by a number of local authorities about the same issue. He stated that this was different to a normal request to fly a flag as the Olympic campaign was fully supported by the British Government, and was in essence, a Government request. He added that as the Council Headquarters would be closed on the day in question, no staff would be in attendance and no services would be provided. He also stated that a full Equality Impact Assessment could only be carried out after the fact and would be considered a waste of public resources.

The Chief Executive had also reminded members of the case law on the matter prior to the decision being made.

In 2008 the Olympic flag was to be flown for two hours on a specific date. For the Armed Forces Day, the request was to fly the specially designed flag for six consecutive days. If the Council agreed to this, it could leave itself open to a challenge of its existing policy being upheld by the Equality Commission.

The report concluded that Council might feel that because of the type and nature of the Government request it should step outside its policy and fly the flag. However, if the Council was minded to do this it may be more appropriate to fly the flag on Armed Forces Day (Saturday, 27 June) only.

A decision on the request was now required.

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

THAT the Council flies the specially commissioned flag on Armed Forces Day only (Saturday, 27 June 2009).

(Councillor Williams left the meeting at this stage – 8.17 p.m.)

OS 11358 Request to Use War Memorial in Newtownards by LOL 1952

Report dated 23 April 2009 (copy previously circulated) was tabled from the Project Officer stating that the Council had received a request from Mr D Beattie on behalf of the above lodge seeking permission to hold a remembrance ceremony at the War memorial on Friday, 8 May 2009 as part of a VE parade. As well as using the facility Mr Beattie had request that a bollard was removed to enable him to set up a sound system for the ceremony.

The Director of Leisure Services had been consulted and had no objections subject to the normal conditions being applicable.

In light of the above, it was **recommended** that the Council accedes to the request subject to the organisers agreeing to:

1. indemnify the Council against all claims which may result from the use of its facilities,
2. collect and subsequently remove all litter and other debris from the area once the event has concluded, however, should the Council have to do any additional cleaning the costs will be recovered from the organisers and
3. confirm that any damage that may arise from use of the area should be made good to the satisfaction of the Council's officers.

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

THAT the recommendation be adopted.

OS 11357 Request to Erect a Fence at Manor Community Centre, Newtownards

Report dated 23 April 2009 (copy previously circulated) was tabled from the Project Officer stating that the Council had received a request from the office bearers of Playcentre, who ran a play group at the above location, seeking permission to erect a fence around the play area at the Community Centre. It was believed that funding would be available for this and other pieces of play equipment.

The Director of Leisure Services had been consulted and had no objections subject to appropriate conditions being stipulated.

It was envisaged that the fence to be erected would be approximately two meters high and this may lead to complaints being received from local residents. It was also believed that a fence of this nature may be subject to vandalism and graffiti being painted on it because of its location.

In light of the above, it was **recommended** that the Council accedes to the erection of the fence and the provision of the additional equipment, subject to the members of the Playcentre agreeing:

- that the fence, if erected, remains in their ownership and all costs associated with it are to be borne by the group,
- that the fence is to be kept in a good state of repair and that all requests received from the Council to carry out repairs to it must be completed within two weeks of being received,
- the type and nature of the fence with the Council's officers prior to it being erected,
- that the Council is to be indemnified against all claims that may result from the installation and continuing use of the fence and the new play equipment and
- that the group will remove the fence, within one month, of receiving a written request from the Council to do so or if the group ceases to exist or vacates the Centre.

Alderman Shannon proposed, seconded by Councillor Smyth, that the recommendation be adopted.

The Project Officer confirmed that funding had been secured from the Eastern Childcare Partnership for the works. (One member asked to be furnished with information on the group as other nurseries may be able to apply for funding).

(Councillors McBriar, McDowell & McIlveen re-entered the meeting – 8.20 p.m.)

A discussion ensued on the height and nature of the proposed fence. The Chief Executive stated that a large solid metal boundary had been suggested but that planning permission would not be required as the fence was to be 2 metres in height. It was noted that such a fence could be subject to graffiti.

(The seconder, Councillor Smyth, withdrew his name as seconder)

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

The Project Officer explained the type of fence had not yet been agreed and he acknowledged that solid fencing may not be suitable. It was noted that the organisation had suggested a palisade fence.

One member suggested a mesh fence while another stressed the need for the organisation to conform to Health and Safety and Child Protection legislation.

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

THAT the recommendation be adopted.

OS 11348 **Request to Use Kirkistown Cemetery Car Park**

Report dated 23 April 2009 (copy previously circulated) was tabled from the Project Officer stating that the Council had received a request from Mrs S Birch on behalf of the 'Fundraising Forum' of Cloughey Presbyterian Church. Mrs Birch had advised that the Forum was hosting a 'Flower Festival' on Saturday, 2 May and wished to use the entrance road to Kirkistown Cemetery as an overflow car park for buses.

The Director of Leisure Services and the writer had visited the area and as the event was planned for the afternoon it was not envisaged it would disrupt any funerals that may be taking place. However, if the road was blocked by a bus it could stop people who had planned to visit the cemetery. In light of this it was believed the cemetery car park should be made available as an overflow facility as it could accommodate the needs of those visiting the cemetery and the buses that would be required to park there.

Taking into account the request, it was **recommended** that the car park at Kirkistown Cemetery be used as an overflow car park for parking buses.

One member stressed the need for controlled parking as the cemetery was extremely busy during weekend periods.

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

THAT the recommendation be adopted,
subject to controlled parking.

OS 7984 **Report on Site Meeting held at Open Space, Ballystockart**

Report dated 23 April 2009 (copy previously circulated) was tabled from the Project Officer stating that at the last meeting of the Council it had been agreed to hold a site meeting at the above location to consider the request made by TG Eakin Ltd. The meeting was held on 23 April 2009 at 11.00 am.

Present: Councillors Carson, Drysdale, Fletcher and Oswald

In attendance: Chief Executive, Project Officer, Technical Officer and Assistant Technical Officer

Apologies: Aldermen Craig, Gibson and Shannon,
Councillors S Hamilton and McIlveen

Members had been reminded of the request from the Company which stated that it required the whole of the area for its development needs. The concerns of the residents had also been discussed. It had been believed that the Council should try and accommodate the needs of both groups and a variety of options were mooted.

After some further discussion, it had been agreed to **recommend** that the Council should open dialogue with the Company by offering the portion of the site as shown hatched red on the plan furnished to members. If this was accepted the Council would retain a fifteen metre strip of the site. It had also been **recommended** that the Chief Executive should enter more detailed negotiations with Mr Eakin and report back in due course.

Alderman Craig proposed, seconded by Alderman Ennis, that the Council did not accept the recommendation and that the status quo remain.

The proposer stated that over the years Eakins had continually advised the Council, after each successful planning application, that it would not be expanding any further, and yet the company was once again seeking land for expansion.

She referred to the legacy projects ongoing throughout the Borough, adding that it was not acceptable to leave the residents of Ballystockart with a 15 metre strip of open space. She claimed the open space was heavily used by adults and children alike, stressing that open space was needed in the area.

Continuing, she reminded everyone that the company owned two acres of land at Jubilee Road. It was noted that Mr Eakin had referred to this during a recent presentation to the Council, claiming that it was bog land. The member stated that all the land in that area had been reclaimed and that despite it being poor, many factories had been built in the area. She suggested that Mr Eakin should be developing that site, rather than expanding at Ballystockart.

She also referred to a recent press article in which Mr Eakin 'threatened' that if he could not expand he may relocate his business to Wales. Mr Eakin had also emailed all members stating that while his land in Wales was 'land locked' the Welsh Assembly would assist him in addressing that issue.

The seconder expressed the view that the residents of Ballystockart were being treated unfairly, with the proposed removal of their open space. He also referred to the press article stating that he had taken exception to what he believed to be threats. He stated that he had also received a letter the previous week from an employee of Eakins.

A further member stated that he had attended the site meeting and that the mood of the meeting had been to accommodate the residents, by obtaining alternative open space, perhaps by vesting. He also believed the residents should be protected and he voiced concern about the issue of amenity space and overshadowing. He suggested that if alternative open space was secured it could be landscaped and developed.

The next speaker referred to the lack of industrial land in the Comber area, adding that the employment was much needed.

The Chief Executive acknowledged that members had struggled to reach a conclusion at the site meeting. He explained that the retention of the 15 metre strip would provide a buffer between the factory and the houses and that alternative open space would be secured for the residents. The alternative land was agricultural and would therefore be cheaper than land zoned for industrial use. In addition, efforts would be made to retain the land owned by the Housing Executive. He suggested that officers be permitted to enter into discussions with Mr Eakin, in an attempt to progress the matter, adding that alternative open space would be sourced for the residents.

Councillor S Hamilton proposed an amendment, seconded by Councillor Oswald, that the Council enters into detailed discussions with Mr Eakin with the aim of finding an accommodation of use, specifically addressing the need for open space in Ballystockart and the potential overshadowing of adjacent properties.

The proposer of the amendment acknowledged the comments of the other members, however he expressed the view that if discussions commenced with the current proposal, the company would secure, at the very least, the portion of land indicated on the map, which was 0.72 acres in size. He also queried Mr Eakin's intentions for the site, as to date he had not furnished the Council with that information. He also referred to the NIHE land, which Mr Eakin was trying to secure for the provision of a car park. He stressed that it was not appropriate for residents to have a view of a large factory and car park. He stated that the issue was complicated, particularly as the land was in mixed ownership.

The seconder of the amendment suggested that the Chief Executive and the Director of Development should be given some flexibility to enter into discussions with Mr Eakin. He expressed the view that it could be a 'win win' situation for all, with the Council selling its land but seeking alternative open space for the residents.

A number of members rose to support the amendment and the view was expressed that the Council needed to secure the land from the Housing Executive in the first instance.

In responding to the amendment, Alderman Craig stated that she was disappointed but not surprised by the comments of members. She acknowledged that they were keen to retain employment within the Borough, however highlighted that Mr Eakin owned land at Jubilee Road on which he could expand.

Continuing, she stated that she was happy with the content of the amendment, and was therefore willing to withdraw her proposal on the proviso that discussions with Mr Eakin addressed issues such as the need for open space in Ballystockart. She was also keen for the issue of the proposed car park to be addressed and asked that no promises be made to Mr Eakin regarding the sale of land, until the Council had secured alternative open space.

The Chief Executive responded that under the Local Government Act 1972 officers could not make agreements in respect of the disposal of land. He added that officers merely negotiated on the Council's behalf but ultimately the Council took all decisions.

The seconder agreed to withdraw the proposal.

It was **AGREED THAT** the amendment then become the proposal.

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

THAT the Council enters into detailed discussions with Mr Eakin with the aim of finding an accommodation of use, specifically addressing the need for open space in Ballystockart and the potential overshadowing of adjacent properties.

(Councillors Magill & Smyth left the meeting at this stage – 9.07 p.m.)

CG 10151 **Financial Assistance - Kestrel Trampoline Club**

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 23 April 2009 (copy previously circulated) was tabled from the Director of Leisure Services stating that the Council had previously agreed that financial assistance would be awarded to and who would be representing Northern Ireland in the Frivolten Cup, to be contested in Sweden during May of this year.

The above named could not now take part and were being replaced by and .

As both participants were residents of the Borough it was **recommended** that the financial assistance previously approved (£120 in each case) be transferred accordingly.

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

THAT the recommendation be adopted.

Request for Secondment

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 29 April 2009 (copy previously circulated) was tabled from the Human Resources Manager stating that was currently employed on a permanent contract as a Filing Clerk in the Chief Executive's section. In March 2009, she was offered the post of Development Services Co-ordinator on a fixed term basis until March 2010.

had requested that she be granted approval for a secondment from her current post to the post of Development Services Co-ordinator until March 2010.

In light of the above, it was **recommended** that the request for secondment until March 2010 from the permanent post of Filing Clerk to the fixed term post of Development Services Co-ordinator be approved.

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

THAT the recommendation be adopted.

REPORT ON TENDERS

OS 7601A **Construction of Carrowdore Community Centre**

Report dated 28 April 2009 (copy previously circulated) was tabled from the Project Officer. A copy of the report from the Council's architects and quantity surveyors on the tenders received was also furnished to members.

Members were informed that T & A Kernoghan Ltd had submitted the lowest tender price and the Council's architects had recommended that it should be accepted. This company was currently building the new community facility in Donaghadee and to date no issues had been identified with its work.

The Council had acquired the land where the new facility was planned in Carrowdore in 1999 from the Northern Ireland Housing Executive. At that time a burden was recorded on the folio but no copy of the actual working was retained with the Council's title documents. The Council's solicitor had requested a copy of the wording of the burden from Land Registry. It would however take approximately two weeks for this to be received.

In light of the above, it was **recommended** that the Council awards the tender to T & A Kernoghan Ltd for the construction of the new community centre at a cost of £893,700, subject to no legal impediment being identified on the site.

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

THAT the recommendation be adopted.

MINUTES OF MEETING OF POLICY & RESOURCES COMMITTEE HELD ON 16 APRIL 2009

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).

Page 25 - BG 3182 - Former Caretakers Cottage at Ballyvester Cemetery - Subject to Contract

The Project Officer informed members that the proposed purchaser, had indicated that he could not raise the finance to purchase the above property, until he disposed of other properties himself.

It was **recommended** that the Council notes the offer but keeps the property on the open market awaiting new or higher bids until the proposed purchaser was in a position to complete.

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

THAT the recommendation be adopted.

**THAT CONCLUDED THE BUSINESS
(The meeting terminated at 9.10 p.m.)**