Dear Sir/Madam

You are hereby invited to attend a meeting of the Ards and North Down Borough Council which will be held in the Council Chamber, Town Hall, The Castle, Bangor on Wednesday, 27 February 2019 commencing at 7.00pm.

Yours faithfully

Stephen Reid
Chief Executive
Ards and North Down Borough Council

AGENDA

1. Prayer
2. Apologies
3. Declarations of Interest
4. Mayor’s Business
5. Mayor and Deputy Mayor Engagements for the Month (To be tabled)
6. Minutes of Meeting of Council dated 30 January 2019 (Copy attached)
7. Minutes of Committees (Copies attached)
   7.1. Planning Committee dated 5 February 2019
   7.2. Environment Committee dated 6 February 2019
   7.3. Regeneration and Development Committee dated 7 February 2019
   7.4. Special Council dated 12 February 2019
   7.5. Corporate Services Committee dated 12 February 2019
   7.6. Community and Wellbeing Committee dated 13 February 2019
8. Request for Deputation
   8.1 Youth Council (Correspondence attached)
9. Resolution

9.1. Public Enquiry in Relation to Ill Treatment of Patients at Muckamore Abbey
(Copy correspondence from Lisburn and Castlereagh City Council attached)

10. Courses/Invitations etc.

10.1. IMTAC NI – Invitation to meetings to discuss Transport and Travel issues
which affect Older and Disabled People (Copy correspondence attached)

11. Consultation Documents

11.1. Management of Minors’ and Patients’ Funds – Response to be submitted
no later than 8 May 2019 (Copy correspondence from DoJ attached)

11.2. Department of Agriculture, Environment and Rural Affairs – Stakeholder
Engagement - Higher Education Tuition Fees at the College of Agriculture,
Food and Rural Enterprise (CAFRE) – Response to be submitted no later
than 12 April 2019 (Copy correspondence from DAERA attached)

11.3. Department of Justice – Review of the Law on Child Sexual Exploitation –
Responses to be submitted by 16 April 2019 (Correspondence from DOJ
attached)

12. Sealing Documents

13. Transfer of Rights of Burial

14. Notices of Motion

14.1. Notice of Motion submitted by Councillor Chambers and Alderman Henry

After the recent, and tragic, loss of life of a pedestrian in a road traffic collision
at the Windmill Road junction with the Donaghadee Road in Bangor, we call
on Ards and North Down Borough Council to write to the Permanent Secretary
of the Department of Infrastructure requesting that the Department makes the
provision of a controlled crossing at this location an immediate priority.

14.2. Notice of Motion submitted by Alderman Smith and Alderman Henry

Following the recent revelations of ill treatment of patient at the Muckamore
Abbey Hospital this Council calls on the Department of Health to hold a public
enquiry. If a decision cannot be made in the absence of a Minister this
Council calls on the Secretary of State to step in and authorise such an
enquiry.

14.3. Notice of Motion submitted by Alderman Fletcher and Councillor Smart

That this Council writes to DfC requesting the signage on the approach road
to Scrabo Tower to indicate car parking and the path to the Tower be made
more obvious for the information of visitors unfamiliar to the area.
14.4. Notice of Motion submitted by Councillor Cathcart

That this Council expresses its deep concern regarding pedestrian safety at the Donaghadee Road/Windmill Road junction, Bangor, a concern that has been shared by local residents for many years. The Council accordingly writes to the DfI Roads Southern Divisional Manager and the DfI Permanent Secretary requesting an urgent review of this junction with a view to the installation of a pedestrian crossing.

14.5. Notice of Motion submitted by Councillor Cooper

That this Council continually provides two portable toilets for the annual Goldsprings True Defenders Flute Band in Comber, to ensure cross community harmonisation and provide adequate public access to toiletry facilities.

14.6. Notice of Motion submitted by Councillor Woods and Councillor McKee

That this council does not consent, and never will, to the hosting of any geological disposal facility in our council area or in any part of Northern Ireland. It writes to the Minister for Business, Energy and Industrial Strategy stating the above.

14.7. Notice of Motion submitted by Councillor Boyle

This council notes with great concern the conclusions made from the National Geological screening for a Geological disposal Facility by Radioactive Waste Management which suggests areas in Northern Ireland might be suitable for a GDF.

Further agrees to write to the Minister for Business, Energy and Industrial Strategy the Rt Hon Greg Clark (or equivalent) stating the position of Ards and North Down Council as not consenting to hosting such a Geological Disposal Facility in our Council area, neighbouring Council area or any part of Northern Ireland.

14.8. Notice of Motion submitted by Councillor Smart, Councillor Ferguson, Councillor Menagh, Councillor McIlveen, Councillor Armstrong-Cotter and Councillor Kennedy

That this Council writes to Permanent Secretary for the Department of Education, Mr Derek Baker, confirming our clear demand to see the continuation of non-selective post primary education in Newtownards. Highlight that the town, despite its large size and projected growth now only has one school with this offering, in the form of Movilla High School, where there is the potential for closure. Further adding that we as a Council and on behalf of the residents of Newtownards will not accept closure without alternative non-selective post primary education being secured, within the town and in a timely manner, guaranteeing continuity of provision.
Lastly, confirming that as a Council and community planning partner, we are happy to work with the Department of Education and the Education Authority in any way possible to realise a sustainable non-selective education option for the people of Newtownards.

14.9. Notice of Motion submitted by Alderman Keery and Councillor Adair

That this Council gives permission for the original silver plated Spectator Cup, which was first presented at the Bangor Music Festival in 1954 and which is currently held in the Town Hall, Bangor, to be used for display and photographic purposes at the Bangor International Choral Festival on an annual basis. The cup would be held in the Town Hall, Bangor for 51 weeks of the year but would be removed for the duration of the 4 day Festival and displayed on stage at the event. The Cup would be removed from the venue each evening and brought back the following morning and at the end of the event the Cup would be returned to the Town Hall for safekeeping.

14.10. Notice of Motion submitted by Alderman Girvan

That this Council requests that officers bring back a report on erecting a plaque in memory of Mr John Johnston, the designer and builder of the Rollo Gillespie monument, The Square, Comber.

14.11. Notice of Motion submitted by Alderman Smith and Councillor Dunne

There is an ever growing problem of cars being parked around the residential areas of Bangor West, Carnalea and Helen's Bay railway stations. This cannot be ignored by Translink or the Department for Infrastructure. I propose that this Council writes to Translink and the Department for Infrastructure inviting a senior member of staff from each to attend Council to listen to Councillor’s concerns and at least try to provide some answers.

14.12. Notice of Motion submitted by Councillor Douglas

That this Council expresses its concern at the implications of the proposed closure of Danske Bank's branch in Main Street Bangor, notes that this compounds an increasingly deteriorating situation in Bangor Town Centre, recognises the central strategic location of this building within the town and the importance of any future use serving as a catalyst for wider regeneration, and therefore requests officers to engage with Danske Bank and other relevant stakeholders to explore possible options without prejudice to any future decisions.

14.13. Notice of Motion submitted by Councillor T Smith and Councillor Menagh

This Council will reduce the rate paid to Councillors for mileage from 65p per mile to 45p per mile. This will bring Councillor mileage in line with HMRC rates.
It is worth noting that over the course of this council term (including the shadow year) it is estimated Councillors will have cost the ratepayer nearly £90,000 in terms of mileage. Had we operated at 45p per mile rather than 65p we could have saved ratepayers almost £30,000.

We also call on officers to bring back a report looking at how they can reduce staff mileage costs. Staff mileage runs at over £300,000 per year and again we should look to apply HMRC rates rather than the enhanced rates currently paid. Significant savings to the ratepayer could be made if we can achieve such a move but cutting staff mileage cannot be considered until Councillors take the lead and reduce their own first of all.

14.14. Notice of Motion submitted by Councillor T Smith and Councillor Cooper

Given the public frustration and anger at the lack of a devolved government here, this Council writes to the Secretary of State calling for Stormont to be suspended, MLA’s sacked and an immediate return to direct rule.

The last two years of political stalemate have left us with schools that have run out of money, a health service that is under resourced and a benefits system that is clearly failing some of our most vulnerable citizens.

We all deserve better, but it is clear that the current devolved arrangements cannot deliver for the citizens of this country.

It is worth noting that during this time MLA’s have cost ratepayers nearly £10 million in salaries alone. This is money that could have been going into public services.

We need someone, even a direct rule minister, to give direction to our currently rudderless departments and to begin to find solutions to the many serious issues facing our society.


That this Council recognises with pride the outstanding service, dedication and courage of the Irish Guards. In high appreciation of the long, honourable and close association existing between Ards and North Down and the Regiment and with a great debt of gratitude, resolves that the Freedom of the Borough be conferred upon the Irish Guards.

14.15.1 Report on the Freedom of the Borough Notice of Motion; Eligibility Compliance (Report attached)

15. Notices of Motion – Status Report (Copy attached)

16. Request from the Northern Community Leisure Trust to use Castle Park for Assault Course (Warrior Assault) (Report attached)
17. East Border Region Presentation to Committee (Report attached)

18. Special Planning Committee for Local Development Plan (Report attached)

19. Request from Dash and Splash for a Licence to Carry Out Works at the Old Outdoor Bathing Pool (Report attached)

***IN CONFIDENCE***

20. Queen’s Parade Development Agreement (Report attached)

21. ITEM WITHDRAWN

**MEMBERSHIP OF ARDS AND NORTH DOWN BOROUGH COUNCIL**

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ARDS AND NORTH DOWN BOROUGH COUNCIL

A meeting of the Ards and North Down Borough Council was held in the Town Hall, The Castle, Bangor on Wednesday, 30 January 2019 commencing at 7.00pm.

PRESENT:

In the Chair: The Mayor (Councillor Smart)

Aldermen:
- Carson
- Fletcher
- Gibson
- Girvan
- Graham

Aldermen:
- Henry
- Irvine
- Keery
- McDowell
- Smith

Councillors:
- Adair
- Allen
- Armstrong-Cotter
- Boyle
- Brooks
- Cathcart
- Chambers
- Cooper
- Cummings
- Douglas
- Dunlop
- Dunne
- Edmund

Councillors:
- Gilmour
- Martin
- McAlpine
- McKee
- McIlveen
- Menagh
- Muir
- Smith
- Thompson
- Walker
- Wilson
- Woods

Officers: Chief Executive (S Reid), Director of Organisational Development and Administration (W Swanston), Director of Community and Wellbeing (G Bannister), Director of Finance and Performance (S Christie), Director of Environment (D Lindsay), Director of Regeneration, Development and Planning (S McCullough), Corporate Communications Manager (C Jackson), Democratic Services Manager (J Wilson) and Democratic Services Officer (J Glasgow)

1. PRAYER

The Mayor (Councillor Smart) commenced the meeting by inviting the Chief Executive to read the Council prayer.

2. APOLOGIES

Apologies for inability to attend were received from Councillors Ferguson, Kennedy, McClean and Robinson.

NOTED.
3. DECLARATIONS OF INTEREST

The Mayor asked for any Declarations of Interest.

No declarations of interest were notified at this stage.

NOTED.

4. MAYOR’S BUSINESS AND

5. MAYOR AND DEPUTY MAYOR ENGAGEMENTS FOR THE MONTH
   (Appendix I)

PREVIOUSLY CIRCULATED: - Copy of the Mayor and Deputy Mayor Engagements for the month of January 2019.

The Mayor advised that he had passed on his condolences on behalf of Council to the family of Dr Ian Adamson who passed away on 9th January 2019. Dr Adamson was a former Councillor and Lord Mayor in Belfast and had played a large part in the civic, historical and cultural life of this Borough and he had always been proud of his Conlig roots.

The Mayor also expressed his condolences on the passing of Councillor Robinson’s mother in law.

RESOLVED, on the proposal of Councillor Chambers, seconded by Alderman Carson, that the information be noted.

6. MINUTES OF MEETING OF COUNCIL DATED 19 DECEMBER 2018

PREVIOUSLY CIRCULATED: - Copy of the above minutes.

In respect of Item 12 – Request from Rainbow Project to Light up Ards Town Hall: Councillor Walker referred to his summing up remarks in respect of the above which stated that ‘Councillor Walker thanked members for their supportive comments adding that he had chosen not to be insulting during the debate’. Councillor Walker stated that the word ‘insulting’ should read ‘insulted’.

RESOLVED, on the proposal of Alderman Gibson, seconded by Alderman Henry, that the minutes, as amended, be agreed as a correct record.
7. MINUTES OF COMMITTEES

7.1. Audit Committee dated 17 December 2018

PREVIOUSLY CIRCULATED:- Copy of the above minutes.

RESOLVED, on the proposal of Alderman Irvine, seconded by Councillor Douglas, that the minutes be adopted.

7.2. Special Planning Committee dated 18 December 2018

PREVIOUSLY CIRCULATED:- Copy of the above minutes.

RESOLVED, on the proposal of Councillor Cathcart, seconded by Alderman Graham, that the minutes be adopted.

7.3. Special Corporate Services Committee 7 January 2019

PREVIOUSLY CIRCULATED:- Copy of the above minutes.

In respect of Item 4 – Budget Estimates 19/20; Councillor Boyle wished to raise an item in the exclusion of the public/press.

RESOLVED, on the proposal of Councillor Gilmour, seconded by Alderman Keery, that the minutes be adopted.

7.4. Environment Committee dated 9 January 2019

PREVIOUSLY CIRCULATED:- Copy of the above minutes.

RESOLVED, on the proposal of Alderman Henry, seconded by Councillor Edmund, that the minutes be adopted.

7.5. Regeneration and Development Committee dated 10 January 2019

PREVIOUSLY CIRCULATED:- Copy of the above minutes.

Proposed by Councillor Woods, seconded by Councillor Armstrong-Cotter, that the minutes be adopted.

In respect of Item 5 – Tourism Events Programme 2019/20; Councillor Dunlop advised that the Bangor International Choral Festival would involve a visiting Male Voice Choir from Yorkshire along with 3 Welsh Choirs. She asked that be amended in the minutes.

In respect of Item 10 – Coastal Communities Fund – Application; Councillor Boyle welcomed the report. He hoped the application would progress forward improving Ballywalter and building upon the visitor experience.
On another matter, he recently had contacted Officers regarding a clean-up of Ballywalter promenade. That had been carried out within 2 days and he commended the Director of Environment and his team for that action.

Reverting back to the Coastal Communities Fund, Councillor Boyle highlighted the time constraints and asked if Officers were confident that everything would be prepared on time. Also, he enquired about other projects that were considered for the fund.

The Director of Regeneration, Development and Planning advised that Officers were working extremely hard to meet the deadlines. She recognised that those were tough and challenging deadlines in particular in terms of planning and procurement but Officers were doing all they could to be ready to submit to the fund. The Director undertook to provide the Member with the list of suitable projects that were considered for application to the fund. That list had been discussed across the Council, projects had to be shovel ready and therefore Officers were limited on the projects that could be put forward. The project needed to be worked up and have planning hence why the Lime Kilns project had been selected. Updates regarding the progress of the application would be brought through the Regeneration and Development Committee.

Councillor Adair commended the Officers for the time that had been spent on the application. That application had been time consuming and a lot of work had been done to get this stage, Councillor Adair stated that if the Council was successful on this project that would be three projects delivered as a result of the Village Plan for Ballywalter. Councillor Adair had met with residents three years ago regarding the Lime Kilns project and he was delighted to see the project moving forward.

**NOTED.**

In respect of Item 14 – Development of New Reptile Enclosure; Councillor Boyle wished to raise a matter in the exclusion of the public/press.

In respect of Item 9 – Notice of Motion – Grey Point Fort; Councillor Martin thanked Officers in particular the Director of Regeneration, Development and Planning for the work that had been done on the project. Since the Committee Mr Masefield and Mr Greenway had been invited to become involved and he welcomed that step.

**RESOLVED, on the proposal of Councillor Woods, seconded by Councillor Armstrong Cotter, that the minutes be adopted.**

7.6. **Corporate Services Committee dated 15 January 2019**

**PREVIOUSLY CIRCULATED:- Copy of the above minutes.**

Proposed by Councillor Gilmour, seconded by Alderman Keery, that the minutes be adopted.

In respect of Item 17 – UK Exit from the EU (Brexit); Councillor Walker wished to raise a matter in the exclusion of the public/press.
In respect of Item 8 – Issuing of Councillor Expenses on the Website; Councillor Muir wished to put forward an amendment.

Proposed as an amendment by Councillor Muir, seconded by Councillor Douglas, that this Council agrees in the spirit of openness and transparency, to publish on the Council’s website individual, approved Councillor expense claim forms on a monthly basis from 1 April 2019 with redaction of relevant information to ensure compliance with relevant legislative obligations.”

Councillor Muir expressed his disappointment that Members of the Committee had voted against Publication of approved Councillor Expense Claims. He recalled that the item had been deferred to Council last month to provide more details and that was provided but sadly the Committee baulked at the idea of publishing documentation already available if a constituent took the time to make a Freedom of Information request. Councillor Muir believed that the Council had everything to gain and nothing to lose from increased openness and transparency and should be leading the way as a Council on such issues not running away from open and accountable politics. With other Councils already publishing approved Expense Claims, and he believed the Council should not be opposing ways that could enhance public confidence and trust in politics. Instead Councillor Muir stated that the Council should be embracing the proposal as useful way to give the public an idea on how the significant but legitimate expenses bill had been incurred by members. Councillor Muir encouraged Members to re-think and support the amendment.

Councillor Douglas rose to support the amendment. As elected representatives, Members were answerable to the public and were entitled to see how money was spent. The information could be obtained under Freedom of Information and would be able to be published within current resources. Councillor Douglas believed that the proposal promoted a culture of openness and transparency and hoped Members would support the amendment.

Councillor McIlveen stated that he had never made a claim for expenses. He felt the basis of the proposal was entirely wrong, every year Members salaries and expenses were published and therefore the information was out in the public domain in an open and transparent way. The issue Councillor McIlveen had was the additional burden on Officers to publish the information every single month. The calculation to publish the information was 2 ½ hours per month, staff were already under pressure and he did not see the worth in adding additional pressures. He felt 2 ½ hours was a conservative estimate and he felt redacting, scanning and approving the additional information could take a lot more time. Councillor McIlveen stated that there was nothing to gain from publishing the information, the 2 ½ hours of work time was time taken away from delivering front line services. The Council was trying to make efficiencies moving forward, there was no demand for the information, or no issues had arisen from the information that had been supplied.

Councillor Smith did not support the matter when it arose in Committee and he would not be supporting the matter now. He did not believe the matter was being brought to the forefront for the good of the electorate but because there was an election up
and coming. The proposal also did not address the amount spent on expenses, his calculation was that £70,000 had been spent on Councillor expenses from Shadow Council and by the end of next year that figure would have risen to £90,000. Also £375,000 had been spent on employee mileage, whilst he had no issue with mileage being paid to employees, he did believe the rate of 65p per mile was too high as that was 30% above the HMRC average. Councillor Smith stated that he had previously brought a proposal to reduce that amount however that been rejected. Councillor Smith did not believe the matter was about openness and transparency.

Councillor Adair stated that the information was widely available and published annually on the Council’s website and in the local newspapers. The information was itemised breaking down the figures into mileage, expenses etc. Councillor Adair stated that he could see no benefit in the information being supplied and moving the publishing from annually to monthly. He felt annually was the way to advertise the information and the way that the information that was already supplied was open and transparent.

Councillor Woods rose in support of the amendment as she believed it was a measure to increase the Council’s openness, transparency and accountability in terms of publishing expenditure. She noted that there were issues in terms of resources backdating the information to 2015, however she could not see why the information could be publicised from here on in. Councillor Woods stated that she was more than happy to have her expense claim forms publicised on the website.

Councillor Brooks stated that he was against the amendment. As a solution he suggested that Members posted their own expenses claims on their blogs or social media if they so wished. Councillor Brooks felt that was a simple process and brought no costs to the Council.

Councillor Gilmour stated that she could not support the amendment which she believed to a ridiculous attempt at electioneering. She highlighted that she did not claim mileage. The expense claim forms would need to redact Members home addresses if those were not publicly available, there were four Councillors that did not publicise their home addresses and Councillor Gilmour highlighted that three of those were from the party that claimed to be open and transparent. Councillor Gilmour stated that the monthly claim forms would only show legitimate expenses.

Councillor Muir requested a recorded vote and on being put to the meeting, with 9 voting FOR, 25 AGAINST, 2 ABSTAINING and 2 ABSENT, the proposal FELL.

The recorded vote resulted as follows:

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In respect of Item 22 – Renewal of Lease of Helen’s Bay Tennis Club Pavilion to Helen’s Bay Tennis Club; Alderman Smith wished to raise the item in the exclusion of public/press.

In respect of Item 9 – Recording Committee Meetings; Proposed as an amendment by Councillor Douglas, seconded by Alderman Girvan, that the Council agrees to audio-record Committee meetings, excluding items considered “In Committee”.

Councillor Douglas stated that Alderman Girvan and herself had brought forward a Notice of Motion in respect of the matter in September 2018.

(Councillor Cooper withdrew from the meeting – 7.31 pm)

A report was then brought to the Corporate Services Committee of which she was not a Member and therefore did not have the opportunity to take part in that debate. The report outlined that the technical capabilities were in place and the work was considered manageable within current resources.

(Councillor Adair withdrew from the meeting – 7.32 pm)

Whilst the minutes were available online those were not a verbatim account and only provided a flavour and essence of what was discussed and the decision. Councillor Douglas commended the work of the Democratic Services Officers who did a sterling job in what was often a very lively and challenging atmosphere. She stated that not many members of the public came to the meetings and there was a need to be more accessible. She suggested that to ensure accessibility that the audio recording be made available in a timely fashion and would provide the opportunity for members of the public to be become engaged.
Councillor Douglas hoped Members could support this and as an advocate for open Government she believed the amendment would encourage greater involvement.

Alderman Girvan concurred with the relevant points put forward by Councillor Douglas. She highlighted one argument in opposition to the proposal was that not many people listened to the audio recording and Alderman Girvan believed that was because people did not know that was possible. She suggested promoting the matter on social media to allow people to listen to the debates. Alderman Girvan could not see why it could not be done as the facilities were available and would provide value for money to the ratepayers.

Councillor Woods stated that upon reading the minutes of Corporate Services Committee she was surprised that the matter had not been supported. Utilising the existing equipment was deemed manageable and with costs and resources not acting as barriers she was unsure what the issue was. In the interests of openness, transparency and accountability she believed that the meetings should be recorded. Councillor Woods believed that the low numbers of people accessing the recordings was not a sufficient argument. As Councillors there was a duty to engage with the wider public and encourage participation in debates. She agreed with the point made by Councillor Mcllveen at the meeting that there could be confusion if the decisions made at Committee meetings were overturned however the Officers report outlined that would not be the case as the audio recordings would only be uploaded following ratification of the Committee minutes and the end of the call-in period. The recordings should be available in an accessible way for everyone to avail of, she highlighted difficulties that had been faced accessing the minutes and that needed to be upgraded and enhanced with explanations on the website detailing what could be listened to. It was stated at the meeting by one Member that they would not say anything that they would not stand over therefore she wondered why there would be any objection to having the meetings recording for all those that wanted to hear.

Alderman Graham felt that what occurred at the moment served the public well, Local Government had survived many years with no audio recording. He felt audio recording was completely unnecessary. It was possible for a Member to provide a view at a Committee meeting, give consideration again to the matter and change its viewpoint at the Council meeting. He was content with the recording of the Council meeting but believed recording the Committee meetings could cause confusion. Alderman Graham was unsure if listening to debates would enhance the quality of life within the Borough and believed people would have more to do than listen to audio recordings of Committee meetings.

Councillor Adair stated that he spoke with constituents on a regular basis and he had never been advised of a desire to listen to audio recordings of the Committee meetings. The Council meetings had been recorded for the duration of the Council however the figures would indicate that not too many people listened to those recordings. People wanted to see their services enhanced, investment, job creation and also there were families which were struggling, and the Council needed to do its
best to represent the people, spend time constructively and address matters for constituents.

Councillor Walker stated that it was the ongoing effort of the Alliance party to create an open and transparent environment in the Council. Sometimes Members did say things at meetings which they should not, and the recording would perhaps make Members more circumspect on the words used. The amendment did not cost extra money and he was happy to support it for the benefit of constituents.

Councillor Edmund did not see any reason to record Committee meetings and there were many amendments that came to the Council meetings and he believed it would be a waste of time.

Councillor Smith stated that good debates sometimes occurred at meetings and it was good to provide people the opportunity to listen if they wished. It was good for local democracy to show how Council reached a decision. Councillor Smith was happy to support the amendment and believed it was the future.

Councillor Martin felt there seemed to be a level of inference that the Council was not open and that the public had no access. He listened to comments regarding the drive to make Council more open and yet Committee and Council meetings were open to members of the public. Councillor Martin did not see the reasoning for the recording.

Councillor McIlveen echoed the remarks of Councillor Martin, the Council was open and the only matters that were not publicised were those restricted to in confidence and there were very strict guidelines to adhere to in that regard. Although there may not be a cost for the equipment there was a cost on how the matter was managed again putting additional work and pressure onto staff for no apparent reason. Councillor McIlveen was unsure of the worth of the proposal, the Committee meetings were open, and the press were often in attendance. The figures that listened to the Council meeting were minuscule in comparison to the population of the Borough. It was not a matter which members of the public were engaged, links had been shared by Members on social media and that was still not encouraging people to listen. Councillor McIlveen stated that Council should be looking to ensure the delivery of frontline services not adding something which brought no value.

Councillor Cooper stated that he had no difficulty with Committee meetings being audio recorded. He suggested giving consideration to providing relevant links to listen to specific matters on the website. Social media provided instance access and the press often prepared statements on topics. Councillor Cooper was happy to support the proposal as he had no objection being recorded.

Councillor Douglas requested a recorded vote.

Alderman Keery questioned how far the Council should go with audio recordings, he wondered if Fairtrade Working Groups, Town Steering Groups, Peace VI Committees would be all recorded. If that was the case, he also questioned if the Chamber in Ards could accommodate all those meetings.
Alderman Smith stated that she had no fear of recordings, however she did object to comments that Council had just become transparent. In her mind, the Council had always been transparent. The recordings may stop the minor nonsense that went on between the parties and she hoped that would be the outcome.

Councillor Boyle stated that the recording may result in Members taking to the floor less and judging what they said more carefully. He stated that it may save the issue of accuracy which was heard so often when approving the minutes and make the minutes more accurate. Overall, Councillor Boyle was happy to support the amendment.

The Mayor remarked that the hard-working Democratic Services team were always accurate.

Alderman Carson stated that he saw no harm in the proposal however noted that that to his knowledge only 39-50 people had listened to the recordings. Alderman Carson questioned if there could be a possibility through the recording that more items be considered in Committee.

The Chief Executive stated that the legislation was clear on the items that were to be considered in Committee. The items discussed in Committee were not publicly made available and therefore the approval of the amendment would have no effect in that regard.

Councillor Armstrong-Cotter stated that she did not have an issue with being recorded, she was confident in the things that she said. She referred to instances in meetings were Members had to be stopped and moved along and in those situations the recording would need to be dubbed. Councillor Armstrong-Cotter stated that she had directed people to listen to the meeting and also to the local papers. Councillor Armstrong-Cotter stated that she did not see the need in the meetings being recorded there was nothing being hidden, the Council was open and transparent.

Councillor Douglas had requested a recorded vote and on being put to the meeting, with 19 voting FOR, 14 AGAINST, 0 ABSTAINING and 4 ABSENT, the proposal was declared CARRIED.

A recorded vote resulted as follows:-

<table>
<thead>
<tr>
<th>FOR (19)</th>
<th>AGAINST (17)</th>
<th>ABSTAINED (0)</th>
<th>ABSENT (4)</th>
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<tr>
<td>Aldermen</td>
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<tr>
<td>Carson</td>
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<td>Fletcher</td>
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<td>Girvan</td>
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<td>Henry</td>
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<td>Councillors</td>
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<tr>
<td>Boyle</td>
<td>Adair</td>
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<td>Brooks</td>
<td>Allen</td>
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<tr>
<td>Chambers</td>
<td>Armstrong-Cotter</td>
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<tr>
<td>Councillors</td>
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<tr>
<td>Douglas</td>
<td>Ferguson</td>
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<tr>
<td>Armstrong-Cotter</td>
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</tr>
<tr>
<td>Kennedy</td>
<td>McClean</td>
<td></td>
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</tr>
</tbody>
</table>
In respect of Item 15 – Response to Notice of Motion – Strangford Ferry Services: Councillor Boyle expressed his disappointment on how the matter had been handled.

He explained that the Council had agreed to write to the Permanent Secretary, yet the report referred to the Divisional Manager. He wished for a meeting to occur with the Permanent Secretary and to have the relevant stakeholders involved.

The Chief Executive explained that a letter had been sent to the Permanent Secretary and the reply would be presented to the Corporate Services Committee in February. An informal meeting was held with Chief Executive of Newry, Mourne and Down District Council, the Divisional Roads Manager and himself the previous day to initially discuss the issues pertaining to the Council’s concerns.

A report would be prepared from that meeting for the Corporate Services Committee and the Chief Executive stated that if Members wished to send a delegation to meet the Permanent Secretary that could be considered at the Committee meeting.

In respect of Item 26 – Corporate Health and Safety Management Systems – Section 3.08: Drugs and Alcohol Policy: Councillor Woods asked to raise the matter in the exclusion of the public/press.

RESOLVED, on the proposal of Councillor Gilmour, seconded by Alderman Keery, that the minutes be adopted, subject to the amendments and consideration of the above matters.
### 7.7. Community and Wellbeing Committee dated 16 January 2019

PREVIOUSLY CIRCULATED:- Copy of the above minutes.

Proposed by Councillor Woods, seconded by Councillor Douglas, that the minutes be adopted.

*In respect of Item 13 – Ward Park Update:* Councillor Douglas wished to raise the item in the exclusion of the public/press.

*In respect of Item 3 – Deputation from Serco/NCLT:* Councillor Cooper wished to raise the item in the exclusion of the public/press.

*In respect of Item 9 – Amy Carmichael Memorial Garden:* Councillor Thompson welcomed the Committees full support to progress the matter. At the Committee meeting, the recommendation had been agreed subject to funding. However, he was disappointed to note that the Environment Directorate had advised that funding was not available. Councillor Thompson stated that he would be continuing his efforts with the congregation in Millisle with the Officers to get the garden in situ as soon as possible.

Councillor Adair supported those comments.

(Councillor Boyle withdrew from the meeting – 8.12 pm)

Continuing, Councillor Adair stated that Amy Carmichael was one the most famous daughters of the Ards Peninsula and many people visited Millisle because they had read of Amy Carmichael’s story. She was a great lady who dedicated her life and Christian serving to helping those who had been involved in trafficking and abused children in India. It was regretful that there was no permeant feature in Millisle, there was a statue in Hamilton Road Presbyterian Church as that was where she received her call to undertake her work. Councillor Adair hoped the matter could be progressed as there was a desire amongst the people to have a memorial garden dedicated to Amy Carmichael.

RESOLVED, on the proposal of Councillor Woods, seconded by Councillor Douglas, that the minutes be adopted, subject to the consideration of the above items.

### 7.8. Special Planning Committee dated 17 January 2019

PREVIOUSLY CIRCULATED:- Copy of the above minutes.

RESOLVED, on the proposal of Councillor Cathcart, seconded by Alderman Carson, that the minutes be adopted.

### 8. REQUESTS FOR DEPUTATIONS

(Alderman Graham and Councillor Wilson declared an interest in Item 8.3 and withdrew from the meeting during the discussion of the item)
8.1 **Retail NI, Hospitality Ulster and Manufacturing NI – District rate on non-domestic properties**

PREVIOUSLY CIRCULATED: Copy letter dated 17 December 2018 from Retail NI, Hospitality Ulster and Manufacturing NI asking that the Council freezes or considers reducing the district rate on non-domestic properties. The letter stated that they would be delighted to meet with Councillors to discuss their concerns in greater detail.

8.2 **Northern Ireland Housing Executive – Housing Investment Plan for the Ards and North Down Borough**

PREVIOUSLY CIRCULATED: Copy email dated 8 January 2019 from the NIHE detailing that the Housing Executive were planning the schedule of dates for this year’s Housing Investment Plans for the Council areas for the Housing Executive to come and present the Housing Investment Plan for the Borough. The suggested date was 10th September 2019.

8.3 **Kilcooley Community Forum Ltd – Kilcooley 3G Pitch**

PREVIOUSLY CIRCULATED: Copy email dated 8 January 2019 from Community Development Manager, Kilcooley Community Forum Ltd asking the Council’s permission to conduct a brief presentation regarding the 3G proposals.

RESOLVED, on the proposal of Councillor Adair, seconded by Councillor Chambers, that the deputations be heard by the appropriate Committees.

(Alderman Girvan withdrew from the meeting – 8.14 pm)

9. **RESOLUTIONS**

9.1 **Support for the Irish Language Act in Northern Ireland**

PREVIOUSLY CIRCULATED: Copy letter dated 17 December 2018 from Donegal County Council advising that their Council had agreed to adopt the undernoted resolution:

“I propose that Donegal County Council support the demands from the public for an Irish Language Act in the Six Counties and if the motion is carried, that this information is circulated to all the political parties in the Six Counties and all the City and County Councils throughout the country”.

(Councillor McIlveen and Councillor Armstrong-Cotter re-entered from the meeting – 8.14 pm)

Proposed by Councillor Adair, seconded by Councillor Cooper, that the Council does not support the resolution from Donegal County Council.
Councillor Adair felt the letter had been badly written and noted that the letter detailed that there was demand for an Irish Language Act, which he did not believe to be the case, it was the demand of one Political Party. Rather he felt there was a demand for a fully functioning Executive and working Assembly. Councillor Adair longed for a day in Northern Ireland where different cultures and diversity could be celebrated but the way to do that was through common identity and shared education not by forcing one language upon the people.

(Councillor Boyle re-entered the meeting – 8.15 pm)

Councillor Adair did not find the resolution to be helpful, everyone should be working together to build a united community and he felt the letter undermined that and created division.

Councillor Cooper expressed his disappointment with the letter, and he felt Donegal County Council was dictating to the Council what they should and should not accept was scandalous. The matter had had been politicised and IRA/Sinn Fein had been the champions of the matter. Councillor Cooper looked forward to the day when IRA Sinn Fein was not in the Executive, he would not be changing that opinion in particular in light of the letter which he viewed as an insult.

Councillor Boyle welcomed the letter and the thinking behind it and that no one should be worried to about a rights-based society of equality. The Irish language issue had often been weaponised.

(Alderman Girvan re-entered the meeting – 8.18 pm)

Donegal County Council had simply asked for support of the Irish Language Act within the 6 counties. He did not understand the opposition to the Irish Language Act, Ulster Scots was supported within the Council and that was not even a language it was a dialect. Donegal County Council had simply asked for support, he was unsure why people were so opposed to an Irish Language Act and believed it would come into force sooner rather than later.

Councillor McIlveen requested a recorded vote.

Alderman Fletcher expressed his disappointment with the remarks of Councillor Boyle and his support for what he felt was a nationalist agenda. Also, he felt that view was incapsulated within the letter which he felt was ill-mannered. He objected to Northern Ireland being called the 6 counties which he viewed as being the equivalent to referring to down south as the free state. Alderman Fletcher referred to the reliance on the “6 Counties” for their whole economy of Donegal and the Council had no right telling this Council what to do.

Councillor Martin questioned the reasons why Government was not in operation. He listed funding for special needs schools, childrens mental health, class sizes, nurse’s salaries, palliative care, childcare costs and support for working families. Yet the real reason why there was no Government was that one party wished to see an Irish translator in Stormont answering the phone.
Councillor Martin asked Members who felt that this was an important issue in comparison to the earlier list of important issues that he read out. On that basis, he felt it was shameful that there was no Government, that was not legitimate, and he hoped no-one in the Council felt it was.

Councillor Menagh felt the letter was an embarrassment and voiced his opposition to the Irish Language Act.

Councillor Smith felt the letter was an insult, in respect of the term the 6 counties, people who used that term showed no respect and he viewed that as a deliberate insult. In terms of the Irish language, he was supportive of any minority language or culture. However, there was no need for an Irish Language Act, there was no requirement for it. Millions of pounds were spent every year on Irish language, and he questioned where that money would come from expressing concerns that would come from schools, infrastructure and health. The money had to come from somewhere, those important services were being put at risk for no reason. Irish was just one minority language among many and should not be given seniority over any other minority language. Councillor Smith found the letter to be insulting and he would not be supporting the letter.

Councillor Muir felt the reference to the “6 counties” was inappropriate and an unwise wording by the Council. His desire would have been to note the letter and he expressed his disappointment with the debate that had occurred. People would be aware that the Alliance Party supported an Irish Language Act and the view was that would bring Northern Ireland in line with other parts of the United Kingdom.

Councillor Muir stated that he did not speak Irish but knew people who held that language dear to them, the speaking of Irish added to the richness of life in Northern Ireland and added to those people’s identity. He highlighted the need to create a Northern Ireland where everyone felt at ease with themselves and he expressed concerns regarding the future of Unionism and the lack of understanding around diversity.

Councillor Edmund questioned why millions would be spent on languages already being funded. He noted that 10% of the Irish Civil Service had to speak Irish for 0.06% of the population that spoke the language.

Councillor McIlveen stated that an Irish Language Act was unnecessary. Irish was funded in Northern Ireland more per head than Gaelic was in Scotland. Irish was freely available for anyone who wanted to learn the language and an Act was not required to do such and should not be forced on people. He found the request interesting and advised that he had spent time recently with Officers from Donegal County Council and had heard of their complaints on the amount of budget spent on translating Area Plans to Irish when it was not required.
Councillor Armstrong-Cotter wished to highlight that the letter was deliberately proactive in an attempt to stir matters.

(Councillor Martin re-entered the meeting – 8.35 pm)

The Act was not a celebration of the beautiful culture that was Irish. Councillor Armstrong-Cotter stated that she would have no objection to sending her daughter to Irish dancing classes however would not as she felt that was used to deliberately weaponise people. The letter was deliberately disrespectful towards the Council and therefore she would not be supporting it and could not understand the mentality of the people behind it.

The proposal was put the meeting and declared carried with 24 voting FOR, 1 AGAINST, 10 ABSTENTIONS and 5 ABSENT.

FOR (24)  AGAINST (1)  ABSTAINED (10)  ABSENT (5)

Aldermen  Aldermen  Aldermen  Aldermen
Carson  Girvan  McDowell
Fletcher  
Gibson  
Graham  
Henry  
Irvine  
Keery  
Smith  

Councillors  Councillor  Councillors  Councillors
Adair  Boyle  Douglas  Cummings
Allen  McAlpine  McKee  Ferguson
Armstrong-Cotter  Muir  Kennedy  
Brooks  Smart  McClean  
Cathcart  Walker  
Chambers  Wilson  
Cooper  
Dunlop  
Dunne  
Edmund  
Gilmour  
Martin  
McCleave  
Menagh  
Smith  
Thompson  

(Alderman Keery and Councillor McKee withdrew from the meeting – 8.43 pm)
10. **COURSES/INVITATIONS ETC**

10.1 *Northern Ireland Agribusiness Conference 2019 – Friday 8th March, Craigavon Civic Centre*

PREVIOUSLY CIRCULATED:- Copy correspondence in respect of the above conference.

RESOLVED, on the proposal of Councillor Smith, seconded by Alderman Irvine, that the Conference be noted.

(Councillor Dunne withdrew from the meeting – 8.44 pm)

11. **CONSULTATION DOCUMENTS**

11.1 *The Consumer Council’s draft Forward Work Programme 2019-20*

PREVIOUSLY CIRCULATED:- Copy email dated 20 December 2018 from the Consumer Council announcing the opening of the consultation on the Consumer Council’s draft Forward Work Programme 2019-20. The closing date for responses was 31 January 2019.

RESOLVED, on the proposal Councillor Cooper, seconded by Councillor Muir, that the correspondence be noted.

11.2 *Consultation on Proposed Changes to the Family & Childcare Model on Regional Capitation Formula – Review of the Family and Childcare Formula*  
(Appendix II)

PREVIOUSLY CIRCULATED:- Report from the Chief Executive attaching consultation and completed response document on Review of the Family and Childcare Formula. The report detailed that the Health and Social Care Board (HSCB) was currently consulting on the proposed changes to the Family & Childcare Model of the Regional Capitation Formula. They had asked us to consider the proposed changes in the context of our responsibility for community planning.

The HSCB was responsible for the Regional Capitation formula used as the benchmark in resource allocation to Local Commissioning Groups (LCG). Each programme of care had a formula which calculated the relative need for resources across locality areas, taking account of differences in age, gender and socio-economic factors. Two further adjustments were then undertaken to reflect the unavoidable cost differences associated with rurality and economies of scale. All elements were combined to provide an overall weighted capitation share for each locality.

The capitation formula was also used to inform the most equitable split of available resources for HSCB and Department of Health (DoH) across Local Commissioning Group area.
The elements of the formula were reviewed and updated periodically. A new formula for Family & Childcare has been developed. The proposed formula examined relative not absolute need for resources. When any element of the formula was reviewed, it does not result in additional resources being identified to that programme but informs a fairer distribution of the available resources to LCG.

The Capitation Formula Review Group had overseen the work undertaken in all areas of this review. It had also been collaboratively peer reviewed by an academic expert in this field from the University of Manchester.

RECOMMENDED that the attached response from Ards and North Down Borough Council is submitted to the Health and Social Care Board.

RESOLVED, on the proposal of Councillor Douglas, seconded by Councillor Thompson, that the recommendation be adopted.

12. REQUEST FOR DELEGATED AUTHORITY

12.1 Delegated powers request for approving award of Internal Audit Tender (AUD01)

PREVIOUSLY CIRCULATED:- Report from the Director of Finance and Performance advising that Regulation 6 of the Local Government (Accounts and Audit) Regulations requires Council to “undertake an adequate and effective internal audit of its accounting records and of its system of risk management, internal control and governance processes”. Council had adopted an outsourced model for that service and currently had a contract with Moore Stephens (NI) LLP which expired on 31 March 2019 but was extendable for a further two years. However, the contractor had indicated that they did not wish to request the contract to be extended beyond March 2019, due to operational difficulties. That had been reported to Audit Committee.

The opportunity to participate in a collaborative procurement exercise with another Council had fallen through which had resulted in three weeks being lost to the procurement process.

In order to ensure that there was an Internal Audit service in place as soon into the new financial year as possible, it was requested that Council grant delegated authority to the Corporate Services Committee to appoint a contractor at its March meeting. That would allow contract award to occur on 2 April, with minimal break in service.

RECOMMENDED that Council grants the Corporate Services Committee delegated authority to approve the appointed of a contractor to deliver the Internal Audit service to Council.

RESOLVED, on the proposal of Alderman Graham, seconded by Councillor Muir, that the recommendation be adopted.
13. **ALL PARTY GROUP ON SUSTAINABLE DEVELOPMENT**  
(Appendix III)

PREVIOUSLY CIRCULATED: Report from the Director of Organisational Development and Administration attaching a Letter from Sustainable NI and Global Goals Local Action Report. The report detailed that a letter had been received from Mr Andrew Cassells, Chair, Sustainable NI, proposing that an All-Party Group on Sustainable Development should be formed across the 11 councils. The group would be an Elected Members ‘Champion’ Group for Sustainable Development.

It was anticipated that the group would meet on a quarterly basis with the first meeting expected to be in March 2019. Date, time and location be to be agreed.

Mr Cassells was requesting that 2 Elected Members from Ards and North Down Borough Council were nominated to sit on this new group.

**RECOMMENDED** that 2 Members are nominated to sit on the All-Party Group on Sustainable Development

Proposed by Councillor Boyle, seconded by Councillor McIlveen, that the recommendation be adopted.

(Councillor Smith withdrew from the meeting – 8.45 pm)

The Mayor highlighted that the recommendation was seeking 2 Members to sit on the All-Party Group on Sustainable Development. He stated that Members could make nominations now or await the Annual Meeting.

(Councillor McKee re-entered the meeting – 8.46 pm)

Proposed by Councillor McIlveen, seconded by Councillor Adair, that Councillor Thompson, be nominated to sit on the All-Party Group on Sustainable Development.

Proposed by Councillor Barry, seconded by Councillor McKee, that Councillor Woods, be nominated to sit on the All-Party Group on Sustainable Development.

Proposed by Councillor Douglas, seconded by Councillor Muir, that Councillor Wilson, be nominated to sit on the All-Party Group on Sustainable Development.

The Chief Executive noted that there were 3 nominations for 2 places and voting slips would be distributed.

Councillor Douglas stated that was happy to withdraw her nomination.

**RESOLVED**, that Councillor Thompson and Councillor Woods sit on the All-Party Group on Sustainable Development.
14. **SEALING DOCUMENTS**

RESOLVED, on the proposal of Alderman Carson, seconded by Alderman Graham, that the Seal of the Council be affixed to the following documents:-

(a) Grant of Easement between Ards and North Down Borough Council and Andrew and Angela McNeice
(b) Permission to sell Ice Cream – Bank’s Lane, Ballyholme, Bangor
(c) Extension of Secondment Agreement, Programme Manager – Peace IV
(d) Transfer of Part – Ards and North Down Borough Council – to – The Commissioners of Irish Lights (Donaghadee Harbour Lighthouse Keepers’ Cottage)
(e) Grant of Right of Burials Nos 12940-12982

15. **TRANSFER OF RIGHTS OF BURIAL**

(Alderman Keery re-entered the meeting – 8.48 pm)

The following transfer applications were received:-

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<tr>
<td>Mrs Mary Elizabeth</td>
<td>Mr Alexander Nelson</td>
<td>Ballyvester</td>
<td>NVWE</td>
<td>24</td>
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<td>Walker</td>
<td>Donnan</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Mrs Madeline Stafford</td>
<td>Mrs Natasha Thompson</td>
<td>Ballyvester</td>
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<td>184</td>
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RESOLVED, on the proposal of Alderman Carson, seconded by Alderman Gibson, that the above Transfers be approved.

16. **NOTICES OF MOTION**

16.1 **Notice of Motion submitted by Councillor Cathcart**

That this Council expresses its concern with the decision by NI Water to pursue community houses with water charges. Community organisations struggle for funding on an annual basis and would not be able to get funding for services such as water charges, especially backdated charges. These charges therefore put community organisations in financial hardship and put their ability to serve their community at risk. This Council therefore writes to NI Water and the Permanent Secretary at the Department for Infrastructure stating the Council’s belief that community houses serve their local community and should exempt from water charges, like they are for Rates.

RESOLVED, on the proposal of Councillor Cathcart, seconded by Councillor Martin, that the Notice of Motion be referred to the Community and Wellbeing Committee.
16.2 **Notice of Motion submitted by Councillor Chambers and Alderman Henry**

That this Council supports the campaign to build the United Kingdom's first national memorial, dedicated to all emergency service personnel who have served or been killed in the course of their duties; believes that such a memorial would be a fitting tribute to those past and present who have shown extraordinary bravery and selflessness by putting themselves in harm's way in order to keep us safe; recognises that the campaign has already secured widespread political support including, from the Prime Minister, her predecessors, leaders of the opposition and also has backing of both the Scottish and Welsh Governments. Therefore, this Council formally places on record our support for the creation of a national monument to act as a symbol of eternal gratitude for their service.

(Councillor Gilmour withdrew from the meeting – 8.49 pm)

RESOLVED, on the proposal of Councillor Chambers, seconded by Alderman Henry, that the Notice of Motion be referred to the Corporate Services Committee.

16.3 **Notice of Motion submitted by Councillor Martin and Councillor Smith**

Council notes the enormous damage gambling addiction can cause in the lives of individuals, families and communities. In May 2017 the Department for Communities published a survey, which found a problem gambling prevalence rate of 2.3% in Northern Ireland, a rate over four times higher than in England. Furthermore, this council notes the move by Her Majesty’s Government to reduce stakes on Fixed Odds Betting Terminals (FOBTs), a particularly addictive form of gambling, from £100 to £2 in April 2019. The Council further notes that this decision does not apply to Northern Ireland and in the absence of an Executive and Assembly action cannot be taken to reduce the stakes on these terminals. The Council calls on betting companies operating in Northern Ireland to follow the decision of Ladbrokes to voluntarily reduce the stakes on FOBT machines in this jurisdiction in line with the rest of the UK. The Council also calls on the Department of Health to review support given to individuals suffering from gambling addiction and calls for the creation of a dedicated service to address this addiction. The Council writes to the Departments of Health and Communities to encourage them to do all in their power to support those with gambling addiction and the ascertain whether anything can be currently be done regarding FOBTs in Northern Ireland.

RESOLVED, on the proposal of Councillor Martin, seconded by Councillor Smith, that the Notice of Motion be referred to the Corporate Services Committee.

16.4 **Notice of Motion submitted by Councillor Martin and Councillor Smith**

Council notes its outstanding commitment from the previous North Down Legacy Council in 2012/13 to provide play facilities within the Ashbury, Ballycrochan, Kilmaine area. It further notes the play provision review independently commissioned
by this Council clearly reported the necessity of new facilities in both the Scrabo and previously cited area. It requests that both projects now be expedited as quickly as possible. Given the current capital commitment of £100,000 to the Ashbury, Ballycrochan, Kilmaine play park project it notes that one option for the project build could require land acquisition which was unforeseen when the historic budget was allocated. To facilitate this option (if required) it therefore urgently allocates an additional £70,000 to this budget to be used, if required, for the project. This should be incorporated into the current rates setting process.

RESOLVED, on the proposal of Councillor Martin, seconded by Councillor Smith, that the Notice of Motion be referred to the Special Corporate Services Committee.

16.5. **Notice of Motion submitted by Councillors Adair, Edmund and Thompson**

That this Council tasks officers to bring forward a report on the provision of disabled access to Cloughey Beach in order to ensure accessibility for all.

RESOLVED, on the proposal of Councillor Adair, seconded by Councillor Edmund, that the Notice of Motion be referred to the Environment Committee.

16.6. **Notice of Motion submitted by Councillor Martin and Councillor McIlveen**

Council asks Officers to bring back a report on the usefulness and availability of mobile phone apps that can be used by the general public to report dog fouling directly to Officers.

RESOLVED, on the proposal of Councillor Martin, seconded by Councillor McIlveen, that the Notice of Motion be referred to the Environment Committee.

16.7 **Notice of Motion submitted by Councillor Smith and Councillor Brooks**

This Council brings back a report on providing a shelter or sheltered area near the slipway in Donaghadee which would provide cover for the growing numbers of open water swimmers that use the area on a daily basis. It is important that we recognise the many benefits that such activity brings to those that take part - enhancing peoples physical and mental wellbeing. The fact is that a significant number of our residents are swimming in the waters around our coast - we as a Council should not be seeking to deter them in any way, instead we should be looking how we can assist them and in doing so encourage others to improve their lifestyles. As part of the report, the Council will engage with the community in Donaghadee to hear views and ideas on possible solutions.

RESOLVED, on the proposal of Councillor Smith, seconded by Councillor Brooks, that the Notice of Motion be referred to the Environment Committee.
16.8. **Notice of Motion submitted by Councillor Woods and Councillor McKee**

That this Council notes the recent IPCC report on the impacts of climate breakdown; agrees that drastic and far-reaching measures must be taken across society to try and mitigate the risks and declares a ‘Climate Emergency’. It establishes a working group to assess the impact of the activities of Ards and North Down Borough Council on greenhouse gas emissions, exploring what mitigation measures can be put in place as a matter of urgency. This would include bringing the issues of climate breakdown to the fore in the local community and businesses, as well as formulating a climate adaptation plan.

RESOLVED, on the proposal of Councillor Woods, seconded by Councillor McKee, that the Notice of Motion be referred to the Environment Committee.

**EXCLUSION OF PUBLIC/PRESS**

AGREED, on the proposal of Alderman Carson, seconded by Councillor McIlveen, that the public/press be excluded during the discussion of the undernoted items of confidential business.

17. **TENDER FOR PLAY AREAS**

***IN CONFIDENCE***

ITEM WITHDRAWN.

18. **KILCOOLEY WOMEN’S CENTRE REQUEST TO USE ROOMS ON A FIXED TERM AGREEMENT AT THE KILCOOLEY COMMUNITY CENTRE**

***IN CONFIDENCE***

***NOT FOR PUBLICATION***

Schedule 6 – Information relating to the financial or business affairs of any particular person (including the Council holding that information).

(Councillor Woods withdrew from the meeting – 9.06 pm)

19. **QUEEN’S PARADE UPDATE**

***IN CONFIDENCE***

***NOT FOR PUBLICATION***

Schedule 6 – Information relating to the financial or business affairs of any particular person (including the Council holding that information).
7.3  **SPECIAL CORPORATE SERVICES COMMITTEE 7 JANUARY 2019 CONTINUED…**

***IN CONFIDENCE***

***NOT FOR PUBLICATION***

Schedule 6 – Information relating to the financial or business affairs of any particular person (including the Council holding that information).

7.5  **REGENERATION AND DEVELOPMENT COMMITTEE DATED 10 JANUARY 2019 CONTINUED…**

***IN CONFIDENCE***

***NOT FOR PUBLICATION***

Schedule 6 – Information relating to the financial or business affairs of any particular person (including the Council holding that information).

7.6  **CORPORATE SERVICES COMMITTEE DATED 15 JANUARY 2019 CONTINUED…**

***NOT FOR PUBLICATION***

Schedule 6 – Information relating to the financial or business affairs of any particular person (including the Council holding that information).

7.7  **COMMUNITY AND WELLBEING COMMITTEE DATED 16 JANUARY 2019 CONTINUED…**

***IN CONFIDENCE***

***NOT FOR PUBLICATION***

Schedule 6 – Information relating to the financial or business affairs of any particular person (including the Council holding that information).

(Councillor Muir re-entered the meeting – 9.50 pm)

(Councillor Boyle withdrew from the meeting – 9.51 pm)

(Councillor Boyle re-entered the meeting – 9.54 pm)
(Alderman Irvine declared an interest and withdrew from the meeting – 9.58 pm)

RE-ADMITTANCE OF PUBLIC/PRESS

AGREED TO RECOMMEND, on the proposal of Councillor Muir, seconded by Councillor McIlveen, that the public/press be re-admitted to the meeting.

Circulated for Information

(i) Department for Infrastructure – A20 Portaferry Road, Newtownards – Traffic Islands
(ii) Department for Infrastructure – A2 Millisle Road, Donaghadee – Traffic Islands
(iii) The William Keown Trust – Newsletter
(iv) Post Office Limited – Moat Street

RESOLVED, on the proposal of Councillor Adair, seconded by Councillor Armstrong-Cotter, that the correspondence be noted.

TERMINATION OF MEETING

The meeting terminated at 10.04 pm.
ARDS AND NORTH DOWN BOROUGH COUNCIL

A meeting of the Planning Committee was held in the Council Chamber, 2 Church Street, Newtownards on Tuesday, 5 February 2019 at 7.00pm.

PRESENT:

In the Chair: Councillor Cathcart

Aldermen: Carson Graham
           Fletcher Henry
           Gibson Keery
           Girvan McDowell

Councillors: McClean Walker
             Thompson

Officers: Director of Regeneration, Development and Planning (S McCullough), Head of Planning (A McCullough), Principal Planning and Technical Officer (G Kerr), Senior Professional and Technical Officers (P Kerr, A Todd, & C Rodgers) and Democratic Services Officers (M McElveen and H Loebnau)

Also in Attendance: Una Somerville (AECOM Planning)
                   Ian Turkington (AECOM Planning)
                   Mrs Moore & Mrs Magill (Residents of Belvedere Road, Newtownards)
                   Stephen Dickson (Agent)
                   Greg Bell (Resident of Old Cultra Road, Holywood)
                   Terry Gilmore (Resident of Old Cultra Road, Holywood)
                   Anne Gilmore (Resident of Clarehill Road, Holywood)
                   Andy Stephens (Agent)
                   David Magee (Antrim Construction Company)
                   Martin Hoy (Hoy Dorman Consulting)
                   Sam McKee (Turley)

WELCOME

The Chairman welcomed Members and Officers to the meeting and made a special mention of those persons with speaking rights and members of the public seated in the public gallery.

1. APOLOGIES

Apologies for inability to attend were received from Councillors Dunne and McIlveen.

NOTED.
2. **DECLARATIONS OF INTEREST**

Alderman Gibson declared an interest in Item 4.1 – LA06/2018/0004/O.

**NOTED.**

3. **MATTERS ARISING FROM MINUTES OF PLANNING COMMITTEE MEETING DATED 4 DECEMBER 2018**

(Appendix I)

PREVIOUSLY CIRCULATED: - Copy of the above.

**RESOLVED,** that the minutes be noted.

Alderman Gibson left the meeting at this stage – 7.02pm

4. **PLANNING APPLICATIONS**

4.1 **LA06/2018/0004/O – Site for Dwelling approx 25 m south of 31a Ballygowan Road, Comber**

(Appendix II & III)

PREVIOUSLY CIRCULATED: Case Officer’s Report.

**DEA:** Comber  
**Committee Interest:** Called in by Alderman Gibson  
**Proposal:** Site for dwelling  
**Site Location:** Approximately 25m south of 31a Ballygowan Road, Comber  
**Recommendation:** Refusal

The Senior Planning Officer (P Kerr) outlined that the site was located approximately 25m south of 31a Ballygowan Road, Comber, and was made up of part of the amenity area of 31a Ballygowan Road and part of a field. A large portion of that field remained outside the red line some of which was being used as a sand school for horses.

This proposal was being heard at Committee as it had been recommended for refusal and had been called-in by Alderman Gibson.

The site was located outside the settlement limit as designated in the Ards and Down Area Plan 2015. For this proposal the main policy considerations were under the SPPS and PPS21.

**Site History**

Although there was no history on the actual site, there was planning history around the site that was considered relevant to this proposal. 31a Ballygowan Road was to be a replacement dwelling under X/2004/1222/F for 31 Ballygowan Road. That permission had a condition to demolish the dwelling to be replaced. The condition was not complied with and an enforcement case under X/2010/0099/CA was opened, by the then DOE. The breach was subsequently found to be immune from
enforcement action as more than five years had passed since the breach of the condition first occurred. Therefore, the Council considers that No. 31 whilst immune is unlawful as it does not benefit from a CLEUD.

With regard to the SPPS its guiding principle in determining planning applications was that sustainable development should be permitted having regard to the development plan and all other material considerations unless the proposed development would cause demonstrable harm to interests of acknowledge importance. In this instance, the proposal would cause demonstrable harm to the rural character of the countryside.

In PPS21 one of the objectives was to conserve the landscape and natural resources of the rural area and to protect it from excessive, inappropriate or obtrusive development.

**Reasons for Refusal**

The Officer indicated that one of the reasons this proposal had been recommended for refusal was that the proposal was contrary to CTY2a of PPS21 in that the proposed site for the dwelling was not within an existing cluster of development consisting of four or more buildings of which at least three were dwellings, the cluster did not appear as a visual entity in the local landscape, the cluster was not associated with a focal point and was not located at a crossroads and the dwelling would, if permitted, significantly alter the existing character of the cluster in the creation of ribbon development.

The proposal failed to meet the first criterion in CTY2a as the site was not within a cluster that lay outside of a farm and consisted of four or more buildings of which at least three were dwellings as one of the dwellings being included was not considered lawful by the Planning Department.

Nos. 29, 27 and 25 were too far away to be considered as forming part of a cluster.

The Officer then considered the other criteria in policy CTY2a that were not met, bearing in mind that those were being considered only if the Committee deemed the proposal to be within an existing cluster and that the first criterion was met.

The proposal failed to meet the second criterion in that the cluster did not appear as a visual entity in the landscape due to the topography of the land, lane network and existing vegetation. Whilst it may look like it on a map, it appeared like a dispersed collection of individual buildings in the countryside on the ground rather than a cluster.

The proposal failed to meet the third criterion in that the cluster was not associated with a ‘focal point’, either in terms of the cemetery or the amenity site due to the topography of the land, lane network and existing vegetation. The site was also not located at a crossroads which was the other option in the criterion.

The proposal failed the fifth criterion in that it was considered it would visually intrude into the open countryside.
The proposal was also contrary to CTY8 in that the dwelling at No. 31a did not have road frontage on to the laneway and there was no line of three or more buildings along a road frontage, therefore there was no gap site in a continuously built up frontage. To clarify that, No. 31a sat on the bend of a laneway and only the access point for No. 31a met the laneway but had no actual frontage onto it. As No. 31a sat alone on the other side of the laneway to No. 33 and No. 31 and associated buildings, no gap site existed. (Appeal 2015/A0202 addressed this).

Conclusion
In conclusion the Officer highlighted the fact that the Planning Appeals Commission (PAC) did not consider unauthorised buildings without certificates of lawfulness for the purposes of CTY policies however, regardless of the position of the Planning Department on this issue the proposal was considered to fail against many of the other criteria within Policy CTY 2a. PPS21 was there to protect the countryside and as the proposal failed to meet a number of criteria in CTY2a and did not represent a gap site as per CTY8, the Officer felt it did not represent sustainable development in the countryside.

Alderman Fletcher questioned why No. 31 Ballygowan Road was not deemed part of a cluster and why was it classed as an unlawful dwelling when five years had lapsed.

In response, the Officer reiterated that the site did not sit within an existing cluster of development consisting of four or more buildings of which at least three were dwellings. She further clarified that although no enforcement action could be initiated after five years, a Certificate of Lawfulness would still be required to make the dwelling ‘lawful’.

On that same point, Alderman Fletcher probed if the house was judged to be lawful would it then form part of the cluster. He also speculated if Rates had been paid on No. 31.

The Officer reiterated the approach adopted by the Planning Appeals Commission in respect of buildings that were unauthorised not contributing as buildings for the purpose of CTY policies, and that although it was immune from enforcement action, the Planning Department considered that a Certificate of Lawfulness was required to establish that building as lawful, in order to meet the first criterion. She was unaware if Rates had been paid on the property.

It was the viewpoint of Alderman Fletcher that if Rates had indeed been paid, the dwelling could be regarded as lawful, be considered fit for purpose and fulfil the requirements of a cluster.

However, the Officer stressed that the rating aspect was not a valid condition or relevant to planning. In terms of CTY2a, even if the house was assessed as a lawful dwelling, it was considered to fail other criteria within the policy as previously outlined, most of which had to be met.

In making reference to the map on display, Alderman Girvan sought clarification as to the positioning of that property.
At this stage in the meeting, the Chairman invited Una Somerville and Ian Turkington (AECOM Planning) to speak in support of the application.

Thanking the Chairman for affording them the opportunity to speak, Ms Somerville advised that they were acting as the Agents for Mr Burgess. She advised that the application comprised the addition of one dwelling to an established cluster and no objections had been received. She pointed out the unique circumstances of the application and urged Members to consider the context of the site. The buildings were a material consideration and needed more weight as the planning history showed a development cluster. Ms Somerville referred to similar PAC cases and emphasised that all six tests did not have to be met. She therefore contended that the application met the overarching requirements and the house in question should be consolidated within the existing cluster.

Following on Mr Turkington explained that the application met five of the six tests listed under CTY2a policy. For the first policy test, he maintained that Nos. 31, 31a and 33 formed an existing cluster of development and was unconvinced that No. 31 was duly unlawful as Rates had been paid. He advised policy did not make reference to lawfulness of buildings. The second test was visual and required the cluster to be clearly visible within the local landscape. Mr Turkington maintained that the cluster was clearly visible from many viewpoints on the Ballygowan Road and all three dwellings could be seen from the Ballygowan Road. For the third test, the cluster must be associated with a focal point and he claimed that the application satisfied that in relation to the amenity site and cemetery and that visual linkage was not required. Referring to the fourth test requiring the identified site to provide a suitable degree of enclosure and the sixth test whereby the development should not adversely impact on residential amenity, AECOM Planning agreed with the Planners that the proposal did meet those specifications. Lastly, Mr Turkington spoke about the fifth test which required the development of the site to be absorbed into the existing cluster. He stated that the proposal would be consolidated into the cluster and no part of it would be protruding.

Ms Somerville believed that planning judgement was confused and could not understand why the planning history for the site had been omitted, adding that no legal argument had been presented. With regard to No. 31, she thought that an inconsistent approach had been taken and the character of the area would remain unaffected by the proposal.

Responding to an enquiry from Alderman Fletcher, Mr Turkington indicated that a letter of immunity was forwarded in October. Evidence had been supplied regarding a cluster but that opinion had been changed again.

For the benefit of Members, he read aloud the DOE letter dated 19 February 2013 and as more than five years had passed, reiterated that No. 31 was immune from enforcement action.

On a point of clarity, Alderman Girvan requested Ms Somerville to give a breakdown of what was required in a cluster as per the policy.
Ms Somerville commented that the Member should examine what could be seen at that location i.e. commercial businesses, a cemetery and dwellings. She indicated that the video clip played by the Officer did not demonstrate that there were two houses and businesses off the first turn on the road. She repeated that the lawfulness of No. 31 was being questioned but the legal opinion obtained by her company stressed that the house was habitable and immune from enforcement action. Hence in relation to its physicality and passing policy criteria it should be considered as satisfactorily forming part of a cluster.

Mr Turkington elaborated further by adding that there were 10-15 commercial units in proximity, a cemetery, Comber Recycling Centre, a builder’s yard and approval had been granted for a funeral church. Those were all commercial facilities which amounted to a unique situation in a rural setting and justified approval for the application.

The Officer underlined that she had previously said that most of the policy tests must be met, not all as asserted by Ms Somerville. There were concerns regarding the proposal due to the past history whereby a dwelling had been granted as a replacement upon condition of demolition of the original dwelling but that had not been complied with and now the applicant was seeking to rely on that unlawful dwelling to pass current policy. Although the property was immune from enforcement action, she reiterated that the possession of a Certificate of Lawfulness was vital to enable that dwelling to be considered for the purposes of complying with the criterion within the Policy for a cluster.

Alderman Keery asked if an extension was planned to those premises, would planning permission be required.

The Officer again restated that the above-mentioned Certificate would be a necessity in order to make it lawful.

Replying to a query about the Certificate raised by Councillor Walker, the Officer highlighted that the Planning Department considered that regardless of the first criterion, the application failed other criteria under CYT2a. The buildings appeared as a dispersed collection and importance was also placed on preserving the remainder of the countryside at that locale.

Councillor Walker advised that he could not support the proposal as the applicant had not yet applied for the Certificate.

Alderman Graham brought attention to the DOE letter dated 2013 but her presentation had cited 2010.

By way of explanation, the Officer confirmed that the actual enforcement case had been opened in 2010 and the letter of closure issued in 2013.

Proposed by Councillor Walker, seconded by Councillor McClean that the recommendation be adopted.
On being put to the meeting, with 7 voting FOR, 4 voting AGAINST, 1 ABSTAINING and 3 ABSENT, the proposal was declared CARRIED. A recorded vote resulted as follows:

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RESOLVED, that the recommendation be adopted and that planning permission be refused.

Alderman Gibson re-entered the meeting at this stage – 7.38pm

4.2 **LA06/2017/1434/F – 4 no. 2 bedroom apartments, 1 no. 3 bedroom penthouse and 1 no. detached dwelling 96 Bangor Road, Newtownards (Appendix IV & V)**

PREVIOUSLY CIRCULATED: Case Officer’s Report.

**DEA:** Newtownards

**Committee Interest:** Application with 6 or more representations contrary to Officer’s opinion

**Proposal:** 4 no. 2 bedroom apartments, 1 no. 3 bedroom apartment and 1 no. detached dwelling

**Site Location:** 95 Bangor Road, Newtownards

**Recommendation:** Approval

The Senior Professional and Technical Officer (A Todd) outlined the detail of the application which was seeking full planning permission for a total of five apartments and one detached dwelling at 95 Bangor Road, Newtownards. The application had been brought before Planning Committee following a call in request from Councillor Mcllveen to allow consideration of the impact of the development on the privacy of nearby residential properties.

**Site and Proposal**

**Site Location Plan – Aerial View**

The site was located on the main Bangor Road within the development limit of Newtownards. There were no zonings or designations within the development plan which applied to this particular site. The immediate area was exclusively residential but was characterised by a wide variety of house types and housing densities.
Photos of Site/Context
The site was currently occupied by a semi-detached bungalow which would be demolished to accommodate the proposed development. A disused railway track lay to the immediate north of the site at a higher level with the housing beyond that on Belvedere Road sitting at a higher level again. The next photos showed some of the existing housing within the immediate context of the site which included high density terraces and townhouses.

Site Layout/Section
The proposal had been significantly amended at the request of the Council during the processing of the application. The original submission shown on the left, was for four townhouses and four apartments which was considered to constitute overdevelopment of the site and would have appeared obtrusive in the street scene given its close proximity to the road.

In contrast the amended proposal under consideration involved the erection of two new buildings on the site of the existing bungalow set well back from the road. The larger of the two buildings would accommodate five apartments and the smaller building would be a separate dwelling. The buildings would be 8.8m in height, 1.2m lower than the ridge height of 91 Bangor Road and also lower than the ridge height of the dwellings on Belvedere Road to the north. The design and materials and finishes would be very much in keeping with existing dwellings in the area and adequate private amenity space and parking would be provided in line with the recommended standards.

Objections
A total of 10 objections from four separate addresses had been received in relation to the proposal as well as additional representations from Jim Shannon MP and Councillor Armstrong Cotter on behalf of residents. The objectors were all from the Belvedere Road and Dorwood Park area and the main concerns raised included:

- potential overshadowing and loss of privacy to existing dwellings
- overdevelopment and impact on the character of the area
- traffic impact

All of those concerns had been considered in detail in the Case Officer’s report. In terms of potential overshadowing and loss of privacy to existing dwellings, the proposed buildings would be a minimum of 30m away from the closest existing dwelling at 27 Belvedere Road which would exceed the minimum recommended ‘back to back’ separation distance of 20m as set out in the Creating Places guidelines. The buildings would also be located a minimum of 15m away from the rear boundary of No. 27, would not be positioned directly opposite the rear of 27 and would have no upper floor windows with overlooking potential on the elevations facing No. 27. Furthermore, the finished floor levels of the dwellings on Belvedere Road would sit at least 5m higher than the finished floor levels of the proposed buildings therefore it could not be argued that the development would cause any unacceptable overbearing or dominant impact on existing dwellings.

With regard to the impact on the character of the area, whilst there would be an increase in the density of development on the site itself, that was not considered to
be out of keeping with the established pattern of development in the wider area which was characterised by a variety of house types and numerous examples of high density development. It also could not be argued that the development would result in overdevelopment as the site was large enough to comfortably accommodate the built development as well as the required amount of parking and generous amenity space and landscaped areas to the front and rear.

In terms of traffic impact, DFI Roads had been consulted and was content that the proposal would not result in any road safety or traffic progression concerns. The existing access would be improved by widening it from 3.5m to 5m and providing splay of 2.4m x 70m.

Summary
In summary, the Officer considered that the proposal complied with both the development plan and policy requirements of PPS7 in that it would not result in any unacceptable damage to the character, appearance or residential amenity of the area. Planning Policy Statement 7 also supported proposals for higher density development such as apartments or townhouses on sites such as this which benefitted from high accessibility to public transport. The proposal was also in line with regional planning policy which supported more sustainable forms of development encouraging compact urban forms and the promotion of more housing within existing urban areas. For those reasons, it was recommended that FULL planning permission should be granted.

The Chairman invited Mrs Magill and Mrs Moore to address the Committee in opposition to the application.

Mrs Magill, of Belvedere Road, spoke of how high the proposed apartments would be and as she lived in a bungalow was worried about the impact upon her amenity space. She used her conservatory each day and highlighted her apprehension about overlooking, loss of privacy, loss of light and that the dwellings were out of character for that area. The increase in traffic would make a substantial difference too as at present, it was already difficult to get in and out of her road.

In concurrence Mrs Moore, of Dorwood Park, maintained that the application was not in anyone’s interest, particularly the residents of that neighbourhood. Belvedere Road encompassed mainly bungalows and she felt that the apartments would take away from the area, and the resultant volume of traffic on Belvedere Road would be unacceptable. She further made reference to how the remaining side of the semi-detached pair would look strange.

At this point, the Chairman requested Mr Stephen Dickson (Agent) to speak in support of the application.

Mr Dickson thanked the Chairman for permitting him to speak and explained that the applicant had been cognisant of the objections and instigated several changes to the original plans. He felt there had been a degree of misunderstanding in respect of the finished floor levels and separation distances. In actuality, the ridge height of the nearby property would be 5m lower than that of No 27 Belvedere Road and the separation distance to the bedrooms would be 32m. Bearing in mind the growth of
the mature trees, there was no direct line of sight and apart from some clearance, the majority of those were to be retained on the site. There was no overlooking or loss of privacy for No 27 or No 34 as only the top of the new build would be clearly visible and the proposed apartment building had been designed to prevent any overlooking to the private amenity space of No 93. The separation distance to 1 Dorwood Park would be 60-65m so there would be no detriment to any neighbouring properties.

Alderman Gibson sought clarification regarding the finished floor level and as it was sited so low below existing properties supposed there was an incline on the site. Mr Dickson indicated that there would be digging into the site to ensure the constructed building did sit lower, which came about through negotiation over the proposal with planners. He was keen to point out that that was an amendment to the original plans to lessen the ridge height and scale of development.

Alderman McDowell drew attention to the 10 objections received relating to overdevelopment and how the proposals were not in keeping with the area. Mr Dickson insisted that all sites could be perceived as prospective development sites. The applicant wished to maximise the development potential as although the site had a wide frontage, it was narrower towards the back. Taking account of planning legislation and a process of compromise, the numbers of dwellings and ridges had been reduced accordingly.

Alderman Graham pondered the overlooking aspect to Mrs Magill’s conservatory. Mr Dickson referred the Member to the drawings displayed and described how there was thick vegetation which would help to mitigate that concern. Furthermore, the proposed development would sit much lower than No 27.

Alderman Keery was conscious of the old railway line at that vicinity and enquired as to its position with the development. He also wanted to know if there were any plans to incorporate it with the greenway.

Mr Dickson verified that that land was under the ownership of the Council and was at the back of No 27 joining with the walkway leading to the college. He was unaware of future plans.

Answering a question from Councillor Walker, Mr Dickson gave an assurance that the developer had met with the residents.

Councillor Thompson queried how the original plans had been amended. Mr Dickson revealed that originally the scheme consisted of townhouses and apartments. It was the viewpoint of Planning Officers that that represented overdevelopment of the site. Thus his client undertook to negotiate an acceptable solution with Officers which had resulted in the application being recommended for planning approval.

Councillor McClean mentioned the value in taking a holistic approach to planning applications and reasoned that the most important issue for Members was to be able to see what the proposed buildings would look like when completed.
Alderman Keery referred to possible plans to extend the greenway and wondered if the development would impinge upon those in any way.

The Officer provided reassurance that the proposed scheme would have no impact upon the embankment.

Alderman Graham returned to the issue of a resident’s concerns about the proposed apartments overlooking her conservatory. To that end, he wished to know if the Officer was content with the massing of the apartments and the penthouse.

The Officer said that the existing dwellings in that neighbourhood would all sit on a higher elevation than those under discussion; moreover the separation distances were well in excess of distances recommended in supplementary planning guidance. In terms of massing, the buildings would be positioned back into the site so likely to be unaware of the development from approach on either side.

Alderman McDowell alluded to the density of the site in comparison to those surrounding it. Other properties and gardens were reasonably sized but observing the drawings on display, he was of the belief that the apartments would be squeezed into the site and were not in keeping with the immediate area.

The Officer acknowledged that the density would be significantly higher but visually it would not appear so. The site was close to the main Bangor Road with its sizeable mix of townhouses, apartments, detached and semi detached houses. As it was a key transport corridor, PPS7 was not applicable in respect of density and she was largely content that the proposals would neither harm the character nor the appearance of that residential location.

Proposed by Councillor Walker, seconded by Alderman Carson that the recommendation be adopted.

On being put to the meeting, with 8 voting FOR, 1 voting AGAINST, 4 ABSTAINING and 2 ABSENT, the proposal was declared CARRIED. A recorded vote resulted as follows:

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RESOLVED, that the recommendation be adopted and that planning permission be granted.
4.3 LA06/2016/0295/F – New dwelling consisting of detached two storey house and associated site works. Site to the rear of 18 Old Cultra Road, Holywood (Appendix VI & VII)

PREVIOUSLY CIRCULATED: Case Officer’s Report.

DEA: Holywood and Clandeboye
Committee Interest: Application with 6 or more representations contrary to Officer’s opinion
Proposal: Erection of a new dwelling consisting of a detached two storey house and associated site works
Site Location: Site to the rear of 18 Old Cultra Road, Holywood
Recommendation: Approval

The Senior Professional and Technical Officer (A Todd) informed Members that this application was seeking full planning permission for a two storey detached dwelling at a site to the rear of 18 Old Cultra Road, Holywood. The application had been brought before Planning Committee for consideration as six or more representations contrary to the officer’s recommendation had been received.

Site Location Plan/Aerial View
The site was located within the development limits of Holywood and the proposed Marino, Cultra and Craigavad Area of Townscape Character. The immediate context was exclusively residential, characterised predominantly by large detached and semi-detached dwellings set within generous, mature plots.

Site Photos
The site was accessed via an existing private lane off Old Cultra Road and public views of the site were extremely limited, therefore the impact of the development on the appearance and character of the wider area would be minimal. The first photo showed the entrance to the site and No. 18 from Old Cultra Road. The site was located to the rear of No. 18. The next photo showed the site itself viewed from the private access lane and the next photos showed views from within the site towards the existing adjacent properties.

Site Layout/Elevations
The proposed site layout showed the relationship of the development with the adjacent properties of No. 18, No. 16a and 1 Farmhill Lane. Previous outline planning approvals had already established the principle of a two storey dwelling on the site and were a material consideration in this case. The current proposal would comply with the conditions of the last outline approval which was granted in August 2015.

Since the original submission, the proposal had been amended considerably at the request of the Council removing a proposed boat shed and reducing the height of the dwelling from 2 ½ to 2 storey. The scale, design and materials of the dwelling would respect the existing built form of the area.

Aerial Views
The aerial views demonstrated that the existing dwellings were substantial in size and were predominantly finished in red brick with natural slate to the roof so the scale and finishes of the proposed dwelling were considered to be very much in keeping with the established form of development. The existing mature hedgerows along the boundaries with 16a Old Cultra Road and 1 Farmhill Lane were to be retained.

Objections had been received from six separate addresses during the processing of the application. However, following the submission of the final set of amended plans received on 18 November 2018, continued concerns were only raised by the occupants of 1 Farmhill Lane and 16a Old Cultra Road. The occupants remained concerned that the proposed dwelling would have an adverse impact on their privacy.

In terms of the potential impact on 16a, it was important to note that the proposed dwelling would have no windows on the rear elevation which would overlook that dwelling. The three proposed windows to the rear would serve a hall and stairs and would be conditioned to have obscure glazing. Ground floor windows would be screened by the existing mature hedge. There was therefore no potential for any unacceptable loss of privacy to either the rear garden area of 16a or any of the rooms within the dwelling. Given the absence of any overlooking windows at first floor, the proposed 9m separation distance of the two storey element of the building from the centre of the party boundary hedge was considered to be acceptable.

In terms of the potential impact on 1 Farmhill Lane, the proposed dwelling was reduced from 2 ½ storeys to 2 storeys to ensure that it would not result in any unacceptable dominant impact. The positioning of the dwelling on the site with only its gable end facing No. 1 would also help to reduce its impact. There would only be one upper floor window on the gable wall facing No. 1. That would serve an en suite and would be fitted with obscure glazing. The closest first floor bedroom window on the front elevation would also be fitted with obscure glazing to prevent any unacceptable overlooking into the rear amenity space of No. 1. The next closest first floor bedroom window would be located 10m from the party boundary at its closest point which would meet the Creating Places standards. Furthermore that window would sit at angle to No. 1 rather than having any direct views towards the dwelling. The recommendation to approve was subject to a condition that the existing hedgerow was to be retained at a minimum height of 2m so even if the hedge was reduced from its current height, it would continue to provide adequate screening at ground floor level for areas of private amenity space and ground floor rooms to both dwellings.

In summary, the Officer advised that previous outline approvals on that site had established the principle of a two storey dwelling on the site and were a material consideration. The proposal was considered to comply the relevant policy requirements and guidance in respect of the impact of the character of the area and the potential impact on the amenity of existing dwellings for the reasons outlined above. On that basis it was recommended that full planning permission should be granted.
Councillor McClean asked if the finish of the proposed property would be in conformity with neighbouring houses and what material would be utilised to construct the windows.

In response, the Officer confirmed that the design and finish of red brick and slate would respect the established built form. She noted that the windows would be grey aluminium.

At this point in the meeting, the Chairman invited Mr Greg Bell to speak who was against the application.

Thanking the Chairman, Mr Bell indicated that his main concern related to the aspect of overlooking as there would be a direct view into his daughter's bathroom from first floor level. He admitted there would eventually be opaque glass in the windows but that would certainly not be the case during the construction period. In terms of separation distances, he referred to the width of the hedge and his desire that the proposed dwelling should be moved to ensure a separation distance of 10m, whereas it was only 9m as proposed. Lastly, he emphasised that the property would not sit comfortably in the setting of an Area of Townscape Character.

The Chairman then asked Mr Terry Gilmore to speak in opposition to the application.

Mr Gilmore was grateful for the opportunity to address the Committee. He firstly highlighted that residents were not objecting to the concept of a house being built; rather the type of house and height being put forward. He remarked that his bungalow was height restricted and the proposed property would be detrimental because of overlooking and loss of privacy. Although two windows would be fitted with obscure glazing, he underlined that there were other windows which would overlook at an angle into their amenity space, particularly their two bathrooms on their gable wall. He concluded that a dormer type bungalow would be more satisfactory.

Regarding the matter of frosted glass, Alderman Fletcher wondered if it was a planning requisite in such circumstances.

The Senior Professional and Planning Officer verified that it was a planning consideration and most people opted for obscure glazing in a bathroom situation. It could even be used on bedroom windows if there was an additional source of light, as in this case, to mitigate against any overlooking.

Alderman McDowell requested the Planning Officer to confirm that this application comprised adequate separation distances.

The Officer advised that the bathroom window of No. 16a Old Cultra Road would be 9m from the two storey element of the new dwelling, whilst Creating Places asked for 10m from back of dwelling to boundary – but that was a different situation as that was not a back-to-back relationship and on balance was considered to be acceptable.
Proposed by Alderman Fletcher, seconded by Alderman Graham that the recommendation be adopted.

On being put to the meeting, with 8 voting FOR, 2 voting AGAINST, 3 ABSTAINING and 2 ABSENT, the proposal was declared CARRIED. A recorded vote resulted as follows:

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RESOLVED, that the recommendation be adopted and that planning permission be granted.

4.4 **LA06/2018/0742/F – Demolition of former petrol filling station, retail unit and canopy for redevelopment for 18 no. two bedroom apartments for social housing, including associated car parking and all other ancillary site works. Former Petrol Filling Station at 375 Old Holywood Road, Holywood** (Appendix VIII – X)

PREVIOUSLY CIRCULATED: Case Officer’s Report.

**DEA:** Holywood and Clandeboye

**Committee Interest:** Application with 6 or more representations contrary to Officer’s opinion

**Proposal:** Demolition of former petrol filling station, retail unit and canopy for redevelopment for Nos. 18 x 2 bedroom apartments for social housing, including associated car parking, landscaping and all other ancillary site works

**Site Location:** Former petrol station at 375 Old Holywood Road, Holywood

**Recommendation:** Approval

The Senior Professional and Technical Officer (C Rodgers) explained that this was a full planning application for demolition of a former petrol filling station, retail unit and canopy and development of 18 two bedroom apartments for social housing including associated car parking, landscaping and all other ancillary site works.

The application was before Committee as it was a local application attracting six or more separate objections contrary to the officer’s recommendation. The recommendation was to grant planning permission.
The site was outside any designated area in both the North Down and Ards Area Plan and Draft Belfast Metropolitan Area Plan. It was outlined in red on both the site location plan and aerial photograph. The site was occupied by a former petrol filling station and was currently used as a car wash.

The surrounding area was predominately characterised by two storey terraced dwellings particularly to the west and south of the site.

Full planning permission was previously granted on this site for a three storey mixed use development comprising of two retail units and eight private apartments. That permission expired on 11 October 2017 but remained material to the determination of the current application.

The proposal would replace existing development on site which includes a significant area of hardstanding and structures associated with a former petrol filling station including a large canopy. The site was currently used as a car wash. Site photographs showed longer views of the site travelling both north and south along the Old Holywood Road and it was noted that the site benefitted from a significant band of mature trees along its northern boundary.

The proposed apartment building would not be out of character with the relatively high density terraced dwellings in the surrounding area. A standard two storey dwelling was typically 8m. Whilst the overall height of the proposed building would be approximately 10m it was considered the proposal would not appear incongruous in the street scene. The site was set back almost 4m from the public footpath and the third floor is stepped in to reduce overall massing. A laurel hedge was proposed along the boundary with the footpath to soften the appearance of the lower portion of the building.

Referring to the slides, she reported that the dashed red line showed an outline of the previous approval for comparative purposes. The overall height and scale of the proposed building was not significantly different to that previously approved.

Although the design was contemporary the proposed brick and render finishes would complement existing development within the surrounding area. The new frontage would be an improvement to that of the former petrol filling station and existing car wash facilities which made no positive visual contribution to the character of this area.

It would be a condition of any potential planning approval that upper floor gable windows will be obscured to prevent overlooking.

The site photograph showed the rear of the site which abutted the residential properties in Clarehill Lane.

The footprint of the proposed apartment building would be 16m from the common boundary with the existing properties which exceeded the guidance in Creating Places.
The Council sought amendments to the proposal to further minimise any overlooking impacts on existing residents and address objector concerns. The slide showed the original elevation and the amended elevation now proposed.

At the request of the Council, two upper floor living room windows were removed from the rear elevation, the remaining windows were reduced in size and all Juliet balconies were removed from the proposal.

The 25 degree and 45 degree light test had been applied to assess loss of light to existing residential development. The proposal passed this test and therefore would not result in any detrimental loss of light.

The separation distances proposed would ensure that the proposal would not result in any unacceptable overlooking, loss of light, overshadowing, dominance or other disturbance.

The site layout plan showed 19 in-curtilage parking spaces and it was considered that adequate parking had been provided. It should be noted that there was typically lower car ownership rates for social housing apartments compared with privately owned apartments and that the site was well served by public transport as it was located on the main Belfast to Bangor bus route.

The amount of communal amenity space proposed exceeded recommended standards. The site also benefitted from its close proximity to Redburn Country Park. The northern boundary of the site abutted the curtilage of a Grade B2 listed building. Historic Environment Division were consulted and provided no objection to the application.

The Housing Executive had confirmed that the projected social housing need in Holywood was approximately 156 units. The proposed application would assist in meeting that housing need. The HE had confirmed support for the application and the need for two bed apartments in the area.

It was considered that the proposal was fully compliant with planning policy and therefore the recommendation was to grant planning permission.

Councillor McClean contemplated the extent to which social housing had a bearing on planning deliberations and if it would influence our decision making. He was appreciative of the detailed and colourful slides submitted by the applicant as they were helpful to generate the finished image for Members.

The Officer explained that BMAP had not identified sites in Holywood for social housing and such developments as this one now proposed were necessary to do so. The need for social housing would be balanced with other material considerations.

Alderman Fletcher was satisfied that the proposals had been amended to reduce potential overlooking for Nos. 22-25 Clarehill Lane. However, as they were positioned slightly lower, he voiced unease that the apartments could overlook into their rear gardens.
The Officer made reference to the Creating Places guidelines whereby apartment developments with upper floor living space necessitated a separation distance of 15m to the common boundary. In this proposal the distance was 16m together with a reduced window size for further mitigation and removal of balconies. Those modifications meant there were no unacceptable adverse impact on existing properties.

Alderman Girvan underlined her worry about the apparent shortfall in car parking spaces within the scheme. Under PPS3 1.5 spaces were calculated for each two bedroom apartment which totalled 27 spaces but only 19 spaces were actually being provided by the developer. Generally speaking she realised that fewer spaces were often required for social housing but should that lower number be insufficient, the consequence would be additional cars parking in adjacent streets, namely Clarehill Lane.

With regard to parking standards, the Officer agreed that there was a shortfall of 8 spaces but social housing normally exhibited a lower demand. Having said that, the development would be situated in a highly accessible location with good public transport links. There were frequent bus services to Bangor and Belfast every 30 minutes and an effective weekend service with bus shelters located 40 metres to the south and 80 metres to the north.

Alderman Graham ventured that this development was under the umbrella of a housing association and the Officer confirmed that to be Clanmil.

The Member said he was very impressed with its development in Bangor which had produced excellent homes. However, he was not convinced that this particular development would provide that same high quality environment as the massing was too intense. He certainly accepted the need for social housing in Holywood but this was not the quality he wished to see for this sector in Ards and North Down.

At this stage the Chairman invited Ms Anne Gilmore to speak against the application on behalf of local residents.

At the outset Ms Gilmore articulated that the proposed development was significantly larger in size and massing than previously submitted with six additional apartments and insufficient car parking arrangements. A major concern for residents was the overbearing impact on the character of an established residential area. Also, such a large modern apartment block was not in keeping with the predominantly two storey houses sited along the Old Holywood Road. She remarked that the proposed buildings would greatly exceed the ridge line of her house and those of her neighbours and would overshadow the rear gardens of Clarehill Road. It would impinge upon the degree of natural light entering their homes and residents were in full agreement that this scheme should not be approved. She was aware of the plans to erect a 1.75m brick dividing wall but that was considered unsatisfactory by residents. The shortfall in the car parking provision was a great cause for anxiety as it was inadequate for inhabitants of the apartments and did not account for visitors. Undoubtedly Clarehill Road would be utilised for that overflow of parking and whilst Transport NI was responsible for sight lines, Ms Gilmore recognised that Planning Officers were responsible for the safety of footpaths and addressing the probable
health and safety risk to children and mothers with prams etc. Lastly, she raised the issue of the new super school to be built on the Redburn site which would exacerbate the volume of traffic and congestion at that locale.

Councillor McClean queried if residents were satisfied with the revised construction plans for the apartment building.

In response, Ms Gilmore expressed the opinion that the original plans were not as contentious because the height was lower and the overbearing and overlooking issue was diminished.

Alderman Fletcher wondered if residents would be placated with the erection of a 2.2m wall and if so, would they drop their objections about potential overlooking.

Ms Gilmore indicated that that may bring a move towards an agreement but she stressed that their main grievance was the overall height and massing of four storeys. In the early planning stages, they had met with the developer to air their anxieties and on a positive note, balconies and some windows had been removed. The lack of car parking facilities remained a serious matter for debate and in reality, how would a large four storey block fit into an area which generally consisted of two storey red brick houses.

The Chairman then asked Mr Andy Stephens to speak in support of the application.

Firstly, Mr Stephens took the opportunity to commend what he viewed as a fantastic proposal. He highlighted the substantial shortage of social housing in tandem with a high demand within Holywood. This application represented a visual enhancement, an improvement to the overall character and an efficient use of the former petrol station site. It was a brownfield site and in terms of scale and massing, the benchmark for the plans had been Clarehill Road. Following amendments, the scheme was now more preferable and less intensive. He described the separation distances and light tests from varying angles which all met the requisite standards. Likewise, the finished design and materials were reflective of others throughout Holywood. Mr Stephens realised that change could be difficult and with that borne in mind, the developer had met with Gordon Dunne MLA and several changes had been implemented. The building line had been altered and the brick boundary wall introduced, there was a reduction in glazing to the rear of the building and removal of balconies which had ably assisted in lessening any detrimental effect on the amenity space of adjacent residents.

Alderman Girvan acknowledged that the rationale behind the car parking provisions had been defined but she regretted that assumptions had been made, as there was no certainty as to who would be moving into those apartments. Without doubt it was useful to live somewhere with public transport close by but again there was no guarantee that those facilities would be used or required. She concluded that the shortfall of eight spaces would remain a huge road safety concern with cars blocking residential streets and footpaths.

Mr Stephens commented that the Parking Standards was a guidance document and need not be rigidly applied. It had been proven on many occasions that there was a
decrease in car ownership pertaining to social housing which provided an insight for future developments. He realised that the decision was not black and white; rather an evaluation through planning judgement.

Mr Woods from Clanmil Housing Association interjected and emphasised that they had supplied housing across Northern Ireland for which there had been a record level of uptake. As an example, he cited a similar scheme in West Green, Holywood which was of a comparable scale. There had been no indication of car parking problems and therefore it was anticipated that one to one parking was appropriate for this scheme on the Old Holywood Road.

(Alderman Carson left the meeting at 9.05 pm)

RECESS 9.05 pm
RECOMMENCEMENT OF MEETING 9.16 pm

Alderman Graham congratulated Clanmil Housing Association for the work that it undertook across Northern Ireland but when it came to the proposal under consideration the mass of the building and the reduced car parking at the site caused him some concern. He thought that if there was insufficient space people would park in the residential streets close by causing annoyance in neighbouring areas.

The Clanmil spokesperson had confidence that the development proposed was of similar quality to any of its other developments. It stressed that while the normal recommendation for car parking was 1.5 spaces per residential unit analysis had shown that in social housing developments the need was lower. That reasoning combined with the fact that the existing site was brownfield and was close to a town centre which had good transport links led to an anticipation that there would be no difficulty with parking at the location and he did not wish to set a precedent for that.

Councillor Walker wondered if building a smaller scale block would be a viable option for the developer in helping to increase the separation distances or the height. The Clanmil spokesperson stressed that there was a need in Holywood for social housing and under planning guidance there did not appear to be a material reason to remove the top floor of the building or even increase the separation distances.

Alderman Gibson explained that he was always in support of the building of additional social housing but wondered about the phrase no ‘demonstrable harm” since it appeared to be a negative way to look at an application. He stressed that the committee needed to consider the right balance of development and it was obvious that the site was crying out for residential development and the planning policy had been met.

Alderman McDowell shared the concerns about over development and wondered if town houses or semi-detached properties had been considered. He added that what was built today would need to be durable and positive for an area going in to the future.
It was explained that there was significant demand for apartments in Holywood and there was a trend for people to downsize and live closer to the town centre. Where space was limited the tendency was to build upwards. It was pointed out that the average two storey house was 8.5m high and that the proposed development was only 10m. It was therefore deemed appropriate development and met the requirements of planning. The stepped back top storey would soften the lines of the development visually.

Alderman Keery stated that he was not a fan of four storey developments and careful consideration would need to be made. He was aware that Clanmil would want the development to be an asset in to the future.

Councillor McClean agreed that a judgement was needed on what was appropriate. The developer explained that adjustments had been made to the plans to make them more acceptable. The building line had been brought forward on site, a boundary wall was planned, windows had been changed, Juliet balconies had been removed and the top floor had been stepped in to reduce the massing affect.

The Planning Officer explained that each application would be judged on its own merits and the issue of parking had been considered closely and had been linked with a public transport assessment.

Alderman Girvan stressed that she believed that the development was too big for the site and felt that it was inevitable that cars would be forced to park in neighbouring streets.

Proposed by Alderman Fletcher, seconded by Alderman Henry that the recommendation be adopted.

Councillor Walker required clarification on the difference between the proposal now being put forward and the one that had been put forward previously for the same site. The Officer advised that there was no significant difference in height or massing between the two developments. The previous application had made provision for two retail units but the current application showed less intensive use of the land and a smaller footprint.

A recorded vote was called and on being put to the meeting, with 3 voting FOR, 4 voting AGAINST, 5 ABSTAINING and 3 ABSENT, the proposal was LOST.
Councillor McClean asked the planning officers to explain the way forward from that decision. In response the Chair said that it was not for the planner to speak on that or make recommendations.

Alderman Graham appreciated it was a difficult situation and recognised that while there was a degree of dissatisfaction he was also aware of the need to cooperate with Housing Associations who provided essential housing for the local community. He suggested that a decision be deferred until a site visit could take place.

Proposed by Alderman Graham, seconded by Alderman Keery that a decision be deferred until after a site visit was arranged.

On being put to the meeting, with 7 voting FOR, 0 AGAINST, 5 ABSTAINING and 3 ABSENT, the proposal was declared CARRIED. A recorded vote resulted as follows:

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It was stressed that only those members attending the site visit would be eligible to vote on the final decision.

RESOLVED, on the proposal of Alderman Graham, seconded by Alderman Keery, that a decision on the application be deferred until after a site visit had taken place.

4.5 LA06/2017/0793 – Proposed residential development of 43 detached dwellings with public open space and associated parking, landscaping and site works. Lands to the rear of Nos. 1-7 Brooklands Avenue and Brooklands Park, Nos 2-24 Aldergrange Park and 57-63 Manse Road, Newtownards

(Appendix XI & XII)

PREVIOUSLY CIRCULATED: Case Officer’s Report.

**DEA:** Newtownards

**Committee Interest:** Major Application

**Proposal:** Proposed residential development of 43 detached dwellings with public open space and associated car parking, landscaping and site works.

**Site Location:** Lands to the rear of Nos. 1-7 Brooklands Avenue & Brooklands Park, Nos. 2-24 Aldergrange Park & 57-63 Manse Road, Newtownards

**Recommendation:** Approval
The Principal Professional and Technical Officer (G Kerr) outlined the application as being for full planning permission for 43 dwellings with public open space and associated car parking, landscaping and site works within the popular housing area within the Brooklands, Manse Road and Aldergrange area of Newtownards.

The proposal formed residential development for housing zoning – NS 18 – which was zoned in the Ards and Down Area Plan which was formally adopted in 2009. The overall zoning was approximately 2.61 hectares.

The planning history of the site was a material consideration in the assessment of the application before members.

A housing development which included six apartments with associated landscaping and car parking was granted outline planning permission in 2013.

The associated reserved matters application for proposed development of 44 No. dwellings including four apartments with associated landscaping, car parking and all other associated site works was currently under consideration but it had been indicated it would be withdrawn if the application under discussion was approved this evening.

Although the principle of 44 dwelling units was granted under outline permission, the proposal was for full permission as it included a different layout to that conditioned under the outline permission, it removed the apartment development and was for 43 detached dwellings.

The site lay within the development limit for Newtownards directly adjacent to the countryside. The site has well defined boundaries with housing along the northern boundary stretching round to the south east and fields to the south and west.

The proposal had been assessed against the relevant policies and guidance and was considered to provide a quality and sustainable residential environment.

In line with legislation for a major application, a pre-application consultation event was held in Newtownards and by listening to feedback from local residents stating the need for high quality private housing in Newtownards the development delivered a development comprising quality two-storey detached dwellings all with in curtilage car parking and generous plots which was reflective of housing in the surrounding area.

Public and private open space within the proposal had been assessed and it was considered proposed open space and landscaped areas would break up the overall built form and be further enhanced by extra planting throughout.

Scale, massing and design had been assessed and found acceptable and would ensure development respected the site at its edge of the development limit abutting the countryside setting.

Separation distances had been assessed and were found to be acceptable. Furthermore, the separation distances proposed would ensure no unacceptable
adverse impact on residential amenity in terms of overlooking, dominance, noise, and overshadowing.

A range of consultations took place on this proposal and no objections were raised, subject to inclusion of appropriate conditions. There was a total of eight objections received from five separate addresses covering a range of concerns, of which the material matters including the principle of development, density, access and traffic impacts, impact on wildlife, surface water drainage had all been considered within the case officer report.

There were several key design criteria set out in the area plan including density, consultation with NI Water, the junction of Blair Mayne Road and Manse Road to be upgraded and boundaries of the site adjacent to the countryside to be landscaped with 8-10m of vegetation to provide screening and help the development integrate into the countryside.

All of the key site considerations were taken account of by the agents acting for the developer, and where possible had been adhered to including that of density, consultation with NI Water for advice on the positioning of buildings in relation to water mains structure prior to the submission of the planning application. As part of the processing of the application statutory body DFI Roads were consulted and they responded stating that the upgrading the junction of Blair Mayne Road and Manse Road with a signalised junction was not an appropriate solution as part of the development for 43 houses due to the proximity of Ards Shopping Centre and the already signalised junction at Hardford Link /Church Street /Belfast Road. DFI Roads considered the proposal of 43 dwellings would have a negligible impact on the existing junction and instead the installation of a MOVA (Microprocessor Optimised Vehicle Actuation) system at the Hardford Link /Church Street /Belfast Road junction was the appropriate solution.

The MOVA system would provide improved traffic progression on Blair Mayne Road and consequently provide associated benefit at the Manse Road junction. The developer would make a contribution to the installation of the MOVA system and DFI Roads had confirmed that was programmed for March 2020.

To provide an outline for members MOVA - Microprocessor Optimised Vehicle Actuation System was a traffic control strategy that was specifically designed to maximise the operational efficiency of a junction/crossing.

To provide a summary of how MOVA works - unlike other traffic control strategies it continually adjusts the green time required for each approach by assessing the number of vehicles approaching the signals, whilst at the same time determining the impact that queuing vehicles would have on the overall operation of the junction. Consequently, MOVA sites had less queuing and incurred less delay to all users.

The developer had entered into an Article 122 agreement which was a legally binding document under DRI Roads legislation which was signed and sealed in May 2018 to financially contribute towards the provision of a MOVA system which would bring benefits for traffic flow in that part of Newtownards. There was a provision that
within 5 working days of the commencement of development a payment of £40,000 would be made to contribute towards a MOVA system at the traffic lights at Church Street/ Hardford link junction.

Although not planning legislation, the Article 122 agreement was considered essential to secure provision of the MOVA system and the developers had fully complied with the requirements of the agreement.

The local area draft plan was published in 2002, well before the development and improvement of a wide range of roads within the Newtownards Town, including Messines Road, Portaferry Road and Castlebawn roundabouts with the Castlebawn Road, and upgrades to Talbot Street junction.

The development was assessed against Policy AMP 2 of PPS 3 – which DFI Roads was content it met. It stated that such access would not prejudice road safety or significantly inconvenience the flow of traffic;

Consideration would also be given to the following factors:

- the nature and scale of the development
- the character of existing development
- the contribution of the proposal to the creation of a quality environment, including
  - the potential for urban / village regeneration and environmental improvement
  - the location and number of existing accesses
  - the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase
- The proposed housing development is considered to meet the listed criteria of AMP 2

In summary, the application site was zoned for housing in the local development plan and it was the professional planning judgement that the proposal complied with prevailing policy and guidance, and in association with the Article 122 agreement to ensure provision of the MOVA system was recommended for approval.

Alderman McDowell asked about the design consideration in relation to the Ards and Down area plan. He also expressed concern about the junction of the Blair Mayne Road and Manse Road and the difficulty and need to improve that junction.

In response the Officer stated that the Department for Infrastructure had been a statutory consultee and had come to its assessment on the basis of the construction of 43 houses. The MOVA system would not have been suggested if it had not been thought to have been effective.

Alderman McDowell appreciated the work of the Department and the road was greatly improved from what it had been. The consultation had been of benefit. The public was aware that the land had been zoned for housing but he was critical of Roads Service for not providing improvements at that junction.
Some Members expressed similar concerns about the proposed MOVA system. Alderman Gibson was aware that the development would take Newtownards to the limit of its development zone as the last remaining site.

Councillor McClean referred to biodiversity at the site and it was noted that a strong natural boundary would be created with extensive planting scheme to separate it from the surrounding fields.

Alderman Fletcher made Members aware that that area of Newtownards was liable to occasional flooding. The planners were in agreement that the area was a ‘wet’ part of the town but the Rivers Agency had been a statutory consultee and had no concerns.

At this stage the Chairman invited Sam McKee of Turley, David Magee (Antrim Construction Company) and Martin Hoy (Hoy Dorman Consulting) forward to speak in support of the application.

Members were informed that the proposed development met planning policy and guidance by statutory organisations had also approved the plans. The area would be developed with detached houses and those met more than the minimum standards of provision.

It was explained that MOVA was a very intelligent traffic signalling system which analysed the traffic and chose the best configuration. At the junction in question it could increase the capacity of traffic in the area from between 1.1% to 15%. It was recognised that through traffic was the problem and the Department for Infrastructure believed that the existing road network was capable of accommodating 43 additional housing units.

Alderman McDowell believed that access to and from Manse Road needed to be improved. He considered that a serious accident could occur at that point with cars moving on to a road with fast moving traffic. It was also very difficult to turn right when leaving Manse Road at busy times of the day. He was advised that the MOVA system would improve the traffic junctions and offer more time when it was needed.

Councillor Thompson spoke about the common open areas on the proposed development and wished to have confirmation that a management company would be appointed to ensure the area was kept tidy. The planners confirmed that a management company would be appointed.

Proposed by Alderman Graham, seconded by Councillor Thompson that the recommendation be adopted.

A recorded vote was requested and the results were as follows: 9 voting FOR, 1 AGAINST, 2 ABSTAINING and 3 ABSENT and the proposal was declared CARRIED.

<table>
<thead>
<tr>
<th>FOR (9)</th>
<th>AGAINST (1)</th>
<th>ABSTAINING (2)</th>
<th>ABSENT (3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aldermen</td>
<td>Alderman</td>
<td>Alderman</td>
<td>Alderman</td>
</tr>
<tr>
<td>Fletcher</td>
<td>McDowell</td>
<td>Gibson</td>
<td>Carson</td>
</tr>
</tbody>
</table>
RESOLVED, on the proposal of Alderman Graham, seconded by Councillor Thompson, that the recommendation be adopted and that planning permission be granted.

4.6 **LA06/2018/0436/F – Demolition of existing public house and toilet block buildings. Construction of new mixed use development comprising food retail units, non-food retail units, café/restaurants, office accommodation, public car park and new public toilet facilities. The Front, Hibernia Street, Stokers Halt, 25-29 Hibernia Street, toilet block and car park adjacent to and north of 2 Redburn Square and 25-35 Hibernia Street, Holywood** (Appendix XIII & XIV)

PREVIOUSLY CIRCULATED: Case Officer’s Report.

**DEA:** Holywood

**Committee Interest:** Application on land in which the Council has an interest

**Proposal:** Demolition of existing public house and toilet block buildings
Construction of new mixed use development comprising food retail units, non-food retail units, café/restaurants, office accommodation, public car park and new public toilet facilities

**Site Location:** The Front, Hibernia Street, Stokers Halt, 25-29 Hibernia Street, Toilet block and car park adjacent to and north of 2 Redburn Square and 25-35 Hibernia Street, Holywood

**Recommendation:** Approval

The Principal Professional and Technical Officer (G Kerr) explained that the application represented a major investment opportunity for Holywood town centre and involved plans to demolish a pub and toilet block along Hibernia Street in Holywood to make way for new shops, cafes, restaurants and offices resulting in a new mixed-use development on an area that was currently rough ground and hard standing used as a pay and display car park.

The application site lay within the town centre of Holywood and was directly adjacent to the prime retail core. The site lay directly adjacent to the dual carriageway known as Marine Parade and extended to Hibernia Street and Shore Road, Holywood.
The area represented a mixed urban form with different uses and building types. Several listed buildings lay in the vicinity of the application site including first Holywood Presbyterian Church and terraced properties along Shore Street. Historic Buildings Unit were consulted and had expressed no objection to the proposal being of the opinion that the proposed development respected the listed buildings in terms of scale height massing and alignment.

The application site lay directly adjacent to a recently completed major new apartment complex developed the same applicant. The application was seen as an extension of the constructed apartments to complete the regeneration of the immediate area.

The planning history of the site was of relevance to Members as outline planning approval for retail and offices was granted to the developer in 2015 on the application site. This outline approval was originally envisioned as a retail park-style scheme with an anchor supermarket, but due to the changing climate in retail a rethink had been made of the original plans. The proposed use of retailing and office use was therefore acceptable at the site.

The current version of the application before Members included a series of smaller ground-floor retail and hospitality units, with office space on the second floor. The proposal also included the construction of a new toilet block and larger car park with associated regeneration and re-organising of public space.

There would be an increase in car parking provision as a result of the scheme. The current car park on waste ground held 119 with 2 disabled spaces. There were to be 138 car parking spaces with 7 disabled spaces. The site also had good links with public transport being adjacent to the subway leading to the train halt with bus stops in the vicinity.

Interest in the scheme had been high to date with reports in the press stating that up to 50% of the apartments had already been sold and some retailers had expressed an interest in setting up a business in the town centre. That was a positive development for Holywood and the grant of planning permission was recommended.

Alderman Fletcher and Alderman Keery spoke of the car parking at the site and it was noted that 19 additional spaces would be created. The Director confirmed that the current draft development brief stipulated Council would retain the car park. Following a question about the toilet block in the area from Alderman Henry the Director also confirmed that the developer would be providing a new toilet block.

Alderman Graham and his Council colleagues thought the project was excellent and welcomed it for Holywood.

UNANIMOUSLY RESOLVED, on the proposal of Councillor Walker, seconded by Alderman Girvan, that the recommendation be adopted and that planning permission be granted.
5. **UPDATE ON PLANNING APPEALS**

PREVIOUSLY CIRCULATED:- Report from the Director of Regeneration, Development and Planning that the following appeals, heard concurrently, were dismissed on 20 December 2018.

<table>
<thead>
<tr>
<th>Appeal reference:</th>
<th>2018/A0044</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application Reference:</td>
<td>LA06/2017/1199/F</td>
</tr>
<tr>
<td>Appeal by:</td>
<td>Mr Stephen Kirk</td>
</tr>
<tr>
<td>Subject of Appeal:</td>
<td>Retrospective temporary change of use of partial yard to Class A1 use: shops/retail for siting of barber shop</td>
</tr>
<tr>
<td>Location:</td>
<td>2A Bingham Street East, Bangor</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Appeal reference:</th>
<th>2018/A0049</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application Reference:</td>
<td>LA06/2018/0178/A</td>
</tr>
<tr>
<td>Appeal by:</td>
<td>Mr Stephen Kirk</td>
</tr>
<tr>
<td>Subject of Appeal:</td>
<td>Shop signage – flat (low voltage LED illumination concealed below eaves signage)</td>
</tr>
<tr>
<td>Location:</td>
<td>2A Bingham Street East, Bangor</td>
</tr>
</tbody>
</table>

The Commissioner considered that there was no support in principle for the retail development on the appeal site given its location outside the Primary Retail Core (PRC) on a sequentially less preferable site when there were other vacant premises within the PRC itself. It would not comply with the relevant provisions of the SPPS for that reason. It was also considered to have an unacceptable visual impact on the character of the area, even on a temporary 3-year basis, and it would fail to maintain or enhance the overall character of the proposed Area of Townscape Character (ATC).

In relation to the related appeal against refusal of advertising consent, the Commissioner found that the appeal signs would fail to respect amenity when assessed in the context of the general characteristics of the locality. They would not comply with Policy AD1 of PPS17 (Control of Outdoor Advertisements) and the related provisions of the SPPS. It followed that the appeal signage would also fail to maintain the overall character and appearance of the proposed ATC.

All the Council’s reasons for refusal in respect of both appeals were sustained by the Planning Appeals Commission.

The Commissioner’s Decision was appended to the report.

The following appeal was dismissed on 15 November 2018.

<table>
<thead>
<tr>
<th>Appeal reference:</th>
<th>2018/A0059</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application Reference:</td>
<td>LA06/2017/1098/O</td>
</tr>
</tbody>
</table>
The Council dismissed the application above for the following reasons:

- The proposal was contrary to Policy CTY1 and CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal did not constitute a small gap site within an otherwise substantial and continuously built up frontage and would, if permitted, create a ribbon of development along Killinakin Road;

- The proposal was contrary to Policy CTY1 of Planning Policy Statement 21 Sustainable Development in the countryside in that there were no overriding reasons why the development was essential in that rural location and could not be located within a settlement; and

- The proposal was contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted create a ribbon of development along Killinakin Road and would therefore result in a detrimental change to the rural character of the countryside.

The Commissioner sustained each of the Council's reasons for refusal and dismissed the appeal.

The following enforcement appeal decision was published on 14 January 2019.

The Council served the Enforcement Notice on 20 June 2018 on this unauthorised development, which had been in situ since 2015, and the appellant appealed under the following grounds under Section 143 of the Planning Act (NI) 2011:

- Ground (a) that planning permission ought to be granted; and
- Ground (g) that any period specified in the enforcement notice (specifying the period at the end of which the unauthorised development should be removed) fell short of what should reasonably be allowed.
The Commissioner found in respect of ground (a) that the appeal development failed to meet the requirement of Policy CTY 9 and Policy CTY 6, and thus did not constitute an acceptable form of development in accordance with Policy CTY 1 of PPS 21: Sustainable Development in the Countryside. Furthermore, the Commissioner did not find that other personal and domestic circumstances put forward by the appellant provided any overriding reason why the development was essential on the appeal site.

In respect of the appeal on ground (g) the Commissioner varied the Enforcement Notice from 180 days to 1 year from the date of the decision for removal of the unauthorised development, on the basis that the appellant was expecting approval of a current application for a replacement dwelling, submitted in July 2018.

The following appeal was dismissed on 21 January 2019.

<table>
<thead>
<tr>
<th>Appeal reference:</th>
<th>2018/A0105</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application Reference:</td>
<td>LA06/2018/0107/A</td>
</tr>
<tr>
<td>Appeal by:</td>
<td>Mr J Hamilton</td>
</tr>
<tr>
<td>Subject of Appeal:</td>
<td>Refusal of consent to display a freestanding poster panel display</td>
</tr>
<tr>
<td>Location:</td>
<td>Adjacent to gable of 136 High Street, Holywood</td>
</tr>
</tbody>
</table>

The Council dismissed the application above for the following reasons:

- The proposal was contrary to paragraph 6.12 of the Strategic Planning Policy Statement for Northern Ireland and Policy BH11 criteria (a) and (c) of Planning Policy Statement 6: Planning, Archaeology and The Built Heritage, as the proposal, if permitted, would fail to respect the listed buildings located at 140-150 and 155 High Street in terms of its scale and would fail to respect the character of the setting of the listed buildings due to its scale and the resulting adverse cumulative visual impact of an excessive number of large advertising boards at that location.

- The proposal was contrary to Policy AD1 of Planning Policy Statement 17: Control of Outdoor Advertisements, in that it would fail to respect amenity when assessed in the context of the general characteristics of the locality by reason of the size and scale of the sign which would appear over-dominant in relation to the host building and obtrusive in the street scene creating clutter when viewed in the context of existing signage in the area.

- The proposal was contrary to Policy ATC3 of the Addendum to Planning Policy Statement 6: Areas of Townscape Character, in that it would, if permitted, fail to maintain the overall appearance of the area by reason of its size and scale and the cumulative impact when viewed with other existing signage which would detract from, and fail to respect, the appearance of the area.

The Commissioner sustained each of the Council’s reasons for refusal and dismissed the appeal.
New Appeals Lodged

The following appeal was lodged on 17 December 2018:

<table>
<thead>
<tr>
<th>Appeal reference:</th>
<th>2018/A0166</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application Reference:</td>
<td>LA06/2017/1416/O</td>
</tr>
<tr>
<td>Appeal by:</td>
<td>Mr Ray Jackson</td>
</tr>
<tr>
<td>Subject of Appeal:</td>
<td>Site for 2no. dwellings and garages</td>
</tr>
<tr>
<td>Location:</td>
<td>Land between no. 59 Thornyhill Road &amp; 44 Ballymacashen Road, Killinchy</td>
</tr>
</tbody>
</table>

The following appeal was lodged on 24 September 2018:

<table>
<thead>
<tr>
<th>Appeal reference:</th>
<th>2018/A0093</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application Reference:</td>
<td>LA06/2017/1273/O</td>
</tr>
<tr>
<td>Appeal by:</td>
<td>Mr Martin Kane</td>
</tr>
<tr>
<td>Subject of Appeal:</td>
<td>Proposed dwelling and garage</td>
</tr>
<tr>
<td>Location:</td>
<td>Lands to the rear and side of no. 1 Farnham Park, Bangor</td>
</tr>
</tbody>
</table>

Details of appeal decisions, new appeals and scheduled hearings can be viewed at [www.pacni.gov.uk](http://www.pacni.gov.uk).

RECOMMENDED that Members note the content of the report.

AGREED TO RECOMMEND, on the proposal of Alderman Gibson, seconded by Alderman Keery, that the recommendation be adopted.

6. **PLANNING BUDGETARY CONTROL REPORT – DECEMBER 2018**

PREVIOUSLY CIRCULATED:- Report from the Director of Regeneration, Development and Planning detailing that the Planning Budgetary Control Report covered the 9-month period 1 April to 31 December 2018 and was set out. The net cost of the service was showing an underspend of £54,959 (7.0%).

**Explanation of Variance**

A Budgetary Control Report by Income and Expenditure for Planning was, also, shown which analysed the overall favourable variance (£54,959) by expenditure (£75,924 favourable) and income (£20,965 adverse).

**PLANNING**

Expenditure - £75.9k (4.9%) better than budget to date. That favourable variance was mainly made up of the following: -
a. Payroll £95.6k favourable due to vacancies. Full complement of the Administration team would be in place from 1 February 2019. One vacant HPTO post had recently been filled but another HPTO vacancy was still to be filled following an unsuccessful recruitment exercise. There had been a knock-on effect regarding staffing due to backfilling required for maternity cover, and resignations.

b. Legal costs were £48.2k over budget to date. That had been as result of ongoing complex enforcement cases which had required specialist legal advice, including counsel representation at appeal hearings and court.

c. There were underspends to date on other expenditure lines such as tree services (£4.1k - which expected to be spent by end of financial year) mileage (£7.3k) and consultancy (£3.4k).

Income - £21.0k (2.7%) worse than budget to date. Planning application income was £21.0k lower than budget for the year to date.

<table>
<thead>
<tr>
<th>Planning</th>
</tr>
</thead>
<tbody>
<tr>
<td>330 Planning</td>
</tr>
<tr>
<td>Totals</td>
</tr>
</tbody>
</table>

RECOMMENDED that the Committee notes this report.

Councillor Walker referred to the large amount of money allocated to legal costs and wondered was it possible that that cost could have been overstated. The Director explained that Members would be updated on the figure as the year
progressed. Costs fluctuated from year to year and the allocation was based on previous trends.

**AGREED TO RECOMMEND**, on the proposal of Councillor Thompson, seconded by Alderman Girvan, that the recommendation be adopted.

7. **REPORT ON PLANNING STATISTICS – QTR 2018/2019**  
(Appendix XV & XVI)

**PREVIOUSLY CIRCULATED:** Report from the Director of Regeneration, Development and Planning detailing that the DFI Northern Ireland Planning Statistics covering the second quarter of 2018/19 were published on 20 December 2018.

That publication presented a summary of Northern Ireland planning volumes and processing performances at District Council level on a quarterly basis.

The bulletin attached provided an overall view of planning activity across Northern Ireland. It provided summary statistical information on Council progress across the three statutory targets for major development applications, local development applications and enforcement cases as laid out in the Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015. It also provided information relating to Departmental performance against quantitative DFI Corporate Business Plan targets.

The number of applications received and decided referred only to planning applications for which a fee was usually attracted.

The Service Unit undertook a considerable amount of other work for which no fee was attracted. Those works comprised Certificates of Lawfulness of Existing or Proposed Use, Tree Preservation Orders/Consents, Discharge of Conditions, Non-Material Changes, and Pre-Application Discussions.

Discharge of Conditions and applications for Non-Material Changes could be time dependent and had to be managed accordingly where possible alongside the planning application work which did attract fees.

The tables within the report gave a breakdown of the number of planning applications submitted and decided, other activity and enforcement cases.

**Legacy Applications**  
Having transferred from DOE with 577 live planning applications, the remaining legacy applications totalled 9 at end of Quarter 2 of 2018/2019, with continuing work to bring those applications to withdrawal or determination as soon as possible. The actual number remaining in the system was currently 4.

**Planning Applications 1 July 2018 – 30 September 2018**  
Details of planning applications received and decided, were provided below. The applications received represented a fee income of £220,345.
During Quarter 2 of 2018/2019 two major applications were decided. Those were for housing proposals in the Borough. One of the applications included a 2015 reserved matters proposal for 353 dwellings for the Beverley housing zoning in Newtownards and a 2016 reserved matters application for 390 dwellings for a housing zoning in Donaghadee. The two major applications totalling 743 dwellings involved extensive and detailed negotiation to ensure a high quality of development was achieved that satisfied the requirements of consultees and addressed objectors’ concerns.

Categories of applications received over the second quarter were detailed below:

<table>
<thead>
<tr>
<th>Category</th>
<th>Received</th>
<th>Decided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>Government &amp; Civic</td>
<td>16</td>
<td></td>
</tr>
<tr>
<td>Industrial</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Mixed Use</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>Residential</td>
<td>152</td>
<td></td>
</tr>
<tr>
<td>Change of Use</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>45*</td>
<td></td>
</tr>
</tbody>
</table>

*All other types of applications are put into the ‘Other’ category and the majority of these are made up of works to facilitate disabled persons, signs/advertisements and listed buildings.

**Additional Activity**

Other activity outside of planning application processing was undertaken as follows, with explanation of each activity provided thereafter:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Received</th>
<th>Decided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Discharge of conditions</td>
<td>14</td>
<td>6</td>
</tr>
<tr>
<td>Certificates of Lawfulness (proposed and existing)</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Tree Preservation Orders/Consents</td>
<td>24</td>
<td>2</td>
</tr>
<tr>
<td>Non-Material Changes</td>
<td>12</td>
<td>13</td>
</tr>
<tr>
<td>Pre Application Discussions</td>
<td>16</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>72</strong></td>
<td><strong>27</strong></td>
</tr>
</tbody>
</table>

**Discharge of Conditions** – It would be necessary to seek to discharge a condition where planning approval had been granted and a condition had been attached to the decision which required the further consent, agreement or approval of the Council. That often required further consultation with statutory bodies.
Certificates of Lawfulness – Certificates of Lawful Use or Development (CLUDs), either proposed or existing, had not been included in the Official Statistics bulletin since 2012/13. Those were not actually applications for planning permission. The Council would issue a CLUD if it was satisfied that a particular development was lawful within the provisions of planning legislation. Examples included proposed extensions, which fell within the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 for permitted development and did not require planning permission or uses that had become lawful due to the length of time they had been in existence.

Tree Preservation Orders – If land was subject of a TPO, permission must be sought from the Council for any works to protected trees.

Non-Material Changes – Following the grant of planning permission amendments were often required to address unexpected changes in circumstances or site conditions. An application for a non-material change removed the need for an entirely new planning application to be submitted where only a very small change was sought. Such an application, if approved, would form an amendment to the original planning permission and would be subject to the conditions and time limit of the original permission. It would not form a new planning permission and the existing permission would continue to exist and should be read in conjunction with the non-material change decision letter.

Pre Application Discussions – By facilitating effective and meaningful pre-application discussions the Council could ensure that opportunities to work collaboratively with applicants and to improve the quality of developments were maximised. PADs normally involved formal meetings with Planning and a range of statutory consultees exchanging information or discussing plans during the critical period when proposals were being developed.

Enforcement cases 1 April 2018 – 30 June 2018

Ards and North Down had the third highest number of enforcement cases opened across the 11 councils.

<table>
<thead>
<tr>
<th>New cases opened</th>
<th>Cases closed</th>
<th>Cases Concluded</th>
<th>Statutory Performance Indicator</th>
<th>Processing time (average no. of weeks)</th>
</tr>
</thead>
<tbody>
<tr>
<td>116</td>
<td>91</td>
<td>77</td>
<td>70% concluded within 39 weeks</td>
<td>75.3%</td>
</tr>
</tbody>
</table>

*An enforcement case is concluded when one of the following occurs: a notice is issued; legal proceedings commence; a planning application is received; or the case is closed.

Enforcement cases opened, closed, concluded and 70% conclusion times

<table>
<thead>
<tr>
<th>Of total cases closed</th>
<th>No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Remedied/resolved</td>
<td>22</td>
</tr>
<tr>
<td>Planning permission granted</td>
<td>15</td>
</tr>
<tr>
<td>Not expedient</td>
<td>15</td>
</tr>
</tbody>
</table>
Householder Team – Internal Target

An internal Performance Improvement Indicator was introduced to measure processing times against a target of 8 weeks (85%). In the second quarter of 2018/2019 some 76 decisions were issued, of which 29 were within the 8-week target. Whilst not meeting the internal improvement target, it should be noted that 62 of the decisions were issued in under the 15-week statutory target (82%).

Data for Qtr 3 of 2018/2019 in respect of Householder decisions was more positive, with 34 decisions issued of which 26 were within 8 weeks and all 34 were issued within 10 weeks. It was expected that the recent change to the Protocol which negated the need for specific householder decisions to go through the weekly delegated list would further improve statistics.

As yet unvalidated data for Qtr 3 in respect of local application decisions issued was encouraging, indicating that 289 decisions issued with an average processing time of 15.3 weeks, just outside the 15-week target.


RECOMMENDED that Members note the content of the report.

The Officer remarked that the processing time in terms of weeks had been reducing over the past months.

AGREED TO RECOMMEND, on the proposal of Alderman Graham, seconded by Alderman Keery, that the recommendation be adopted.

EXCLUSION OF PUBLIC AND PRESS

AGREED, on the proposal of Alderman Graham, seconded by Alderman Keery, that the public/press be excluded from the meeting for the undernoted items of confidential business.

8. UPDATE ON PLANNING ENFORCEMENT MATTERS
(Appendix XVII)

***IN CONFIDENCE***

Schedule 6 – Information relating to the financial or business affairs of any particular person including the Council holding that information.
9. **LEGAL SPEND ON PROSECUTIONS**

***IN CONFIDENCE***

Schedule 6 – Information relating to the financial or business affairs of any particular person including the Council holding that information.

10. **PLANNING PORTAL REPLACEMENT**

***IN CONFIDENCE***

Schedule 6 – Information relating to the financial or business affairs of any particular person including the Council holding that information.

**TERMINATION OF MEETING**

The meeting terminated at 11.14 pm.
ARD AND NORTH DOWN BOROUGH COUNCIL

A meeting of the Environment Committee was held in the Council Chamber, 2 Church Street, Newtownards on Wednesday, 6 February 2019 at 7.00pm.

PRESENT:

In the Chair: Councillor Ferguson

Aldermen: Henry Fletcher

Councillors: Armstrong-Cotter McKee
Boyle McAlpine
Cathcart Martin
Cummings Woods
Douglas Smart
Dunlop Wilson
Edmund

Officers: Director of Environmental Services (D Lindsay), Head of Assets and Property Services (P Caldwell), Head of Waste and Cleansing Services (N Martin), Head of Regulatory Services (S Addy), Head of Leisure and Amenities (I O’Neill) and Democratic Services Officer (P Foster)

In Attendance: Councillors Adair, Brooks and T Smith

1. **APOLOGIES**

There were none.

**NOTED.**

2. **DECLARATIONS OF INTEREST**

The Chairman, Councillor Ferguson, sought declarations of interest at this stage.

Councillor Cathcart indicated that he had an interest in Item 17 arc21 Organics Waste Treatment – Proposed Contract Variation.

**NOTED.**
3. **DEPUTATION**

3.1. **DISPOSAL OF END OF LIFE FISHING VESSELS – DAERA AND NIFHA**  
(Appendix I)

PREVIOUSLY CIRCULATED:- Correspondence dated 17 September 2018 and 19 September 2018 from the Council and Department of Agriculture, Environment and Rural Affairs in respect of End of Life Fishing Vessels.

The Chairman welcomed representatives of the Deputation from the Department of Agriculture, Environment and Rural Affairs (DAERA) Mr Mark McCaughan and the Northern Ireland Fishery Harbours Authority (NIFHA) Mr Kevin Quigley to the meeting and invited them to make their presentation.

Mr Quigley thanked members for the opportunity to address them and proceeded to provide members with an overview of the decommissioning of fishing vessels with the aid of a PowerPoint presentation. The presentation considered the following:

- Historical Approach
- Recent Developments
- Future Need
- Proposed Situation

Mr Quigley informed members that the NIFHA was responsible for Kilkeel, Ardglass and Portavogie Harbours and was overseen by DAERA. Previously Mr Quigley informed members that fishing vessel decommissioning had been grant funded and dismantling of boats had routinely taken place on beaches and at Kilkeel Harbour. Continuing Mr Quigley noted that historically there would have been less environmental concern in respect of the decommissioning of fishing vessels and informed members that currently the only licenced facility for decommissioning was at Harland & Wolff shipyard in Belfast at a cost of £110,000.

Continuing Mr Quigley reported that he currently had at least one vessel in each of the three harbours which were at the end of their life as the result of recent and expected changes in the fishing market. In an attempt to address those issues Mr Quigley advised that he was currently working with DAERA and the Northern Ireland Environment Agency (NIEA) to devise a workable, affordable solution to decommissioning of vessels. He referred to the North Quay of Portavogie Harbour where it was proposed to provide a facility. Continuing he stated that the proposal would enable vessels to be tied up at the quay where it could then subsequently be taken apart and put into the appropriate end disposal route. Mr Quigley advised that a planning application had been submitted for this affordable solution and was currently with the Council for consideration.

At this stage Mr Quigley handed over to Mr McCaughan, Chief Fisheries Officer at DAERA. Mr McCaughan informed members that DAERA operated a Restricted Licence Scheme which meant that a set amount of fishing licences were currently available. Those vessels which did not make a big profit could have a significant licence value depending upon its horsepower. Continuing he referred to a previous vessel decommissioning scheme which had helped to reduce the number of vessels
in the Irish Sea. Mr McCaughan then referred to elderly fishermen who were left to sell their fishing licences based upon horse power and tonnage and their vessels were subsequently stripped of anything of value prior to being scrapped. At this stage Mr McCaughan referred to abandoned boats in harbours and stated if vessels were not licensed DAERA’s interest in them would end. He also informed members that currently there were 23 vessels in Northern Ireland which had no significant financial value.

The Chairman thanked Mr Quigley and Mr McCaughan for their interesting and informative presentation and invited questions from members.

The following comments were made:-

- Councillor Edmund commented that he hoped the proposals for Portavogie would come to fruition, however he stated that it would not deal with those who went about decommissioning their vessels the incorrect way. He noted that licensing determined where the fishing licence itself went and who it was sold to and asked if consideration had been given to the introduction of a scheme for fishing vessels similar to the Statutory Off-Road Notification scheme for cars. Continuing he suggested that work should commence on finalising legislation now before this issue became much more of a problem.

- Mr McCaughan referred to fishing licence conditions stating that a proposal was being considered which would require a person selling a fishing licence to confirm that it was being properly disposed of, however it was noted that currently there were no vires in place to compel this. Continuing he acknowledged that Northern Ireland was unique and added that proposals in the draft Fishing Bill for Northern Ireland would allow the to Department implement fishing licence conditions necessary to prevent environmental damage. He considered that this would be sufficient to enable effective control over disposal of vessels to which fishing licences were attached, however the Bill had not been progressed to legislation before the suspension of the Assembly.

- Councillor Edmund reiterated that suitable legislation needed to be put into place and referring to the vessel currently abandoned at Ballyhalbert Harbour, the Ocean Venture, it was noted that it had recently sustained damage to its hull as a result of inclement weather. He expressed the view that it would be going nowhere and suggested the Council was given a licence to pull it onto the beach to dismantle it. Continuing he also suggested that the matter was raised with the Permanent Secretary as in his opinion the Department needed to step in and provide assistance in cases such as this. In response Mr McCaughan confirmed that the Department would provide funding for the proposed facility in Portavogie. Turning to the Ocean Venture, he reported that he had been advised by MCA that it could be moved with some repair. He agreed that it would be useful to have further discussions to explore what options were available and reiterated that the planning application for the proposed decommissioning facility at Portavogie had been with the Council since July 2018.

- Councillor Douglas sought clarification on the costs associated with the decommissioning of fishing vessels and Mr Quigley confirmed that it was likely to cost approximately £20,000 on average. Continuing, Councillor
Douglas commented that was quite a lot of money and was a significant loss for the owner. She queried whether more cases of abandoned vessels would appear particularly as the Council had recently spent approximately £100,000 paying for another abandoned boat in Portaferry. Continuing she also asked whether or not the Department would reimburse the Council for costs it had incurred to date associated with abandoned vessels. In response Mr McCaughan confirmed that the Department would not be reimbursing the Council for any costs incurred to date and added no costs had been reimbursed following the removal of the boat in Portaferry. Continuing Mr McCaughan noted that the Council should have its own enforcement powers in such matters through Harbour Orders and Harbour Masters.

At this stage, the Director of Environment commented that the Council’s difficulty lay in establishing the ownership of boats abandoned in its harbours. He added that in turn led to issues in respect of cost recovery.

Mr McCaughan commented that the Department was purely responsible for licensing vessels for fishing and abandoned vessels were not an issue for the Department’s Marine Licencing section.

At this stage Councillor Boyle stated that he had not been impressed by what he had heard so far adding that it appeared to be the case that the Department seemed content for matters such as abandoned vessels to fall back to Councils to deal with. He sought clarification on when the last decommissioning scheme had taken place. Mr McCaughan confirmed that it had taken place in 2004. Councillor Boyle referred to the boat which had been abandoned at Ballyhalbert and asked if it was the Department’s view that it had been decommissioned for its licence by its owner who now no longer owned it. Continuing he also referred to correspondence which the Council had received from Mr McCaughan and drew members attention to paragraph two which reassured the Council that the disposal of end of life fishing vessels was taken very seriously by the Department and stated that it was also aware of the potential difficulty they created for both harbours and the marine environment. It continued to state there were currently limited options for the disposal of redundant vessels locally. In response Mr McCaughan stated that the Department took the disposal of end of life fishing vessels seriously, so much so that it was prepared to invest funds to put into place the necessary infrastructure for a decommissioning facility at Portavogie. Councillor Boyle stated that it should not be the case that the Council would be expected to pick up the tab for abandoned vessels of this nature. He suggested that all those who held a fishing licence should be written to and advised not to dispose of end of life vessels inappropiately and reminded of the legislation in place, if any. Mr McCaughan informed members that the Department had dealt with several cases of this nature even though it was unlawful to dispose of a vessel and he added that it had tried to intervene on occasions. Continuing he advised that currently he had staff in place at each of the three harbours who were all aware of those vessels which were nearing the end of their life. At this stage Councillor Boyle asked Mr McCaughan if he considered the Department to have a good working relationship with the Council. Mr McCaughan responded stating that it was the first time in 40 years that he had been in attendance at a Council meeting and he hoped the Department did have a good relationship with the Council.
Alderman Fletcher asked what support the Department offered those in the fishing industry. In response Mr McCaughan confirmed that the Department was responsible for administering the European Maritime and Fisheries Fund (EMMF) and also provided payments under the Weather Aid scheme. Alderman Fletcher commented that he frequently received letters from the Department which always included a proviso at the end stating that if he did not take the required action his Single Farm Payment would cease. He suggested that similar action be taken against those fishermen who did not act appropriately, through the revocation of their fishing licences. Mr McCaughan confirmed that fishermen could have their licences suspended if any offence was detected. Alderman Fletcher suggested that the answer lay with the Department and as such the legal responsibility was a matter for them.

Councillor Armstrong-Cotter referred to the funding proposal from DAERA associated with the planning application for the proposal at Portavogie and sought an update for that. Mr Quigley advised that the proposals for Portavogie would not involve a great deal of expense. A licence would need to be obtained from the NIEA and a number of items of equipment procured including sand bags, oil pads and temporary pontoons. Mr Quigley indicated that the expense of approximately £10,000 could be sourced from NIFHA reserves. Councillor Armstrong-Cotter sought clarity on whether or not DAERA would be part of this proposal and Mr Quigley confirmed the NIFHA was part of DAERA. Councillor Armstrong-Cotter noted there had been a total of three abandoned fishing vessels in the Borough in recent times and as a ratepayer she was not happy that the Council had been left to fund their removal. She was also alarmed to learn there was potential for a further 23 boats to be abandoned as they were approaching their end of life. Continuing Councillor Armstrong-Cotter indicated that she was aware of a Fisheries Bill which had been put forward in 2018 and suggested that the Department could push for the Fisheries Bill to be similarly approved in the absence of a local minister and in the context of recent legislation passed at Westminster designed to allow certain matters to be progressed by Permanent Secretaries. Furthermore, Councillor Armstrong-Cotter suggested that a change in fishing licence procedure was necessary in order to prevent a further 23 vessels being abandoned in the Borough’s harbours. She encouraged the Department to consider how it could move forward on this matter. Mr McCaughan commented that Councillor Armstrong-Cotter’s points were well made, and he would ensure they were passed on to the Department. He reiterated to members that his team were responsible for licencing fishing vessels but had also pushed for the proposed decommissioning facility at Portavogie. Continuing, Mr McCaughan stated that he was keen for the issue of abandoned fishing vessels to be resolved and hoped to take forward a number of proposals to amend current fishing licences. Continuing he expressed the view that a decommissioning scheme would not entirely get rid of the problem of abandoned fishing vessels and empathised with the Council’s concerns.

Councillor Wilson sought clarification on whether or not the problem of abandoned fishing vessels was unique to the Borough. Mr McCaughan commented that harbours being used as graveyards for end of life fishing vessels was not a new issue. He added that as Harland and Wolff was
currently the only facility where the decommissioning of vessels could take place, there was a need to build a facility at Portavogie Harbour which would be affordable and more easily accessible.

- Referring to the correspondence received from DAERA, Councillor Dunlop noted that it referred to a temporary ‘licensed waste disposal facility in Portavogie’ and she sought clarification on how long ‘temporary’ would be. In response Mr Quigley confirmed that the proposed facility in Portavogie would be established to deal with the current ongoing situation with abandoned vessels. He added that depending upon supply and demand the operation could then be moved to Kilkeel Harbour.

- Councillor McAlpine sought clarification on what circumstances would compel people to bring their vessels to a facility such as this for decommissioning. Mr McCaughan advised that vires would be necessary to compel such action adding that people would always take the shorts cuts where possible. Continuing he hoped the proposed facility at Portavogie would assist with the ongoing matter of abandoned vessels.

- At this stage Councillor Martin referred to a piece of legislation which had been successfully approved and finalised by the Permanent Secretary in the absence of a Minister in November 2018. He asked if that same course of action could be taken in respect of the Fisheries Bill and if so, would that assist with this ongoing problem. In response Mr McCaughan confirmed that could offer some assistance and added that he would encourage further discussions between the Department and the Council.

The Chairman thanked members for their comments and Mr Quigley and Mr McCaughan for their attendance.

(Mr Quigley and Mr McCaughan left the meeting at this stage 7.50pm)

Councillor Edmund proposed, seconded by Councillor Martin, that this Council writes to the Permanent Secretary of DAERA seeking a meeting with its representatives as soon as possible.

AGREED TO RECOMMEND, on the proposal of Councillor Edmund, seconded by Councillor Martin, that this Council writes to the Permanent Secretary of DAERA seeking a meeting with its representatives as soon as possible.

4. ENVIRONMENT DIRECTORATE BUDGETARY CONTROL REPORT – DECEMBER 2018 (FILE FIN 45)

PREVIOUSLY CIRCULATED: - Report dated 23 January 2019 from the Director of Environment detailing that this Environment Budgetary Control Report covered the 9-month period 1 April to 31 December 2018 and was set out on page 4. The net cost of services was showing an over spend of £181,413 (1.3%).
Explanation of Variance

In addition, a Budgetary Control Report by Income and Expenditure for the Directorate was, also, shown on page four which analysed the overall adverse variance (£181,413) by expenditure (£39,982 adverse) and income (£141,431 adverse).

ENVIRONMENT

Expenditure - £40.0k (0.2%) worse than budget to date. This adverse variance was mainly made up of the following: -

1. Waste and Cleansing Services - £47.1k favourable.
   a. A combined summary of the main waste stream variances was set out in the table below.

<table>
<thead>
<tr>
<th></th>
<th>£'000</th>
<th>Commentary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Landfill</td>
<td>78.8</td>
<td>1,018 tonnes more than budget though this was partially offset by the gate fee being slightly less than budget (£0.75 per tonne less).</td>
</tr>
<tr>
<td>Brown/Green bin waste</td>
<td>(95.8)</td>
<td>1,828 tonnes less than budget but gate fee was slightly higher than budget (£0.62 per tonne more).</td>
</tr>
<tr>
<td>Blue bin waste</td>
<td>89.6</td>
<td>508 tonnes less than budget but average gate fee was higher than budget (£15.83 per tonne more).</td>
</tr>
<tr>
<td>HRC waste</td>
<td>(55.9)</td>
<td>Lower tonnage than budget</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>16.7</strong></td>
<td></td>
</tr>
</tbody>
</table>

Overall, the main waste stream budgets were over budget by £16.7k.

b. Payroll costs were £118.2k favourable to date. There were a significant number of posts being covered by agency staff.

c. Spend on refuse bins was £50.0k over budget to date due to a higher demand from residents for new and replacement green/brown bins.

2. Assets and Property Services - £172.4k adverse. This was explained by: -
a. Property Operations were £115.7k over budget to date. This was mainly due to: -
   i. Contractor costs were £132.1k over budget to date. There had been more property maintenance work carried out to date to try to address a backlog of outstanding jobs.
   ii. Payroll costs were £17.7k favourable. This was mainly due to reduced overtime costs.

b. Technical Services were £110.6k under budget to date. This was mainly due to: -
   i. Payroll costs were £13.7k favourable. Two Technical Officer posts had been filled from 1 October. A vacant Plant Operative post was to be recruited.
   ii. Utility costs were £26.4k under budget to date.
   iii. Contractor costs were £72.5k under budget to date. This covered areas such as statutory compliance work, refurbishments, playgrounds, statutory upgrades and energy saving initiatives.

c. Fleet Management was £174.5k over budget to date. This was mainly due to: -
   i. Payroll costs were £18.2k. There was a vacant mechanic’s post which was in the process of being filled.
   ii. Vehicle maintenance, materials, consumables and tyres costs were £111.3k over budget to date. This was partly due to significant price increases for some vehicle parts (up to 30% in some cases).
   iii. Vehicle fuel, lubricants and oil were £53.8k over budget to date. Higher than expected fuel prices had contributed to this adverse variance.
   iv. Other vehicle costs were £18.7k over budget to date. Vehicle tracking system costs were higher than budget to date.

3. Regulatory Services - £84.6k favourable. This was explained by: -
   a. Payroll costs were £70.1k under budget year to date. There had been vacant posts in Building Control. Two had been filled with one still to be recruited. In addition, two vacant posts in Neighbourhood Environment Team were now being covered by agency.

Income - £141.4k (4.3%) worse than budget to date. This adverse variance comprised:

4. Waste & Cleansing Services - £103.7k adverse. This was mainly due to trade waste income (£103.5k) being worse than budget to date. Processes within this service were currently being reviewed with the aim of improving performance later in the year.
5. Assets and Property Services - £23.7k favourable. Wind turbine income was £25.4k better than budget to date.

6. Regulatory Services income - £61.4k adverse. This was mainly due to Building Control income being £43.1k behind budget to date. There had been a slowdown in both site commencements and applications particularly commercial works. In addition, car park income (£9.6k) and licensing income (£5.9k) were £15.5k behind target to date.

BUDGETARY CONTROL REPORT
By Directorate and Service
Period 9 - December 2018

<table>
<thead>
<tr>
<th>Note</th>
<th>Year to Date Actual £</th>
<th>Year to Date Budget £</th>
<th>Variance £</th>
<th>Annual Budget £</th>
<th>Variance %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environment</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>200 Environment HQ</td>
<td>108,996</td>
<td>109,700</td>
<td>(704)</td>
<td>147,900</td>
<td>0.6</td>
</tr>
<tr>
<td>210 Waste and Cleansing Services</td>
<td>9,455,141</td>
<td>9,398,600</td>
<td>56,541</td>
<td>12,608,600</td>
<td>0.6</td>
</tr>
<tr>
<td>220 Assets and Property Services</td>
<td>4,803,449</td>
<td>4,654,700</td>
<td>148,749</td>
<td>6,537,400</td>
<td>3.2</td>
</tr>
<tr>
<td>230 Regulatory Services</td>
<td>108,128</td>
<td>131,300</td>
<td>(23,172)</td>
<td>344,400</td>
<td>17.6</td>
</tr>
<tr>
<td>Totals</td>
<td>14,475,713</td>
<td>14,294,300</td>
<td>181,413</td>
<td>19,638,300</td>
<td>1.3</td>
</tr>
</tbody>
</table>

BUDGETARY CONTROL REPORT
By Income and Expenditure
Period 9 - December 2018

<table>
<thead>
<tr>
<th>Note</th>
<th>Actual £</th>
<th>Expenditure Budget £</th>
<th>Variance £</th>
<th>Actual Income Budget £</th>
<th>Variance £</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environment</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>200 Environment HQ</td>
<td>108,996</td>
<td>109,700</td>
<td>(704)</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>210 Waste and Cleansing Services</td>
<td>10,699,231</td>
<td>10,746,400</td>
<td>(47,169)</td>
<td>(1,244,091)</td>
<td>(1,347,800)</td>
</tr>
<tr>
<td>220 Assets and Property Services</td>
<td>4,948,436</td>
<td>4,776,000</td>
<td>172,436</td>
<td>(1,716,691)</td>
<td>(1,778,100)</td>
</tr>
<tr>
<td>230 Regulatory Services</td>
<td>1,824,819</td>
<td>1,909,400</td>
<td>(84,581)</td>
<td>(1,716,691)</td>
<td>(1,778,100)</td>
</tr>
<tr>
<td>Totals</td>
<td>17,581,482</td>
<td>17,541,500</td>
<td>39,982</td>
<td>(3,105,769)</td>
<td>(3,247,200)</td>
</tr>
</tbody>
</table>

RECOMMENDED that the Committee notes this report.

Councillor Douglas proposed, seconded by Councillor Cathcart, that the recommendation be adopted.
Councillor Douglas referred to Page 2 of the report and Item 1c which detailed an overspend of £50,000 on expenditure on refuse bins and sought clarification on that matter.

In response the Head of Waste and Cleansing Services advised that this increased expenditure had been as the result of several new housing developments throughout the Borough within which each household would have a total of three refuse bins. Continuing he advised that brown bins had been in circulation for 15 years and were now showing signs of wear and tear through splitting and breaking.

The Director of Environment reminded members that those bins had all been rolled out at the same time and therefore would be reaching the end of their life at the same time.

Continuing, Councillor Douglas referred to Page 2 Paragraph 2 which detailed the budget for Assets and Property Services, and she made reference to Contractor Costs which were £132,100 over budget.

The Director of Environment referred to the substantial work required to maintain the Council’s Estate in its current condition and reassured members that appropriate funds had been built into forecasts for the incoming year. In response to a further query from Councillor Douglas about how the Council addressed the matter of cleaning graffiti, the Director of Environment advised of a policy implemented by the new Council to deal with graffiti, through which it was hoped responses to that type of issue could be more holistic and efficient. Continuing the Director in response to a query raised by Councillor Cathcart referred to main waste stream variances which as the result of the good weather experienced last summer had seen a significant slump in grass growth which created a downturn of brown/green bin waste. He reminded members that the waste service was very much demand led, hence the susceptibility to variances. The Director also at this point referred to the recent change to the contract price for blue bin recyclables, which had a negative in year impact on budgets.

Councillor Cummings commented on the resilience demonstrated by the Environment Directorate and reflected in the report which detailed underspend and overspend. He also acknowledged the costs associated with criminal damage and the extra work generated for officers as the result of Notices of Motion. Continuing Councillor Cummings referred to Page 3, Item 2c which detailed an over spend in fleet management and particularly vehicle maintenance which reported a 34% increase. In light of that he asked if officers had mitigated against a similar increase in the incoming year.

In response the Director of Environment confirmed that all proposals and schemes brought forward would inevitably have a financial impact. He confirmed that the budget for the forthcoming year had built in consideration of the demands on service delivery experienced during this financial year, and that managers would be looking to careful monitoring and control of expenditure going forward; this may well lead to a more robust position being taken on whether certain works and schemes could be accommodated by the Assets and Property Services Department.
AGREED TO RECOMMEND, on the proposal of Councillor Douglas, seconded by Councillor Cathcart, that the recommendation be adopted.

5. **NORTHERN IRELAND LOCAL AUTHORITY MUNICIPAL WASTE MANAGEMENT STATISTICS, JULY TO SEPTEMBER 2018 (FILE 53042)**

PREVIOUSLY CIRCULATED:- Report dated 24 January 2019 from the Director of Environment detailing that the official waste management statistics for the second quarter of 2018/19 (July to September 2018) had recently been released by the Northern Ireland Environment Agency.

The significant headlines contained within the report showed that:

i. Our household waste recycling rate actually fell by 1.4% compared to Q2 last year, from 56.8% to 55.4%. However, this was largely accounted for by the exceptionally dry summer weather, which saw a significant fall in the tonnage of organic garden waste generated/collected last year. The Council’s Q2 household recycling rate was 12.5% higher than the rate achieved in Q2 of the 2015/16 strategy baseline year, compared to a Northern Ireland (NI) wide rise of just 6.5% over the same period.

![Household Waste Recycling Rate Trends](chart.png)

ii. The household waste recycling rate of 55.4% was **3.6% higher** than the NI average of 51.8%.

iii. The Council moved from a ranking of joint 2nd place to 3rd place out of the 11 NI Councils for our household waste recycling rate.

iv. The household waste composting rate fell by 2.5% - from 36.2% to 33.7%, accounted for by the exceptionally warm, dry summer and significant
reductions in garden waste arisings. The household waste dry recycling rate rose by 1.1% - from 20.4% to 21.5%.

v. The household waste composting rate of 33.7% was 4.9% higher than the NI average of 28.8%.

vi. The household waste dry recycling rate (i.e. recycling of items other than organic food and garden waste) of 21.5% was 1.3% lower than the N.I. average of 22.8%.

vii. The kerbside recycling capture rate of 73% for household compostable waste materials was still far in excess of the NI Council average of 60%.

viii. The Council remained the highest performing council in relation to household waste composting rate.

ix. The Council was still at the lower end of the performance table for ‘dry’ recycling rate, ranking joint 8th out of 11 Councils.

x. The Council received 18.8% more waste per capita at the HRCs compared to the average for other NI Councils, however this was a significant decrease from the 32% excess waste handled at the sites over the same period last year. This was a reflection of the sustained impact of the new access permit system for vans and trailers entering HRCs.

xi. Despite the significant fall in the overall amount of waste handled at the Council’s HRCs, the recycling rate at those sites remained significantly lower than the average for other Councils – 59.8%, compared to an average rate of 71.9% for other Councils. This reflected the need for sustained examination and review of an HRC service to secure optimised recycling outcomes.

xii. The Council recorded a very significant 8.1% drop in the amount of total household waste generated per capita in our Borough, compared to a drop across NI of just 2.4%. This was very encouraging as it appeared to point to signs of success in their overarching campaign to create a more sustainable Borough that not only achieved greater recycling but also a reduction in the amount of waste that was actually generated in the first instance.

This latest official Municipal Waste Management Statistics report provided continuing encouragement and further firm evidence of significant sustained success in the implementation of our Sustainable Waste Resource Management Strategy. Importantly, it also helped the Council to focus on issues of key significance for further recycling advancements. The Council was clearly still performing relatively poorly on ‘dry’ recycling, for example recycling of waste items that should be going into the blue bins and into relevant recycling containers at the HRCs.

Areas of focus over the next few months in pursuit of further recycling gains, would include:
- Implementation of the new Trade Waste service model to promote recycling.
- Ongoing examination and review of our HRC service model.
- Promotion of greater/more universal use of the kerbside glass recycling boxes.
- Further promotion of much more comprehensive use of the blue bin for the full range of dry recyclable waste items.
- Further promotion of food waste recycling in the green/brown bin.

Progress towards the key targets set out in the Council’s Strategy was summarised and illustrated in the following charts.
RECOMMENDED that the above report be noted.

AGREED TO RECOMMEND, on the proposal of Councillor Dunlop, seconded by Councillor Martin, that the recommendation be adopted.
6. **CLIPS FOR SECURING LIDS OF WHEELED BINS (FILE 71012)**

PREVIOUSLY CIRCULATED: - Report dated 18 January 2019 from the Director of Environment detailing that as members would be aware problems often arose (and complaints received) as a consequence of wheeled bins being blown over during periods of stormy weather, when set out for collection. The resultant spills could create a local litter problem and in the case of blue bins, the contents may become wet, leading to contamination issues if placed back in the blue bin for collection (paper and card products). Over the years, householders had used various adaptations to address the issue, however, in some cases those could create their own problems for the collection crews. With the series of storms experienced over the last 24 months, there had been a steady increase in requests from the public, for some type of device to secure bins closed and avoid accidental spillages.

SSI Schaefer, one of the largest wheeled bin suppliers in the UK had been conducting trials with a bin clip device and had provided the Council with a number of samples to trial. The device attached to the handle on the lid and then clips under the rim at the top of the bin, stopping the lid from blowing open. The device was designed so that it could be easily released and if the waste collection operative forgot to release it when emptying the bin, the weight of the contents within the bin would cause it to release automatically (thereby avoiding any logistical problems with the bin emptying process).

Members of staff had trialled the device in recent weeks and had experienced no issues or problems using it. Consultation had also taken place with local Union Reps and employees and no issues had been raised regarding the potential use of the devices on householders' bins.

The cost of the bin clip was £4 per unit. It was proposed that the Council purchased a batch of 1000 units for resale to the public at cost through reception at the main Council Offices (Town Hall, Bangor and Church Street, Newtownards).

It should be noted that the device could only be fitted to wheeled bins with a conventional handle. Officers were aware that there were wheeled bins in use that did not feature this type of handle (see photographs below).
RECOMMENDED that Council agrees to the purchase of bin clip devices for resale to the public at the cost price of £4.00 per unit.

Councillor Armstrong-Cotter proposed, seconded by Councillor Smart, that the recommendation be adopted.

Councillor Armstrong-Cotter stated that she was excited to receive her bin clip adding that she thought it was a great idea, which would be useful during periods of inclement weather.

Expressing his thanks to officers, Councillor Smart welcomed the recommendation commenting that it appeared to offer a good solution to the problems which could occur during stormy weather.

Councillor Woods commented that she too was excited to get her bin clip adding that she thought it was a great idea. Continuing she sought clarification on what type of handles new bins being issued would have.

The Head of Waste and Cleansing Services confirmed that any new bins issued were of the conventional variety that would work with this clip.

In response to a query from Councillor Wilson, the Head of Waste and Cleansing Services stated that he could not say for sure how many non-conventional bins were in circulation, however the majority of bins were now of the conventional variety.

At this stage Alderman Fletcher reported that he had been contacted by constituents with concerns that on returning home they often found their emptied bin lying face down on the ground. They had informed him that they had carried out a number of
experiments to establish whether or not it made any difference depending on what way the bin was left out for the refuse operative and had found it had made a difference. Therefore, in light of that he asked if there were any protocols in place for the correct way to leave your bin out.

The Head of Waste and Cleansing Services commented that while there were no protocols currently in place for this, it was generally acknowledged that it was good practice to leave your bin out with the handles facing outwards making it easier to collect by refuse operatives.

AGREED TO RECOMMEND, on the proposal of Councillor Armstrong-Cotter, seconded by Councillor Smart, that the recommendation be adopted.

7. CLOTH NAPPY LIBRARY (FILE 69001)

PREVIOUSLY CIRCULATED: - Report dated 15 January 2019 from the Director of Environment stating that nappy waste accounted for 3-4% of total household waste, resulting in the disposal of 8 million nappies per day in the UK. There was therefore a significant environmental impact and cost to the Council associated with disposable nappies. Landfilling disposable nappies cost the councils thousands of pounds a year.

Cloth nappies were an alternative to disposable nappies and the Council had been approached to show its support to those that were prepared to use cloth nappies as an alternative to disposable nappies. Many Councils had adopted incentive schemes to support and encourage those wanting to use cloth nappies and thereby assist in promoting this practice on a wider scale basis across the community.

Proposal

Officers were proposing to introduce a small incentive scheme whereby five cloth nappy ‘trial kits’ would be purchased for the Nappy Advice Service NI (a cloth nappy library). Those five kits would allow up to 30 people/year to hire a nappy trial kit from the Nappy Advice Service NI and this would in turn give insight into which cloth nappy style would suit the user before making their own personal financial commitment to buying cloth nappies for use as an alternative to disposable nappies. Access to information about the scheme and was available at:
nappyadviceserviceniandslinglibraryni.myturn.com/library

The Nappy Advice Service NI offered trial packs which were supplied on a two-week basis so parents could “try before they buy” and see what was on offer in terms of styles and materials. This would also help to dispel the “old fashioned” myths surrounding cloth nappies and give parents the opportunity to decide if real nappies were suitable, before having to invest.

It was proposed that a budget of £1,000 would be allocated to this scheme from the Recycling Community Investment Fund. The kits would only be available to loan to Ards and North Down residents. A full report on loans and conversion to using real
nappies would be provided to Council officers on an annual basis by Nappy Advice Service NI. The administration of the kits would be the responsibility of the Nappy Advice Service NI.

The direct benefit to Council would be from avoided landfill costs should a user opt to use cloth nappies. It was also proposed that the scheme would be promoted and publicised as an element of our overall sustainable waste resource management communications campaign, helping to build upon the initial direct benefit by promoting wider awareness and use of real nappies as an alternative to disposable nappies among families across the Borough.

RECOMMENDED that approval is granted for the above proposal.

Councillor Martin proposed, seconded by Councillor Woods, that the recommendation be adopted.

Rising as proposer, Councillor Martin, welcomed the report particularly as a constituent had recently contacted him on this very matter. Continuing he noted that Belfast City Council had recently introduced a similar scheme offering £30 cashback for nappies purchased over £50 and asked if the Council had considered the introduction of a similar scheme.

In response the Director of Environment confirmed that consideration had been given to all options, however officers had been wary of that particular scheme as there had been occasions when the subsidised nappies had been purchased and subsequently resold via outlets such as ‘Gumtree’.

Rising in support, Councillor Woods welcomed the recommendation particularly given the current huge environmental cost of disposable nappies. Continuing she asked if uptake was high would the scheme be extended.

The Director of Environment confirmed that a review would be undertaken of the scheme once it had been established.

Expressing her thanks to officers, Councillor Douglas commented that an environmental initiative such as this was to be very much welcomed.

At this stage Councillor Dunlop recalled using cloth nappies many years ago and the need to boil wash them and hang them out to dry up to seven times a day using substantial volumes of water. Therefore, she expressed the view that this scheme was a crazy idea.

Councillor Armstrong-Cotter stated that she could not have coped with using cloth nappies and commended anyone who was willing to trial this proposed scheme. She agreed that it was a great initiative and welcomed it.

AGREED TO RECOMMEND, on the proposal of Councillor Martin, seconded by Councillor Woods, that the recommendation be adopted.
8. CALL FOR ACTION ON SINGLE USE PLASTICS BY LARGE SUPERMARKETS (FILE 69001) (Appendix II)

PREVIOUSLY CIRCULATED: - Report dated 15 January 2019 from the Director of Environment stating that in November it was agreed by Council that it should write to large supermarket retailers to call for action on the over reliance upon single use plastics in the market. The letter subsequently issued to the major supermarket companies was attached at the appendix. A letter was also sent to the UK Secretary of State for Environment calling for the actions asked of the supermarkets, to be enshrined in new statutory requirements which covered the whole of the UK. The Council also wrote to each of the other Northern Ireland Councils and to the three local government associations in Northern Ireland, Scotland and England/Wales asking for their co-ordinated support in lobbying the large supermarket retailers and central government for action on this subject.

The Council’s actions had drawn much attention from various stakeholders, and letters of response had been received as shown in the attached appendices. The Council had been commended for demonstrating its commitment to this vitally important sustainability issue and the leadership shown in seeking to accelerate the move towards a transformation in the recyclability of consumer packaging, in particular reversing the proliferation of single use and difficult to recycle plastics.

Officers would continue to monitor and review developments on this subject and keep elected members appraised of further opportunities for Council to play a value adding role in securing transformation of the approach to waste in the packaging industry.

RECOMMENDED that this report be noted.

Councillor Douglas proposed, seconded by Councillor Woods, that the recommendation be adopted.

The proposer commended the Director of Environment on the report and welcomed the positive responses which had been received adding that she agreed that EuroSpar and Spar should also be written to.

Rising as seconder Councillor Woods also congratulated the Director and officers and welcomed the contents of the report.

Alderman Fletcher commented that it was great to see such a positive response to this however he stated that he had been disappointed with the response received from the Local Government Association. He suggested they should not be so parochial and instead should be encouraging other Councils to follow its lead.

AGREED TO RECOMMEND, on the proposal of Councillor Douglas, seconded by Councillor Woods, that the recommendation be adopted.
9. **UNITED NATIONS SUSTAINABLE DEVELOPMENT GOALS (FILE 4001)** (Appendix III)

PREVIOUSLY CIRCULATED: - Report dated 8 January 2019 from the Director of Environment detailing that under Section 25 of the Northern Ireland (Miscellaneous Provisions) Act 2006, public authorities had a statutory duty to act in the way it considered best calculated to contribute to the achievement of sustainable development in Northern Ireland.

Members may recall that the Council recently worked in partnership with Sustainable Northern Ireland (SNI), NILGA and the Institute of Civil Engineers to host a conference on the UN’s sustainable development goals (SDGs), entitled ‘Global Goals, Local Action’. The conference was highly successful and attracted a wide range of delegates from across the public service, voluntary and business sectors. It provided a valuable platform upon which to highlight the key roles that each sector, not least local government, had to play in helping to achieve the 17 SDGs that were agreed by member states of the UN (including the UK) in September 2015.

Attached at the appendix for information was a synopsis of the conference. Council would continue to work with Sustainable NI and other key partners to help advance the cause of the SDG agenda.

A guide entitled ‘The Sustainable Development Goals – What Local Governments Need to Know’ had been produced by the United Cities and Local Governments organisation, which represented and defended the interests of local governments on the world stage, regardless of the size of the communities they serve. Headquartered in Barcelona, the organisation’s stated mission was:

“To be the united voice and world advocate of democratic local self-government, promoting its values, objectives and interests, through cooperation between local governments, and within the wider international community.”

This valuable guidance document was being promoted to managers across the Council, who had been encouraged make reference to it in the routine planning, development and delivery of services. A copy of the document was attached at the appendix and could also be accessed using the following web link:

https://www.uclg.org/sites/default/files/the_sdgs_what_localgov_need_to_know_0.pdf

RECOMMENDED that Council notes this information.

Councillor Cummings proposed, seconded by Councillor Douglas, that the recommendation be adopted.

The proposer, Councillor Cummings reported that he had been in attendance at the recent conference during which a comprehensive presentation had been made on
the matter. Continuing he noted the rise in foodbanks throughout the Ards and North Down Borough in response to the growing levels of food poverty.

Thanking the Director and officers for the report, Councillor Douglas advised that she too had been in attendance at the event, which in her view had been excellent. She acknowledged that the Council had led the way in respect of this initiative.

**AGREED TO RECOMMEND, on the proposal of Councillor Cummings, seconded by Councillor Douglas, that the recommendation be adopted.**

10. **PERFORMANCE REPORT – NEIGHBOURHOOD ENVIRONMENT TEAM (NET) (FILE 92009)**

PREVIOUSLY CIRCULATED: - Report dated 16 January 2019 from the Director of Environment detailing the information provided in the report covered, unless otherwise stated, the period 1 October 2018 to 31 December 2018. The aim of the report was to provide members with details of some of the key activities of the NET, the range of services it provided along with details of level of performance.

2.0 **Fixed Penalty Notices Issued**

In addition to cases being prosecuted through the court as detailed above, 179 fixed penalties had been issued in respect of various matters. This continued to demonstrate a sustained Council focus upon detecting and punishing those who persisted in committing environmental offences in the Borough. Members would note that the external contract for the provision of Environmental Wardens ended in November and recruitment was ongoing for new Neighbourhood Environment Support Officers who would undertake patrol duties. A detailed breakdown as to the locations of offences dealt with by way of fixed penalties, appeared in the appendices to this report.

The following graphs demonstrated:

1. the total number of fixed penalties issued by the Neighbourhood Environment Team each month since April 2016,
2. the fixed penalties issued during the period of report by type and
3. the fixed penalties issued during the period of report by location.
Fixed penalty notices issued by month

Fixed Penalties issued by Type
October - December 2018
### 3.0 Dog Licences

In the period October to December 2018, a total of 4,533 dog licences had been issued.
4.0 Service Requests

The Neighbourhood Environment Team received 617 requests for service between 1 October and 31 December 2018 in the following categories.
5.0 Customer Satisfaction Surveys

Following completion of a service request, a customer satisfaction survey was often issued, of which 11 had been returned during the period of report. A summary of percentage level of satisfaction from those returns against key questions was provided below. The key questions sought information on the customer’s level of satisfaction around:

Customer Service
- Quality of Service
- Courteousness & Professionalism
- Kept informed

Scoring - Previous reporting period 83.5% This reporting period 83%

Service Request Outcome
- Resolving the issue
- Meeting expectations
- Timeliness of response

Scoring – Previous reporting period 84% This reporting period 76%
The return rate of surveys for the period of report was 20%.

RECOMMENDED that that the Committee notes the report.

Councillor Douglas proposed, seconded by Councillor Edmund, that the recommendation be adopted.

The seconder, Councillor Edmund welcomed the report and commended officers for their great work and noted Ards Shopping Centre had been targeted for littering offences with some success. So much so he sought clarification on whether or not that area could be classed as an easy target.

In response the Head of Regulatory Services confirmed that all hot spot areas were targeted as a result of complaints received.

At this stage the Director of Environment informed members that the management of Ards Shopping Centre had no legal authority to carry out enforcement of this nature, which was why it was a matter for the Council. He added that offenders detected and fined by staff at this location, could equally have been guilty of dropping litter elsewhere in the Borough; therefore, penalties issued against them may deter re-offending at other locations.

Councillor Edmund welcomed the amount of Fixed Penalties which had been issued at Millisle Beach Park adding that this was good news in advance of the summer months, showing the Council’s determination to keep its tourist destinations more attractive by being litter free.

Alderman Henry suggested that in respect of littering offences, the bins provided at Shopping Centre establishments were not suitable and added that he had raised the matter with the Head of Regulatory Services who had issued advice on the use of appropriate litter bins.

At this stage Councillor Cathcart referred to what he considered as fly tipping incidents which had occurred in a number of residential streets in Bangor Town Centre and expressed surprise that ‘littering’ penalty notices had been issued for those.

In response the Director of Environment informed members that the definition of ‘litter’ under the Litter Order was broad, and it was used by Council to take fixed penalty enforcement action across a wide range of items that were discarded in the open air thereby causing detriment to local amenity.

Concurring with those comments Councillor Cathcart reiterated he would be keen for some form of action to be taken in respect of fly tipping and welcomed some form of sanction on offenders.
Thanking officers, Councillor Douglas referred to page 2 of the report which detailed the Fixed Penalty Notices issued and noted the spike which had occurred during the year had dipped more recently.

The Head of Regulatory Services advised that there had been a lull in enforcement activities from November 2018 as the result of the tendering exercise for the new Neighbourhood Environment Support Officers. Continuing he reported that the new team had recently completed their training and therefore he anticipated there would be a renewed focus on the amount of Fixed Penalty Notices issued.

Councillor Douglas welcomed this news adding that she would encourage officers to keep up the good work.

At this stage Councillor McAlpine noted the Fixed Penalties which had been issued for fouling offences detected in Portaferry and added this enforcement action was to be welcomed.

Alderman Fletcher referred to an issue which had been ongoing on the Comber Greenway and which he had subsequently raised with Council officers. He happily reported that the matter appeared to have been satisfactorily resolved.

AGREED TO RECOMMEND on the proposal of Councillor Douglas, seconded by Councillor Edmund, that the recommendation be adopted.

11. **RCIF ROLL OVER OF 2018/19 ALLOCATED FUNDING (FILE 92017)**

PREVIOUSLY CIRCULATED: - Report dated 24 January 2019 from the Director of Environment detailing the ongoing delivery of a diverse range of projects funded through the Recycling Community Investment Fund (RCIF), summarised in the table below:

<table>
<thead>
<tr>
<th>Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. LHLH Small Grants Programme (23 projects)</td>
</tr>
<tr>
<td>2. CLEAR Environmental Education Programme</td>
</tr>
<tr>
<td>3. Sea Bin Project</td>
</tr>
<tr>
<td>4. Summer Scheme Support</td>
</tr>
<tr>
<td>5. Schools Recycling Support</td>
</tr>
<tr>
<td>6. Community Litter Pick Support Initiative</td>
</tr>
<tr>
<td>7. Solar Powered Compacting Litter Bin Trial</td>
</tr>
<tr>
<td>8. Cigarette Ballot Bins Initiative</td>
</tr>
<tr>
<td>9. Gum Recycling Bins</td>
</tr>
<tr>
<td>10. Primary Schools ECO’S Champs Campaign</td>
</tr>
<tr>
<td>11. 3 Minute Beach Clean Campaign</td>
</tr>
<tr>
<td>12. Bottle banks</td>
</tr>
<tr>
<td>13. Compostable Straws Campaign</td>
</tr>
<tr>
<td>14. Village ‘Facelift’ Initiative</td>
</tr>
</tbody>
</table>
Each project was at different stages of implementation and were all on course to deliver on the RCIF aims and objectives. Due to timing of allocations, Council had already agreed to the carry-over of unutilised funds in relation to project numbers 14 and 15 in the table above, to be earmarked for the designated purposes in the new financial year. Due to scheduling issues, it was also proposed that similar approval was granted for the following projects:

<table>
<thead>
<tr>
<th>Project</th>
<th>Approx. £ roll over</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. Summer Scheme Support</td>
<td>10K</td>
<td>Delivered in July/August</td>
</tr>
<tr>
<td>10. Primary Schools Eco Champs Campaign</td>
<td>5K</td>
<td>Delivered in line with School Year</td>
</tr>
<tr>
<td>16. RCIF PR Campaign</td>
<td>20K</td>
<td>To facilitate PR focus on RCIF full projects completion</td>
</tr>
</tbody>
</table>

RECOMMENDED that Council agrees to roll over of the allocated RCIF funds for named projects into 19/20.

Councillor Douglas proposed, seconded by Councillor Woods, the recommendation be adopted.

The proposer, Councillor Douglas, commented that the proposed expenditure appeared great and she looked forward to the projects being rolled out in due course.

Also welcoming the report, the seconder, Councillor Woods expressed the view that she hoped schemes such as those alluded to in the report would encourage more people to recycle.

Councillor Martin proposed an amendment, seconded by Councillor Dunlop, that this Council agrees to roll over of the allocated RCIF Funds for named projects into 19/20. It further agrees to fund the restoration of Dunville Historic Garden Phase II at a cost of £4,000 subject to a positive report from officers in the March Environment Committee and not withstanding any already committed expenditure.

Councillor Martin informed members that the initiative was a joint proposal from the Holywood Shared Towns, Holywood Men’s Shed and Conservation Volunteers. He added that the project involved the restoration of the Dunville Garden at Redburn Country Park and the main source of funding would be derived from Landfill Communities Fund administered by the Alpha Programme. Continuing he advised that a grant of £50,000 was being applied for which it was hoped could be used to vastly regenerate the Dunville Garden. It was noted the Alpha Programme required
match funding of £5,000 and the team were proposing to raise £1,000 leaving a shortfall of £4,000. Councillor Martin noted the closing date for applications was 12 April 2019.

At this stage Councillor Martin stated that if £4,000 could be successfully raised that would enable £50,000 to be brought into the Borough for this proposed project at Dunville Garden, which would undoubtedly enhance the local environment at that location. He informed members that he had discussed the project with Alderman Smith, Councillor Dunne and the Director at length and they had all been very supportive of it. Therefore, he added that he looked forward to the report coming back from officers in due course.

The seconder, Councillor Dunlop, concurred with those comments adding that she fully supported the proposal.

At this stage Councillor Wilson expressed his shock about the amendment which had been proposed, particularly as it had been sprung upon members of the Committee without prior knowledge. Continuing he suggested that members could all have brought back various projects for consideration and reiterated that it would have been useful to have been made aware of this proposal prior to the meeting.

The Head of Regulatory Services advised that officers had been approached by members of the community in respect of this project, which he considered would meet the stated aims and objectives of the RCIF. Continuing, he reassured members that he was keeping a close eye on this year's RCIF expenditure and to date it would appear that slippage was likely to be just around £2,000. He added that he had also encouraged the group to seek alternative forms of funding options.

At this stage the Director of Environment noted the relevancy of all of the points which had been made so far and confirmed that a report could be produced which would be brought to Committee next month for consideration. He also acknowledged the significant number of diverse projects referred to in the report which were at various stages of implementation.

(Councillor Cummings left the meeting at this stage – 8.45pm)

Councillor Boyle added that he too had not been aware of Councillor Martin’s amendment but would be happy to await the requested report from officers.

In summing up Councillor Martin informed members that good quality projects were being encouraged to avail of this funding and at this stage he was merely seeking a report back for members to consider.

At this stage Councillor Woods declared an interest in this matter and indicated that she would not be participating in the vote.

AGREED TO RECOMMEND, on the proposal of Councillor Martin, seconded by Councillor Dunlop, that this Council agrees to roll over of the allocated RCIF Funds for named projects into 19/20. It further agrees to fund the restoration of Dunville Historic Garden Phase II at a cost of £4,000 subject to a positive
report from officers in the March Environment Committee and not withstanding any already committed expenditure.

RECESS

At this stage, 9.05pm the meeting adjourned for a short comfort break and resumed at 9.20pm.

(Councillor Smart left the meeting at this stage – 9.20pm)

12. TRANSFER OF ENTERTAINMENT LICENCES (FILE LR100/90101)

PREVIOUSLY CIRCULATED: - Report dated 23 January 2019 from the Director of Environment detailing that the following applications for the transfer of licence to a new licensee had been received:

1. Betty’s, 57 Main Street, Holywood, BT18 9AQ

Applicant: Mr Ben Stewart, 80 Belfast Road, Antrim BT41 1PQ

Day and hours of use: Monday to Sunday during the permitted hours when alcohol may be sold or consumed under the Licensing (NI) Order 1986.

Monday to Sunday: Type of Entertainment:

- Dancing, singing or music or any other entertainment of a like kind

2. Roma’s, 4 – 6 Main Street, Newtownards, BT23 4LH

Applicant: Mr Andrew Gedge, 39 Coastguard Lane, Orlock, Groomsport BT19 6LR

Day and hours of use: Monday to Sunday during the permitted hours when alcohol may be sold or consumed under the Licensing (NI) Order 1986.

Monday to Sunday: Type of Entertainment:

- billiards, pool, snooker or any similar game
- darts
- dancing, singing or music or any other entertainment of a like kind
- machines for entertainment and amusement

No objections had been received to any of those applications.

RECOMMENDED that the licenses are transferred.

AGREED TO RECOMMEND on the proposal of Councillor Cathcart, seconded by Councillor Woods, that the recommendation be adopted.
13. **GRANT OF PAVEMENT CAFÉ LICENCES (FILE LR100/90101)**

PREVIOUSLY CIRCULATED: - Report dated 23 January 2019 from the Director of Environment detailing that the following applications had been received to place furniture on the pavement for the serving of food and drink:

1. **Loganberry, 18 Shore Street, Holywood, BT18 9HX**
   
   **Applicant:** Suzanne Logan, Flat 3, 24 Croft Road, Holywood
   
   Day and hours of use: Monday – Sunday 8am – 6pm

2. **Nugelato Ice Cream Boutique, 62 High Street, Bangor, BT20 5AZ**
   
   **Applicant:** Nicky Pell, 1 Glenbank, Seacourt Lane, Bangor
   
   Day and hours of use: Monday – Friday 1pm – 10pm
   
   Saturday / Sunday 12pm – 10pm

3. **Brazilia BT18, 45 High Street, Holywood, BT18 9AB**
   
   **Applicant:** Martin Gilmore, 41 Ballycrochan Avenue, Bangor
   
   Day and hours of use: Monday – Saturday 8am – 5pm
   
   Sunday 10am – 5pm

   No objections had been received to any of those applications.

**RECOMMENDED** that the licences are approved.

**AGREED TO RECOMMEND** on the proposal of Councillor Cathcart, seconded by Councillor Dunlop, that the recommendation be adopted.

14. **RESULT OF COURT PROCEEDINGS (FILE 90202)**

PREVIOUSLY CIRCULATED: - Report dated 16 January 2019 from the Director of Environment detailing that the following cases had been heard at Newtownards Magistrates Court between 1 October and 31 December 2018.

<table>
<thead>
<tr>
<th>File Ref</th>
<th>Defendant</th>
<th>Offence</th>
<th>Court Date</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017/67590</td>
<td>Mr James Morley</td>
<td>4 x Unpaid FPN’s – Dog Straying on 4 occasions</td>
<td>19/10/2018</td>
<td>Fine £100 on each of 4 charges; Costs £350; Service Fees £41</td>
</tr>
<tr>
<td>Date</td>
<td>Name</td>
<td>Offence</td>
<td>Date</td>
<td>Fines/Charges</td>
</tr>
<tr>
<td>------------</td>
<td>----------</td>
<td>-------------------------------------------------------------------------</td>
<td>------------</td>
<td>---------------------------------------------------</td>
</tr>
<tr>
<td>2017/73848</td>
<td>David Keenan</td>
<td>Failure to Comply with Article 20 Information Request Notice &amp; Littering</td>
<td>16/11/2018</td>
<td>Fine £50 on each of the 2 charges; Costs £150; Service Fees £24; Levy £15</td>
</tr>
<tr>
<td>2018/108763</td>
<td>Alan Gardner</td>
<td>Dog Fouling; No Licence &amp; Provision of Giving of False Details to an Authorised Officer</td>
<td>16/11/2018</td>
<td>Fines totalling £180; Costs £150; Levy £28</td>
</tr>
<tr>
<td>2018/98149</td>
<td>Clare Cully</td>
<td>Unpaid FPN Straying and No Licence</td>
<td>21/12/2018</td>
<td>Fine £100 on each case; Costs £150; Fees £36</td>
</tr>
</tbody>
</table>

RECOMMENDED that the Committee notes the report.

AGREED TO RECOMMEND on the proposal of Councillor Armstrong-Cotter, seconded by Councillor Cathcart, that the recommendation be adopted.

15. RESULT OF COURT PROCEEDINGS – ANIMAL WELFARE (FILE 92013)

PREVIOUSLY CIRCULATED: - Report dated 16 January 2019 from the Director of Environment detailing that the following animal welfare case was heard at Newtownards Magistrates Court on 18 January 2019 and resulted in a lifetime ban from keeping any animal.

Mr Jonathan Elliott was convicted in his absence. He was found guilty of causing unnecessary suffering to his two dogs, which was an offence under the Welfare of Animals Act (NI) 2011. Mr Elliott was also found guilty of not meeting the needs of his dogs, which was a separate offence under the same legislation.

The offences dated back to March 2018 and related to both of the dogs being seized from the address where Mr Elliott was living at that time; The Willows, Newtownards. A veterinary surgeon certified that both of the dogs, which were elderly, were suffering and commented on their “extreme skinniness” along with the fact that they lived outside without any bedding or coats to protect them from the cold. When seized and taken into the Council’s care, one of the dogs put on 40% bodyweight in just 18 days when being returned back to health. The dogs had both since been rehomed.

Mr Elliott received a lifetime ban from keeping any animals or having any involvement with the keeping of any animals. He received a £200 fine for each of the two guilty charges and was ordered to pay all costs including boarding and
veterinary costs relating to the case. The total figure for this was £3,689.44; which was separate from the fines totaling a further £400.

An image of one of the dogs was shown below, showing the extremely poor body condition of the animal.

The Council gave a high priority to the welfare of domestic pets and horses and operated a rigorous enforcement policy to ensure full compliance of regulatory requirements. Complaints were investigated thoroughly and, where necessary, offenders were prosecuted as in this instance.

RECOMMENDED that that the Committee notes the report.

Councillor Douglas proposed, seconded by Councillor Wilson, that the recommendation be adopted.

Councillor Douglas commented that she had found the incident disturbing and asked if the Council had been able to highlight the issue of animal welfare throughout the Borough and the Council’s zero tolerance approach to it.

In response the Head of Regulatory Services confirmed that this particular case had been reported in the local press and on the Council’s various social media sites including Facebook.

Rising to congratulate officers on the successful outcome of this case, Councillor Boyle expressed his thanks to all of those who had been involved adding that animal cruelty of this nature left him feeling sick. He added that so much so he would welcome the introduction of custodial sentences for such crimes. He noted the costs associated with this case totalled approximately £4,000 and he sought clarification on who would be responsible for paying this.
The Head of Regulatory Services confirmed that the guilty party, in this case Mr Elliott would be responsible for paying all costs associated with the case.

Councillor Boyle asked to be updated on this particular case and advised when all of the costs had been successfully reimbursed to Council.

**AGREED TO RECOMMEND on the proposal of Councillor Douglas, seconded by Councillor Wilson, that the recommendation be adopted.**

16. **NOTICES OF MOTION**

16.1 **Notice of Motion submitted by Councillors Adair, Edmund and Martin**

Councillor Adair proposed, seconded by Councillor Edmund, that this Council tasks officers to bring forward a report on the provision of disabled access to Cloughey Beach in order to ensure accessibility for all.

Councillor Adair stated that it gave him great pleasure to present this motion on behalf of the people of Cloughey to committee this evening.

He stated that he wished to outline the background to his proposal as the Borough had the largest coastline of any Borough in Northern Ireland and could boast of many beautiful walks around its harbours, promenades and beaches where residents could enjoy the natural beauty of the Borough’s wonderful coastal location.

One of those beautiful beaches was Cloughey. He expressed the view that Cloughey Beach was one of the most beautiful and award-winning beaches in the United Kingdom in terms of cleanliness and water quality. The hard work and dedication of local volunteer beach cleaners through Cloughey and District Community Association and Cloughey Beach Care group had ensured Cloughey had been an awarding winning beach for many years.

Last year after a ten-year campaign started by Eric Rainey and Michelle McIlveen MLA, Cloughey had become an amenity Council leased beach. This had enabled the award-winning beach to enter more competitions and had also increased public access to the beach. The main motivation for those behind the campaign to have Cloughey designated as an amenity beach was to ensure greater public access of this award-winning beautiful beach.

Councillor Adair explained the reason behind his motion which was to ensure access to the wonderful beach for all. He noted that it was wonderful to see the beach being well used and enjoyed by so many residents and tourists alike however he had been contacted by many elderly and disabled constituents who had found the beach difficult to access. He believed that they too should have the opportunity to enjoy this wonderful facility, particularly given the recent investment to the boardwalk and the designation of Cloughey as an amenity beach which had been welcomed by the local community.

Therefore, in summing up Councillor Adair asked the Council to support the motion to allow officers to bring a report on how it could provide disability access to
Cloughey Beach and ensure access for all to the facility. He added that if the motion was passed that the Council consulted with the local community on the best ways to deliver disabled access to the beach.

Rising as seconder Councillor Edmund noted that Cloughey beach was an amenity beach and an attraction for tourists. Continuing he stated that it would sit well with the Council’s proposals for disabled access to beaches and added that it was important for the Council to provide amenities such as this and other open spaces to enable tourists to enjoy the Borough to its fullest. He added that he welcomed the proposal which would enable those with disabilities to get to the hard areas of sand on Cloughey beach from the existing boardwalk.

Expressing his support for the proposal, Councillor Boyle recalled having previously sat on a working group to consider matters such as this for the various beaches throughout the Borough. He noted the Boardwalk which was already in place at Cloughey Beach adding that the proposal before them would provide the final access required for those with disabilities. Councillor Boyle acknowledged that Cloughey had come on in leaps and bounds during recent years with the help of a very active Community Association in the village. He added that he looked forward to the report coming back in due course.

Rising also to support the proposal, Councillor Douglas commented that the beach at Cloughey was gorgeous and therefore she would welcome improvements at the beach to make it accessible for all.

At this stage Alderman Henry suggested that the Council’s Compliance Officer (Equality and Safeguarding) was involved in the production of any future report, as he was aware, she was currently assisting with a similar scheme at Groomsport.

In summing up, Councillor Adair thanked members for their support adding that he was sure it would mean a lot for the residents of Cloughey.

AGREED on the proposal of Councillor Adair, seconded by Councillor Edmund, that this Council tasks officers to bring forward a report on the provision of disabled access to Cloughey Beach in order to ensure accessibility for all.

16.2. Notice of Motion submitted by Councillor Martin and Councillor McIlveen

Councillor McIlveen proposed, seconded by Councillor Martin, that Council asks Officers to bring back a report on the usefulness and availability of mobile phone apps that can be used by the general public to report dog fouling directly to Officers.

Councillor McIlveen commented that he had developed a keen interest in GIS and the mapping of data as a means of illustrating key information. He acknowledged that we all now lived in a data driven outcomes-based world, so much so that public bodies were moving away from being process driven.
Continuing he stated that an app whereby the public could report dog-fouling and other offences such as littering and fly tipping would provide officers with key data to inform where Council resources needed to be directed. Apps of this nature had been around for some time and indeed he noted that Flintshire Council, for example, had a ‘Doggy Do’ App in operation since 2011. Other apps in operation included ‘Pooper Scooper’ and ‘Report it All’. Last year Lisburn & Castlereagh Borough Council launched its own version of those apps. Interestingly he had noted that North Ayrshire Council’s app, ‘Report It’ had been identified by APSE as an example of best practice. Councillor McIlveen noted that apps were considered an important means of capturing casual and photographic data to help inform future strategies and identify new hotspots areas and trends that may otherwise not be captured through more traditional means of communication. Councillor McIlveen wholeheartedly agreed with that form of assessment and recognised that dog fouling was one of the main issues raised with him by constituents. Therefore, it was important in his opinion to ensure that the Council had all of the necessary data to inform its approach to this issue.

Councillor McIlveen informed members of some recent work he had carried out in conjunction with Donegal County Council and had been fascinated by how it had embraced the ethos behind GIS which had been informed by public data input. He acknowledged that while the Council currently had a GIS officer in post, he believed it was some way behind generating its own data and he believed his proposal would go some way to assist with that process.

Rising as seconder Councillor Martin noted the variety of apps currently available and agreed that a report back to Committee for consideration would be useful to ascertain how it could be best implemented. He too reported that he had also been contacted by constituents about this very matter and agreed that in order to combat it, it had to be intelligence led. Therefore, he looked forward to the report coming back and detailing the various apps which were available and their associated value.

Councillor Wilson referred to an earlier notice of motion put forward on this issue and agreed that it made sense for the Council to have a dedicated app of this nature to assist in combating the problem. Continuing he referred to a scheme whereby hashtags had been used to identify areas of concern of this nature. He thanked Councillors McIlveen and Martin for bringing forward their proposal.

Also rising to support the proposal, Councillor Woods agreed that the technology was available for use in helping to combat matters such as this.

Councillor Armstrong-Cotter also expressed her support for the proposal adding that following a recent move to a residential area of Newtownards she had been shocked by the amount of dog fouling which regularly took place. She added that people generally liked the principal of using apps and as the Council had the necessary resources in place, she looked forward to a report coming back on this. Continuing she added that it was a particularly engaging idea and suggested that consideration was given to other Councils which were already using such apps and looking at their effectiveness.
Councillor Edmund rose in support of the proposer and seconder agreeing that it was one of the biggest problems throughout the Borough.

By way of summing up Councillor McIlveen thanked members for their comments agreeing that it was all about accessibility and using Council resources effectively.

**AGREED on the proposal of Councillor McIlveen, seconded by Councillor Martin, that Council asks Officers to bring back a report on the usefulness and availability of mobile phone apps that can be used by the general public to report dog fouling directly to Officers.**

16.3. **Notice of Motion submitted by Councillor Smith and Councillor Brooks**

Councillor Smith proposed, seconded by Councillor Brooks, that this Council brings back a report on providing a shelter or sheltered area near the slipway in Donaghadee which would provide cover for the growing numbers of open water swimmers that use the area on a daily basis. It is important that we recognise the many benefits that such activity brings to those that take part - enhancing peoples physical and mental wellbeing. The fact is that a significant number of our residents are swimming in the waters around our coast - we as a Council should not be seeking to deter them in any way, instead we should be looking how we can assist them and in doing so encourage others to improve their lifestyles. As part of the report, the Council will engage with the community in Donaghadee to hear views and ideas on possible solutions.

Councillor Smith stated that he intended to be brief as the motion he felt was fairly clear in its intention. He advised that he along with Councillor Brooks had been contacted by a number of people who swam regularly from the slipway in Donaghadee. They had asked the Council to look at the provision of a shelter or sheltered area that would give them a bit of cover when changing and also some protection from the elements particularly when they come out of the water.

He advised that some informal discussions had already taken place with a few officers about this matter and he believed that a suitable and sensible outcome could be achieved. For those who were unaware he stated that it was worth pointing out that Donaghadee had a very active swimming community with a dedicated group of swimmers. He added that their numbers could range from around 20 to over 100 and they were out every day, unless the waters were deemed too dangerous to swim in.

Councillor Smith expressed the view that this was something the Council should not be discouraging, particularly as swimming had many benefits including improved physical and mental health. All that was being sought at this stage was a report to look at what provision could be made in the area and that should follow a round of public engagement to gauge people’s views and to hear their ideas and thoughts on the matter.

At this stage the seconder, Councillor Brooks indicated that he was content to withhold his comments.
Councillor Douglas welcomed the proposal adding that she had also offered her support to a similar swimming group which had an interest in Pickie Park where consideration had been given to the erection of marquees to provide shelter.

Councillor Brooks rose as seconder at this stage commenting that Donaghadee attracted swimmers from as far afield as the North Coast. He stated that currently once they had completed their swim, they had no option but to come out of the water and wrap towels around them to change. Continuing he informed members that as Donaghadee Dunkers was not a formally constituted group there were limited opportunities to avail of funding. Therefore, he would be keen for a report to come back detailing how the Council could provide assistance with the provision of a shelter to provide cover for the growing number of open water swimmers in Donaghadee.

Councillor Martin supported and echoed all of the comments which had been made adding that he followed the Donaghadee Dunkers on social media and had respect for what they did. He also recognised the health benefits of swimming in the waters along the Borough’s coastline and was therefore happy to support the proposal.

The proposer Councillor Smith thanked members for their supportive comments.

AGREED, that this Council brings back a report on providing a shelter or sheltered area near the slipway in Donaghadee which would provide cover for the growing numbers of open water swimmers that use the area on a daily basis. It is important that we recognise the many benefits that such activity brings to those that take part - enhancing peoples physical and mental wellbeing. The fact is that a significant number of our residents are swimming in the waters around our coast - we as a Council should not be seeking to deter them in any way, instead we should be looking how we can assist them and in doing so encourage others to improve their lifestyles. As part of the report, the Council will engage with the community in Donaghadee to hear views and ideas on possible solutions.

16.4. Notice of Motion submitted by Councillor Woods and Councillor McKee

That this Council notes the recent IPCC report on the impacts of climate breakdown; agrees that drastic and far-reaching measures must be taken across society to try and mitigate the risks and declares a ‘Climate Emergency.’ It establishes a working group to assess the impact of the activities of Ards and North Down Borough Council on greenhouse gas emissions, exploring what mitigation measures can be put in place as a matter of urgency. This would include bringing the issues of climate breakdown to the fore in the local community and businesses, as well as formulating a climate adaptation plan.

Councillor Woods proposed an amendment, seconded by Councillor McKee that this Council notes the recent IPCC report on the impacts of climate breakdown, agrees that drastic and far-reaching measures must be taken across society to try and
mitigate the risks and declares a ‘Climate Emergency’. It requests an urgent report to assess the impact of the activities of Ards and North Down Borough Council on greenhouse gas emissions, exploring what mitigation measures can be put in place and establishes a working group to bring the issues of climate breakdown to the fore in the Council structures and actions, local communities and businesses, as well as formulating a climate adaptation plan.

Councillor Woods commenced with a quote from the 16-year-old Swedish climate activist Greta Thunberg who had spoken recently at Davos. She had said - “Solving the climate crisis is the greatest and most complex challenge that Homo sapiens have ever faced. The main solution, however, is so simple that even a small child can understand it. We have to stop our emissions of greenhouse gases. Either we do that, or we don’t. We are at a time in history where everyone with any insight of the climate crisis that threatens our civilisation – and the entire biosphere – must speak out in clear language, no matter how uncomfortable and unprofitable that may be. We must change almost everything in our current societies. The bigger your carbon footprint, the bigger your moral duty. The bigger your platform, the bigger your responsibility. Adults keep saying: “We owe it to the young people to give them hope.” But I don’t want your hope. I don’t want you to be hopeful. I want you to panic. I want you to feel the fear I feel every day. And then I want you to act. I want you to act as you would in a crisis. I want you to act as if our house is on fire. Because it is”.

Continuing she stated that as members would all be aware the IPCC report that had been published last year had brought the stark reality of climate breakdown and highlighted the need for urgent and unprecedented changes to reach the target, which was affordable and feasible although it lay at the most ambitious end of the Paris Agreement pledge. Given the magnitude of that issue and its severity, she suggested there was a role to play at every level of society and government especially with the lack of a functioning Assembly in Northern Ireland, and Westminster, which were tearing themselves apart over Brexit. She added climate breakdown was not the priority it should be there, and in her opinion the role of local Councils in Northern Ireland was key.

Councillor Woods acknowledged that acceleration of the pace of change was no simple task adding that it would be a challenge for everyone including local Councils at times of austerity and cuts, but it was a challenge Councils needed to rise to. She noted that other councils had done this already or were in the processes of doing so. In Northern Ireland there were a number of projects that were ongoing, for example the CLIMATE project in Derry City and Strabane Council which aimed to tackle climate change on local and regional levels through using models of best practice to develop climate adaptation plans for the district. Also, in Belfast, a Climate Action Network was being set up bringing citizens, businesses and other relevant partners to come up with a climate adaptation plan following Derry City and Strabane’s lead. Councillor Woods stated that she believed Ards and North Down needed to be the next one to do so.

At this stage Councillor Woods acknowledged that the motion brought last year about getting a report back on a carbon neutral Council was a start, and something she looked forward to reading. However, she stated that carbon emissions were a
huge contributor to climate breakdown, but it was not the whole picture as all greenhouse gases needed to be considered, dates needed to be set as well as actions along with a plan and an appropriate response. What was needed was transformational adaptation of the current economy and society, and she was of the opinion the Council should take a leadership role in bringing the importance of climate breakdown and energy transition to the fore in the local community and indeed to the community planning process. Early successes in local communities through revamping Council operations and its Local Development Plan, through education programs with the local communities, changes in business operations could then spread outwards to other local Council areas and upwards. Councillor Woods stated that gathering citizen’s together, along with businesses and other relevant partners, experts and administrators to come up with a climate adaptation plan was what she would envisage this Group to be able to do. She added that this is not just an issue for officers working on energy or environmental issues but ensuring each department was part of the solution.

Councillor Woods suggested that this motion could give us a six-step process as detailed below:

1. Declare a ‘Climate Emergency’;
2. Drafting a pledge to make the Ards and North Down carbon neutral by 2030, taking into account both production and consumption emissions;
3. Call for the restoration of local regional government and on Westminster to provide the powers and resources to make the 2030 target possible;
4. Work with other councils and governments (both within the UK and internationally) to determine and implement best practice methods to limit Global Warming to less than 1.5 degrees Celsius;
5. Continue to work with partners in business and civil society and other statutory agencies across the Borough and NI to deliver this new goal through all relevant strategies and plans;
6. Report to Full Council within six months with the actions the Council should take to address this emergency, including updates on the above points.

Councillor Woods stated that there was some good news for members, that being that Northern Ireland was on target to meet the goal of 40% of electricity from renewable energy by 2020. However, she noted that levels of greenhouse gases emissions were increasing, as well as having the highest levels of car use and fuel poverty in the UK and Europe. That was why a ‘Just Transition’ was required beyond fossil fuels as the only legitimate way to respond to climate breakdown. Councillor Woods explained that a Just Transition meant that no one would be left behind in the energy transition. Governments would have to co-operate with trades unions, industry and local communities to ensure that good quality, living wage jobs were available to workers in the new low carbon, green economy. As a local Council she suggested there was an opportunity to demonstrate leadership in coordinating such a local Just Transition. The ‘Just Transition’ strategy was not only recognised in the preamble to the Paris 2015 Climate Change agreement, but was growing as an inclusive, realistic
and positive approach to tackling climate breakdown. It had been supported and promoted by trade unions, businesses, climate advocates and environmentalists as a way to ensure climate policies included economic and especially employment considerations and also that any low carbon transition prioritised well paid, decent employment in the new green economy. It proposed bringing together workers, trades unions, communities, employers, and government (including local government) in social dialogue to formulate and drive plans, policies, and investments (and divestments) needed for a fast and fair transition to a low-carbon economy.

At this stage Councillor Woods referred to the proposed working group which it was planned would have responsibility for the formulation of a climate adaptation plan and strategy for change, setting ambitious targets for the Council to achieve within five and ten years. It was hoped it would also encourage others to do so, availing of and using people’s expertise in this area. She commented that the Council needed to be committed to actually combating the problem, delivering it and becoming the champions on and for it. Unambiguous actions needed to be formulated so that people could understand and were clear, having control over what can be done at local level, and influencing others. She stated that it was not all doom and gloom. Councillor Woods suggested that the transition to a green economy would be an opportunity for more jobs, new businesses and therefore a positive step as opposed to something that had to be grudgingly done.

Continuing Councillor Woods noted there were elements of a local regional plan that would reduce fuel poverty and address the terrible blight on society where people had to choose between ‘heating & eating’, creating jobs & encouraging local business innovation and addressing climate breakdown. All of the technologies needed to make a transition beyond fossil fuels were in place and what was now needed was determined political leadership and the courage to take bold action. She added that ‘you fix the roof when it is still sunny, not when it is raining’. The time to act on climate breakdown was now and not sometime down the road when the costs of doing something about it and the dire and negative consequences of inaction were high. Councillor Woods suggested that the Council owed it to its citizens and young people to act now in declaring an emergency and showing leadership and action. She added that this was an issue that was above party politics.

In summing up, Councillor Woods quoted Sir David Attenborough, aged 92, who told the same gathering in Davos the following:

"We can create a world with clean air and water, unlimited energy and fish stocks that will sustain us well into the future. But to do that, we need a plan. What we do now and in the next few years will profoundly affect the next few thousand years,"

She hoped all councillors could support her notion of motion adding that we were running out of time.

Rising as seconder, Councillor McKee concurred with the comments raised by Councillor Woods adding that it was necessary for all leading policy makers and leaders of other Councils to take the initiative in this matter. He encouraged members to make that a reality by supporting the motion before them.
Thanking the proposer and seconder, Councillor Wilson agreed that more environmentally friendly policies were vital to ensure action was taken before it was too late.

Following clarification of the amendment, Councillor Cathcart indicated that he had no issue with its content and sought further information on the proposed Working Group.

At this stage Councillor Woods reminded members that at this stage she was initially seeking a report which would consider the establishment of this Working Group.

Councillor Cathcart stated that he was content to await the report coming back to get the clarification on the proposed Working Group. Continuing he acknowledged the Environment Committee had been a leader in respect of environmental issues and suggested that joined up working with Council’s Planning Committee was considered by officers in respect of matters such as the Coastal Erosion Plan and Drainage Schemes.

Councillor Edmund expressed some concern as while green energy was very much needed it was not always as ‘green’ as it made out. Many forms of green energy yielded low percentage rates, had a short life span, required un-environmentally friendly materials and were expensive to initially install. He suggested that different methods of green energy were considered such as Sea Turbines were a very efficient use of natural energy.

Councillor Martin expressed his support for the proposal to get a report back and consider its contents in due course. Continuing he sympathised with the concerns which had been raised adding he agreed there was a need for everyone to change how they did things and to consider the impact upon the environment. At this stage he also reminded members of the impact major countries such as the United States of America and China had on the environment, adding that unless they did their bit as well, any efforts made would have little impact. Instead he suggested there should be a global focus on what could be done to protect the environment before it was too late.

Rising in support also, Councillor Douglas thanked her Green Party colleague for bringing forward the motion. She referred to the comments made by Councillor Edmund in respect of green energy and indicated that she took issue with them particularly as more and more people were signing up for wind and solar energy initiatives. Therefore, she welcomed the proposal before them adding that she looked forward to the report coming back in due course.

In summing up Councillor Woods thanked members for their support and continuing she reiterated that her proposal was about sustainability. She added that everyone had their part to play however small.

AGREED on the proposal of Councillor Woods, seconded by Councillor McKee, that this Council notes the recent IPCC report on the impacts of climate breakdown, agrees that drastic and far-reaching measures must be taken across society to try and mitigate the risks and declares a ‘Climate Emergency’. It requests an urgent report to assess the impact of the activities
of Ards and North Down Borough Council on greenhouse gas emissions, exploring what mitigation measures can be put in place and establishes a working group to bring the issues of climate breakdown to the fore in the Council structures and actions, local communities and businesses, as well as formulating a climate adaption plan.

**EXCLUSION OF PUBLIC/PRESS**

AGREED, on the proposal of Councillor Cathcart, seconded by Councillor Dunlop, that the public/press be excluded during the discussion of the undernoted items of confidential business.

(Councillor Cathcart declared an interest in the next item, Item 17 and left the Chamber at this stage – 10.12pm)

(Councillor Boyle left the meeting at this stage – 10.12pm)

17. **arc21 ORGANICS WASTE TREATMENT – PROPOSED CONTRACT VARIATION (FILE 72011) (Appendix V)**

*** COMMERCIAL IN CONFIDENCE ***

***NOT FOR PUBLICATION***

Schedule 6 of the Local Government Act (Northern Ireland) 2014 – Information relating to the financial or business affairs of any particular person.

(Councillor Cathcart re-entered the meeting at this stage – 10.14pm)

18. **ANNUAL REVIEW OF COMMERCIAL WASTE CHARGES (FILE 71004)**

*** COMMERCIAL IN CONFIDENCE ***

***NOT FOR PUBLICATION***

Schedule 6 of the Local Government Act (Northern Ireland) 2014 – Information relating to the financial or business affairs of any particular person.

19. **TENDER FOR THE PROVISION OF TOWN CENTRE CCTV MONITORING SERVICES (FILE LRTCC/90606)**

*** COMMERCIAL IN CONFIDENCE ***

Schedule 6 of the Local Government Act (Northern Ireland) 2014 – Information relating to the financial or business affairs of any particular person.
20. **AUTHORISATION OF OFFICERS – NEIGHBOURHOOD ENVIRONMENT TEAM (FILE 92009)**

*** COMMERCIAL IN CONFIDENCE ***

Schedule 6 of the Local Government Act (Northern Ireland) 2014 – Information relating to the financial or business affairs of any particular person.

21. **REVIEW OF FEES CHARGED FOR KENNELLING AND STRAY DOGS (FILE 92012)**

*** COMMERCIAL IN CONFIDENCE ***

Schedule 6 of the Local Government Act (Northern Ireland) 2014 – Information relating to the financial or business affairs of any particular person.

**READMITTANCE OF PUBLIC/PRESS**

AGREED, on the proposal of Councillor Armstrong-Cotter, seconded by Councillor Edmund, that the public/press be readmitted to the meeting.

**ANY OTHER NOTIFIED BUSINESS**

**Site Visit to Waste Water Treatment Works in Donaghadee**

The Director of Environment referred members to a previous request for a site visit to Northern Ireland Water’s (NIW) Waste Water Treatment Works in Donaghadee. He informed members that subject to confirmation the preferred date for the site visit was 19 March 2019 at a time to be arranged. He advised that members would receive further details in due course and encouraged as many members as possible to attend, as it was Council that had sought the site visit to the facility.

NOTED.

**TERMINATION OF MEETING**

The meeting terminated at 10.24pm.
ARDS AND NORTH DOWN BOROUGH COUNCIL

A meeting of the Regeneration and Development Committee was held in the Council Chamber, 2 Church Street, Newtownards on Thursday 7 February 2019 at 7.00pm.

PRESENT:

In the Chair: Alderman McDowell

Aldermen: Irvine
            Smith

Councillors: Adair            Smart
             Cummings        Smith
             Dunlop           Walker
             Ferguson        Wilson
             Menagh           Woods

In Attendance: Director of Regeneration, Development and Planning (S McCullough), Head of Regeneration (B Dorrian), Head of Economic Development (C McGill), Heads of Tourism (S Mahaffy and R Richardson), and Democratic Services Officer (E Brown)

1. **APOLOGIES**

Apologies for inability to attend were received from Councillors Armstrong-Cotter, Allen, Cooper and Gilmour.

NOTED.

2. **DECLARATIONS OF INTEREST**

The Chairman (Alderman McDowell) sought any Declarations of Interest and none were advised.

NOTED.

3. **GIFTED CRAFT FAIR 2018 (FILE ED 11)**

PREVIOUSLY CIRCULATED:- Report from the Director of Regeneration, Development and Planning providing an update on the above.

**Background**

In December 2018, the Council had agreed to proceed with supporting Creative Craft businesses in attending the Gifted Fair in Dublin from the 4th to the 9th December 2018 (inclusive). The aim had been to increase business visibility, sales (both direct and trade) and explore the export potential of the businesses involved.
Applications had been invited from Ards and North Down Borough professional designer/makers. Successful applicants had been supported through specific tailored training sessions in areas of export readiness, pricing for an international market and merchandising.

The agreed objectives of the project had been to:

- Develop export capacity and support business growth within the creative sector
- Develop new markets and support additional sales for designer/makers
- Profile the Creative economy in the Ards and North Down Borough.

Recruitment

The process of recruiting designer/makers had been carried out at the end of October 2018.

There were four applications received.

After an assessment of the applications received, three makers had been offered the opportunity to participate in the programme.

Training

Training sessions had been organised to enable and prepare the designers/makers:

- One session on Export Readiness focusing on maximising the lead time up to the event. The session received 100% Overall satisfaction.
- One session offering a theoretical overview of merchandising followed by a practical merchandising and display workshop. That session also received 100% satisfaction.

Gifted Fair Event

The Fair had taken place from the 5th to the 9th of December from 10am – 10pm 5th - 7th December and 10am – 7pm 8th and 9th December 2018. The Assistant Economic Development Officer had attended for the duration of the event to offer support and assistance to the Makers and to promote the Ards and North Down Borough as a creative region and tourist destination. A member of Tourism staff had attended on Saturday 8 December to offer support. It was thought that the attendance figures for the event had been between 30,000 and 50,000 visitors (at the time of writing this report a detailed summary report had not been received from the event organiser).

The expected outcomes specified by the Council had been as follows:

- To meet an agreed sales target over the duration of their time exhibiting
- Grow customer base
- Identify two new retail outlets within 6 months of the event taking place

The three makers had met both their personal objectives and the objectives that had been set out by the Council for the programme.
All of the makers had exceeded their individually identified sales target for the event and achieved an increase in sales based on turnover for the previous financial year.

All three makers had met with new customers to grow their customer base and each had identified two new retail outlets.

At an evaluation meeting on Wednesday 16 January 2019, one maker had successfully agreed orders with two online retailers. The other two makers were following their leads and hoped to place orders within the coming six months.

The Economic Development Section would follow up with the three makers within the coming six months to ensure that target had been met and would bring back an updated report.

**Conclusion**

It was felt that the programme had been very worthwhile with all of the participants meeting the agreed targets of the programme. Overall satisfaction for the training had been 100% and for the event itself was 33% Excellent and 66% Very Good. It was felt that, if the opportunity was presented again to makers, a longer lead in time would be required. It would also allow for more makers to consider applying for the programme and for a larger stand in the main hall (a more desirable position) to be secured.

This programme had not only been a great opportunity for the makers who had attended to explore the export potential of their business but had allowed Ards and North Down Borough Council to showcase the area as a Creative Region and a tourist destination.

**RECOMMENDED** that the Council:

(i) Notes the content of this report
(ii) Considers supporting future similar internationalisation sector-based programmes

**AGREED TO RECOMMEND,** on the proposal of Alderman Irvine, seconded by Councillor Smart, that the recommendation be adopted.

4. **QUAY MARINAS QUARTERLY OCTOBER – DECEMBER 2018 REPORT (FILE 141671)**
   (Appendix I)

PREVIOUSLY CIRCULATED:- Report from the Director of Regeneration, Development and Planning and attaching Quarterly Report October – December 2018 Report. The report stated that Quay Marinas operated Bangor Marina on behalf of the Council and as part of the agreement, Quay Marinas provided a quarterly report which was presented to the Committee as received.

The third quarter report for 2018/19 covered the entire range of activities that were undertaken in the Marina.
To ensure compliance with the Port Marina Safety Code (PMSC), Bangor Harbour and Marina had been independently audited by Omega Safety UK on 9 January 2019. Following that audit Simon Haig from Bangor Harbour and Marina as the designed person under the PMSC for Bangor Harbour and Marina would now issue a letter of assurance to the Council that Bangor Harbour and Marina was compliant. A full review of that audit would be contained in the next quarterly report, January – March 2019.

Quarter three highlights

An Oil Pollution Preparedness Response and Cooperation (OPRC) Audit had taken place on 30 November 2019 at the Bangor Marina with only one minor non-conformity which had already been addressed with an additional staff member trained to Executive Commander level for Oil Spill Response. The Council would be able to avail of that expertise.

To comply with the International Ship and Port Facility Security Code (ISPS) four table top exercises had been undertaken throughout the year and internal training had also been undertaken.

RECOMMENDED that the report be noted.

Alderman Irvine asked that thanks be passed on to Quay Marinas, particularly as recently there had been a couple of incidents in which personnel had intervened and prevented a loss of life. He then referred to the safety regulations in respect of falling overboard and asked if the port marine safety code was regularly reviewed. He added that he was very grateful for the ongoing work by Quay Marinas.

In response, the Head of Economic Development confirmed that Quay Marinas regularly reviewed their safety plans.

Alderman Smith welcomed the report and proposed, seconded by Councillor Woods, that a letter of thanks be sent to Quay Marinas.

AGREED TO RECOMMEND, on the proposal of Alderman Irvine, seconded by Councillor Woods, that the recommendation be adopted.

FURTHER AGREED TO RECOMMEND that a letter of thanks be sent to Quay Marinas.

5. RESPONSE TO A NOTICE OF MOTION CONCERNING TRAFFIC CONGESTION IN COMBER
(Appendix II)

PREVIOUSLY CIRCULATED:- Report from the Director of Regeneration, Development and Planning and attaching response from the DfI. The report stated that at a recent meeting of the Council the following Notice of Motion had been agreed:
“That in light of the substantial obvious increase in the population of Comber as a result of new building developments, officers urgently investigate introducing a one-way system from Mill Street and Castle Street towards the Square as quickly as possible. That officers investigate current capacity to cope with current traffic flow and to write to Divisional Manager (DfI) to seek evidence of projected traffic flow and anticipated demands on roads infrastructure in Comber, with a view to offsetting the likelihood of worsening congestion.”

Correspondence had been sent to Mr Simon Richardson, Divisional Roads Manager, giving details of the Notice of Motion that had been agreed and again highlighting the concerns about the congestion in Comber. A request for a meeting had also been made if it was deemed an appropriate way of discussing those concerns.

A response had been received from Mr Richardson in which he addressed the issues raised by the Council. From the correspondence it would appear that the DfI was of the opinion that the current vehicle traffic layout was appropriate for the current levels of vehicular traffic moving through Comber.

RECOMMENDED that the response from Mr Richardson (DfI) be noted.

Councillor Cummings stated that it was difficult to argue against statutory recommendations, however he was concerned that due to the significant increase in new accommodation, the congestion in Comber was steadily getting worse. He believed that new housing developments should lead to a continual review of the capacity to deal with traffic flow. He thought it would be a good idea if someone from DfI could address retailers as there was also confusion around car parking, retailers and pedestrians.

In response, the Head of Regeneration advised that a new team had recently been elected to the Comber Chamber of Commerce. He indicated it could be suggested to them that when they next met, to invite a representative from DfI and key Council staff to discuss the matter.

Councillor Cummings advocated that they proceed with that approach and also include officers from Planning.

Agreeing with Councillor Cummings, Councillor Menagh stated that Comber town centre was getting choked with traffic which would only get worse with the addition of a further 1100 new houses. He continued that Newtownards was suffering in the same way as the infrastructure was not there to deal with the increase in traffic. He stressed that the DfI needed to let them know what was happening with the infrastructure.

AGREED TO RECOMMEND, on the proposal of Councillor Cummings, seconded by Councillor Dunlop, that the recommendation be adopted.

FURTHER AGREED TO RECOMMEND, that representatives from DfI be invited to meet with Comber Chamber of Commerce and key Council staff to review the matter.
6. **RESPONSE TO A NOTICE OF MOTION ABOUT MEW ISLAND**  
(Appendix III)

PREVIOUSLY CIRCULATED:- Report from the Director of Regeneration, Development and Planning and attaching minutes of the Group meeting. The report stated that in June 2018 the Council had agreed the following Notice of Motion:

“The Council will look at ways to preserve Mew Island in terms of its wildlife and nature as well as the historic and listed buildings that exist there. As part of this, the Council will facilitate a meeting of relevant organisations and statutory bodies in order to hear views and ideas of how Mew Island can be preserved for future generations. Some of the those we should consider inviting to such a meeting should include Commissioner of Irish Lights, the Historic Environment Division, NIEA, Copeland Bird Observatory, National Trust, British Trust, British Trust for Ornithology and RSPB. This list is not exclusive. Mew Island is a treasure of our shores and we as a Council should be part of its preservation.”

It had proven problematic to arrange a meeting with all stakeholders however a meeting had been held on 9 January 2019 and there had been a good representation from the organisations with an interest in the Island, although two organisations had pulled out of the meeting at the last minute.

The Group minutes recorded the view points of the different organisations and their main points of interest. The Commissioner for Irish Lights, as the owner of the Island, had been keen to ensure the buildings were maintained to the appropriate standard, as they were nearly all listed. Captain McCabe highlighted that they would welcome that the Island would be more regularly visited, with people being able to see and touch the old equipment. That view was at variance to some of the other participants, as they had been more concerned about the nesting birds and how visitors may interfere with them.

It had been agreed that all the parties would meet again in the autumn to see if there was a way of working together to preserve the Island and the buildings, as well as making it a more attractive and assessable attraction but with the protection required for the nesting birds.

RECOMMENDED that the report be noted.

Councillor Smith proposed an amendment, seconded by Alderman Irvine.

Speaking to his proposal, Councillor Smith stated that after being contacted by some local residents, he had brought forward this motion to the Council with the hope of bringing the Commissioners of Irish Lights, who owned Mew Island, and other relevant bodies around the table to have a discussion about its future.

In reading the minutes of the meeting he thought it was good that Irish Lights acknowledged its responsibilities to maintain and preserve the listed buildings on the island. He wondered if they, for a future meeting, could be asked to provide a report as to what work they had carried out as part of that. Many people wanted to ensure that the
lighthouse and buildings were protected and preserved so it would be good to get some information as to what work had taken place. There was also a wonderful natural heritage on the island and as the minutes had shown, Mew was an important place for many animals including birds such as Arctic Terns and Elder ducks. It was also important as a grey seal breeding ground, so it was understandable that concerns had been expressed as to what the impact of an increased number of visitors could have on the wildlife. These were extremely important concerns and no-one wanted to upset the delicate natural balance that currently existed on Mew.

Obviously that first meeting was just the start of a conversation and he hoped that those meetings continued to take place so everyone could explore all those matters in greater detail. It would be great to see if at all possible, if there were opportunities in the future that would allow visitors, even in very limited numbers, to explore the lighthouse and its surrounding buildings whilst ensuring that that would not present a threat to the wildlife.

It would also be interesting to see a further discussion on the likes of the fog horn engine, particularly if access to the Island was going to be extremely limited. He wondered if it would be better to have that removed and brought to shore and put on display in Donaghadee.

With those thoughts in mind, he hoped that at the next meeting they could put an item on the agenda that gave consideration as to how to engage with the public on the matter. As Councillor Smith mentioned at the start, his motion had come about because he had been contacted by local residents. There was a real and genuine interest in the Island and it would be good to not only hear the thoughts of the public and also see how they could tell the story of Mew Island, both of the history of the lighthouse and of the wonderful wildlife that existed there.

Councillor Menagh asked who Irish Lights were and the Head of Regeneration advised that it was a statutory organisation established to control movement in the waters around the coast of Ireland, control and monitor lighthouses and deliver a safety service around the coastline of Ireland. The organisation was based in Dublin and its jurisdiction covered the whole of the island of Ireland

AGREED TO RECOMMEND, on the proposal of Councillor Smith, seconded by Alderman Irvine, that the recommendation be adopted.

FURTHER AGREED TO RECOMMEND, that the item be put on the agenda for the next MEW Island stakeholder meeting as how to engage the public on this.

7. NOTICE OF MOTION – SUNDAY MUSICAL CONCERTS (FILE TO/EV49)

PREVIOUSLY CIRCULATED:- Report from the Director of Regeneration, Development and Planning providing an update on the above.

Context

At the October 2018 Committee meeting a Notion of Motion had been submitted requesting that ‘Council officers bring back a report with costs regarding the
extension in 2019 of the Sunday Musical Concerts, currently being held in Ward Park, to other venues across the Borough including the Ards Peninsula Villages.’

The dates suggested in the original NOM were from June to mid-September. That equated to 15 Sundays, whereas the Ward Park music programme ran in July and August only, totalling 8 weeks. Ward Park Summer Sundays averaged an attendance of between 800 and 1000 per week. Sunday band concerts (principally flute and silver bands) at other locations (Donaghadee, Newtownards and Comber) had previously been run by the legacy Ards Council. Legacy records indicated that attendance per event had been between 100 and 200. There were no records of whether the attendees were visitors (i.e. from outside the Borough) or local residents.

As well as the Ward Park concerts, Mount Stewart would be running a musical programme on the following Sundays in 2019: 26 May, 30 June, 28 July, 29 August and 29 September. There was thus potential for the Council to “cannibalise” its own and other events by adding more events on the same dates.

**Costs**

Under the Ward Park model, a Casual member of staff was employed to work each Sunday at scale point 21 - £11 per hour. Working hours were 1.30–6.30 pm, or £55 per event. For the proposed 15-week programme of summer music around the Ards Peninsula, that equated to £825. In addition, an electrician/labourer would be required to install power where required and provide chairs for performers. That would cost £17 per hour, charged at double time on a Sunday, costing £170 per week, or £2,550 across 15 weeks.

Additional costs for site cleansing after each event, based on 2 x litter picker operatives at £13 per hour – charged at double time for 4 hours – would have equated to £208 per week or £3,120 over a 15-week programme.

In terms of the musical programme for each event, fees for a brass band performance were between £250 to £350. For the purposes of this report an average cost of £300 had been applied. Over a 15-week programme this would have equated to £4,500.

As this would be a new programme it would be necessary to implement an effective marketing campaign to raise awareness and promote attendance, estimated cost £3,500.

At present the Tourism Events Unit was operating at maximum capacity and would not have the capacity to deliver this substantial additional programme directly. It would therefore be necessary to sub-contract project management to an agency. That requirement was estimated at one member of staff x 6 weeks to programme the events and organise logistics. Based on an average cost of £15 per hour/£450 per week, that equated to £2,700. The table below summarised those costs and resulted in a total cost for the programme of over £17,000.
<table>
<thead>
<tr>
<th>Item</th>
<th>Cost per event</th>
<th>Cost for 15-week programme</th>
</tr>
</thead>
<tbody>
<tr>
<td>Event Casual Staff Member</td>
<td>£55</td>
<td>£825</td>
</tr>
<tr>
<td>Electrician/Labourer</td>
<td>£170</td>
<td>£2,550</td>
</tr>
<tr>
<td>Cleansing</td>
<td>£208</td>
<td>£3,130</td>
</tr>
<tr>
<td>Performers</td>
<td>£300</td>
<td>£4,500</td>
</tr>
<tr>
<td>Marketing</td>
<td>£233</td>
<td>£3,500</td>
</tr>
<tr>
<td>Agency Staff</td>
<td>£450 (x 6)</td>
<td>£2,700</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>£1,416</strong></td>
<td><strong>£17,205</strong></td>
</tr>
</tbody>
</table>

**Conclusions**

In addressing the requirements of the NOM, issues relating to dates, resources, visitor attendance and costs had been discussed. Only venues which could offer a significant complement of activities/attractions, restaurants and shops with Sunday opening were likely to attract visitors in any significant numbers or generate an appreciable economic impact, as required for Tourism to meet its targets under the Integrated Strategy for Tourism, Regeneration and Economic Development. The success of the Bangor/Ward Park model had resulted from the fact that many of the town centre shops were open on Sundays and Tourism had been able to work closely with relevant partners to develop a full package of offers to encourage visitors to a) come to the town; b) spend in its shops and eateries; and c) extend their stay by visiting nearby attractions. Partners in that had included the local Chamber of Commerce and traders, Translink, Pickie and Aurora.

Further, in the current climate where officers were being asked to make efficiencies to achieve the Council’s desired rate increase, it was not viable to introduce a new and substantial addition to the events programme which had already been approved and included in 2019/20 budget estimates.

RECOMMENDED that the Council does not approve the development of additional Sunday musical concerts around the Borough at this time.

Councillor Adair welcomed the report and stated that the figures spoke for themselves and it was obviously not viable at that time. He continued that once the public realm works were completed in Portaferry, it could possibly be a venue to host a musical concert.

AGREED TO RECOMMEND, on the proposal of Councillor Adair, seconded by Councillor Cummings, that the recommendation be adopted.

8. **TOP 100 GREEN DESTINATION GOLD STANDARD AWARD – COUNTY DOWN (FILE TO/TD38)**

(Appendix IV)

PREVIOUSLY CIRCULATED:- Report from the Director of Regeneration, Development and Planning and attaching 2018 Sustainable Destinations Top 100.
Background

The Top 100 initiative aimed to recognise tourism destinations that had worked hard to make a difference and took sustainability seriously. The programme was endorsed by VisitScotland, Visit England, Visit Wales, Tourism Northern Ireland and Fáilte Ireland, and provided a service to 2,500 business members across the globe including the British Isles, Europe, North America and Africa. Destinations could apply for a Green Destination Award or a Quality Coast Award. There were four different award levels: Bronze, Silver, Gold and Platinum.

A Green Destination Award demonstrated a commitment towards people, place and the planet and excellence in the primary aspects connected to a destination’s quality offer to travellers in one or several of the following aspects:

- Destination Management
- Nature, Animals and Scenery
- Environment and Climate
- Culture and Tradition
- Social Well-Being
- Business and Hospitality

The highest rated award winners were eligible for the annual Sustainable Destinations Top 100 Awards. Every year Awards were presented at the ITB Berlin and at Global Green Destinations Day.

Originally the legacy Ards Borough Council had applied for a Green Tourism Award for County Down in partnership with the then Down District Council. An award at that time had been contingent on the number of businesses having gained the Green accreditation. The application had been successful, and a presentation took place in 2016. At the time, 108 businesses in the area had held a Green Tourism accreditation and in just one year those businesses had experienced a huge collective saving of £162,933 because of sustainable practices introduced under the Green Tourism initiative.

Top 100 Green Tourism Award

Following RPA the decision had been taken in Autumn 2018 that Ards and North Down Borough Council would again, working in partnership with Newry Mourne and Down District Council, apply for an award.

In the period between applications the emphasis of the award had changed to make it more robust and to base it on a more expansive set of criteria. Applicants had to provide extensive information on their efforts to make their destination and its stakeholders more sustainable, for the benefit of visitors, local communities and the world. Candidate destinations had to clarify what they had been doing to comply with the 100 globally recognised criteria of the Green Destinations Standard. Applications had been evaluated by the Sustainable Top 100 Team and members of the Top 100 International Committee and country experts.

Under the new stricter criteria AND and NMDDC had been successful in achieving a Gold Standard award for County Down, the only region to achieve that within the UK.
and Ireland. Globally other award winners had included the “Red Centre” – Australia; Niagara Falls - Ontario, Canada; Brittany – France; and Malmö - Scania County, Sweden.

The award winners would be celebrated and receive their certificate at the ITB Earth Award Top 100 Awards ceremony on 6 March 2019 at ITB Berlin, the world’s leading travel trade show.

The Senior Tourism Initiatives Manager for Newry Mourne and Down District Council was attending the ceremony on behalf of Newry Mourne and Down District Council and could collect the award on behalf of both councils.

RECOMMENDED that the report be noted.

Councillor Woods welcomed the report and commented that it was great to see County Down included in the Top 100 list. She asked what had been done to achieve the award.

(Councillor Smart left the meeting at this stage – 7.16pm)

The Head of Tourism (R Richardson) advised that the focus was on businesses taking ‘green’ measures to increase sustainability and any business that wished to be part of the scheme could be – it was about bringing green thinking into their business.

(Councillor Smart returned to the meeting at this stage – 7.17pm)

Councillor Woods asked if in future it could be promoted to more businesses in the Borough.

The Head of Tourism (R Richardson) advised that was something they would encourage when the opportunity came round again.

Councillor Dunlop offered her congratulations and commented how fantastic it was to be on a list with areas such as South Korea.

The Chairman also expressed congratulations and was keen the scheme be promoted as much as possible.

AGREED TO RECOMMEND, on the proposal of Councillor Woods, seconded by Councillor Dunlop, that the recommendation be adopted.

9. VISIT BELFAST – REGIONAL TOURISM PARTNER MEMBERSHIP 19/20 (FILE 170871) (Appendix V)

PREVIOUSLY CIRCULATED:- Report from the Director of Regeneration, Development and Planning and attaching samples of Visit Belfast activity.

Background
North Down Borough Council had joined the Greater Belfast Regional Tourism Partnership (RTP) in 2006. The purpose of the partnership was to facilitate communication between the partnership councils with regard to tourism development and for Visit Belfast to create effective marketing communications and visitor servicing platforms which were efficient and represented value for money for each of the council areas. Since 2015, Ards and North Down Borough Council and Lisburn City and Castlereagh Council had remained local authority partners. Other local authorities who had been RTP members prior to Council merger, had chosen to ‘purchase’ other sales opportunities or services on a required basis only e.g. specific advertising on relevant platforms.

The cost per annum for local authority membership had remained at £30,000 since 2015.

Ards and North Down BC had an annual partnership Service Level Agreement in place with Visit Belfast.

An evaluation report was provided at the end of each financial year with detailed breakdown of activity.

The following provided a brief summary of the first six months of the 2018/19 SLA.

- **Belfast Plus - Regional partner promotion.** Inclusion on dedicated AND web pages, 3 bi-monthly ezines, Belfast plus social media activity.
- **20,000+ email communications** to the Visit Belfast consumer database. E-zine campaigns included: Belfast Plus Easter Campaign (11 April) featuring Mount Stewart, Ulster Folk, and Transport Museum, Exploris, Echlinville, Day Trips to Ards and North Down and links to Belfast Plus Guide where all products were listed and Top August Events featuring Portavogie Seafood Festival.
- **Printed collateral including:** Visit Belfast City Guide (x3) and Belfast Plus guide
- **Ards and North Down products and events** had been included in a dedicated digital campaign 29 March – 11 April 2018 which had resulted in almost 2 million digital impacts including 1.8 million social media impressions.
- **Inclusion in cruise Belfast and conference tourism Belfast publications and collateral**
- **Consumer and Trade Promotion:** Partnership attendance at World Travel Market with Officers in attendance (see separate report). “What’s New for 2019” presentation given to ROI operators at an event in Dublin exclusively targeting travel trade. Inclusion in travel trade e-zine themes e.g. Castles, Stately Homes and Gardens.

Additional activity included:

- Development of digital media plan to secure greater coverage for 2019.
- Inclusion in Christmas City Guide
- 5 foreign language for their editions in French, Spanish, German, Italian and Mandarin for WTM that included AND material
- Inclusion of a full day and overnight Fam Visit for Back Roads Touring for Dec 18. (visiting; NI Food Tours, Mt Stewart, Echlinville, Grace Neill’s and staying in Crawfordsburn Old Inn)
- Attendance at the Autumn Industry Briefing session

**Membership cost and other contributions**

Following a review of the current annual membership at £30,000, it had been established that if the Council was to purchase all benefits independently from Visit Belfast, the total cost would amount to circa £48,000 per annum. Not only did this present a cost saving but the ‘reach’ to potential visitors that Visit Belfast could currently achieve, through its digital channels, was not something Ards and North Down Borough Council could equal at that time.

In addition to the local authority membership the Tourism service secured primary promotional space in the Belfast Welcome Centre at a cost of £6000 per annum. This was a destination display desk with dedicated racking, headline imagery and profile. A promotional package at the George Best Belfast City Airport was also secured to profile the Ards and North Down area at a cost of £5,000 per annum.

The overall financial contribution of £41,000 to Visit Belfast per annum levered an additional £18,000 value of promotional activity.

**New Opportunity**

In the last number of months the Chief Executive, Director of Regeneration, Development and Planning and Head of Tourism had been approached by the Chief Executive of Visit Belfast to consider a new membership proposal. The context of the proposal was that the broader Belfast Destination would be presented as the Belfast City Region. That would be a further extension of the existing Belfast Plus concept to include all regional partners. The benefits presented by the Chief Executive of Visit Belfast included:

- Repositioning and branding – wider industry engagement and rebranding ‘Visit Belfast Region’
- Marketing and communications – redesign of website and app, expanding social media promotions, rebranding publications, enhancing video assets, campaigns in NI, ROI and Europe
- Cruise tourism – regional product to be promoted via itineraries, new cruise welcome pavilion
- Visitor servicing – deeper regional content, wider visual representation, touchscreens, train VIC staff, fam trips to ANDBC
- Business Tourism – regional product heroed, social programme, business tourism campaigns and sales activity focus on Meetings, Incentives, Conferences and Exhibitions market
- Travel trade platforms – promotions at 20 shows, Belfast region showcase, Belfast region video

The Chief Executive of Visit Belfast had outlined that recent research undertaken in GB had identified Culturally Curious and Family as market segments which they
should pursue (28% and 17% of GB visits to Belfast), aligning to the markets which Ards and North Down had targeted within its Integrated Strategy. However, it was noted that Social Energisers remained the highest market segment at 39% of GB visits, a market which was primarily driven by City Breaks.

Primary benefits had been defined by the Chief Executive of Visit Belfast as

- Significant exposure for Ards and North Down
- Focus on common segments
- Efficiency – pulling resources and leverage
- Increase visitor numbers and spend

This new local authority proposal was costed at an initial partnership fee of £70,000.

Other City Deal partners

The Head of Tourism had made enquiries with regard to other local authority partner interest in the above proposal. It was anticipated that Belfast City Council would remain at its existing core contribution of circa £1.2m per annum to promote the City. Lisburn City and Castlereagh Council had not confirmed its position and was currently reviewing the proposal. Indications were that Antrim and Newtownabbey, Mid and East Antrim and Newry and Mourne District Council would remain with existing arrangements only. Mid and East Antrim Council currently paid £20,000 for some elements of promotion but were not a full local authority member and Newry and Mourne District Council paid £6000 for the promotional package at the Belfast Welcome Centre. Although all officers viewed this as a proposal which may yield benefits in the coming years, it was not one which currently demonstrated tangible localised benefits.

Both the Head of Tourism in Ards and North Down Borough Council and the Tourism Manager in Lisburn City and Castlereagh District Council believed that if a specific localised campaign could be delivered by Visit Belfast with defined local outcomes, a further investment in that ‘package’ would be worth exploring. At that time the Visit Belfast team had not been able to provide officers with a proposal which demonstrated the benefits from an increased annual membership fee of £70,000.

Conclusion

The current membership at £30,000 afforded Ards and North Down Borough Council a full range of benefits to a wider consumer audience which the Council on its own could not achieve. The value of benefit attributed to the current membership was higher than the contribution, presenting good value for money. It was not clear that other local authority partners were committed to the Visit Belfast Region approach and it may be the case that it was slightly premature in the City Deal activity.

Further communication received from Visit Belfast indicated that Visit Belfast could identify opportunities for partner campaign activity in the ROI and GB markets to promote the City Region as a short break destination. The campaign would be subject to further discussion and agreement by partners. This was on the basis of an increase in membership but the Head of Tourism would be hopeful that this had
the potential to be negotiated separately at a later stage if deemed appropriate. Any such arrangement would be reported to Council at that time.

RECOMMENDED that the Council approves the continued local authority membership contribution of £30,000 and £6,000 and £5,000 for promotional packages to Visit Belfast as noted in the report for financial year 19/20, subject to the rates setting process.

Councillor Cummings highlighted the opportunities around digital networks, specifically in relation to cruise liners. He advised that there were televisions on board the ships informing passengers about what was available to see in each region they visited.

The Head of Tourism (S Mahaffy) advised that they were in regular contact with Visit Belfast in respect of the cruise ships and she noted that there was an initiative to promote Ards and North Down Borough, through ‘Cruise Belfast’. She noted that the cruise ships visited ports and that was the primary route to cruise passengers. She acknowledged Councillor Cumming’s point about on board passengers.

Rising in support of the recommendation, Alderman Irvine thought that the increased membership fee of £70,000 was too much and he queried how Visit Belfast justified the extra amount. He sought clarity on the main selling points and why officers did not think the proposal was worth the extra money. He also asked if there were any opportunities to be explored at Belfast International Airport.

The Head of Tourism (S Mahaffy) advised that the proposal was based on the Visit Belfast region. It was recognised that the social energiser was still key, but that there were great opportunities to align the wider Belfast Region with the city offering. Referring to Belfast International Airport she advised that it was not the same mechanism as Belfast City Airport and that it tended to be the Council where the offering was located who took up the visual promotion opportunities.

Councillor Walker asked if there was any way to measure the return on the Council’s investment.

In response, the Head of Tourism (S Mahaffy) advised that the primary benefits were marketing and awareness raising and also reach with Ezines and digital resources which the Council could not achieve stand alone. Officers were seeking to have an evaluation of campaign activity which was different to the report on numbers visiting the area and also familiarisation visits. She noted that members’ comments were appreciated and would be taken back to Visit Belfast.

Councillor Walker asked if bookings were made directly to their sites through Ezines and social media and the Head of Tourism (S Mahaffy) advised that a call to action would better provide that type of information. She confirmed that could be looked at.
Councillor Wilson advised that he had used local apps when he was on holiday. He did not think that people arrived in Belfast and wanted to go to Ards and North Down Borough, rather that they looked for activities and went to wherever they were. He noted that events and attractions in the Borough were not currently promoted and he asked if those organisers who wanted to promote their event or attraction further could be asked to contribute to the fee.

The Head of Tourism (S Mahaffy) replied that those businesses would be independent and therefore it would be the decision of that particular provider as to what they would like to invest in promotion.

Alderman Smith asked who they were negotiating with and whether there had been direct negotiation with the cruise liners.

The Head of Tourism (S Mahaffy) advised they did not negotiate directly with cruise ships, rather there would be a handler who would go through Visit Belfast. She added they could also partner with Visit Belfast to attend different shows. She said they believed that the most direct method at that time was through their own connections with Visit Belfast.

Alderman Smith stated that the cruise liner booklets contained information on all current and future cruises. She asked how the Council could promote Ards and North Down Borough with cruise liners as the negotiations were done at least two years in advance. She asked for further detail about the welcome tent and what involvement the Council had.

In response, the Head of Tourism (S Mahaffy) advised that there was significant development on the shore side in respect of that and officers were keen to be fully involved but the details were still to be negotiated.

Alderman Smith stated it was not clear cut on the Council’s role with the cruise companies and it all seemed quite vague.

The Director advised that the Belfast Harbour Commission and Visit Belfast tried to get cruise ships to come to Belfast and also worked with the ground handlers to get packages for day excursions. Some passengers alighted the ship wanting to do their own thing and Visit Belfast provided a welcome facility on quay side as well as buses into the Welcome Centre.

Alderman Smith sought a copy of the tours to be offered in Ards and North Down Borough. She was also interested to see the new tent at the quay side. She noted that some ports provided a really good welcome.

The Director confirmed a copy of the tours could be provided. She also advised that the cruise business did not bring a substantial return to the area, and the main focus of the Visit Belfast partnership was on leisure overnight visits.

**AGREED TO RECOMMEND, on the proposal of Councillor Cummings, seconded by Alderman Irvine, that the recommendation be adopted.**
10. **REGENERATION AND DEVELOPMENT BUDGETARY CONTROL REPORT – DECEMBER 2018 (FILE FIN45)**

PREVIOUSLY CIRCULATED:- Report from the Director of Regeneration, Development and Planning stating that the report covered the 9-month period 1 April to 31 December 2018 and was set out below. The net cost of the services was showing an under spend of £275,588 (8.9%).

**Explanation of Variance**

In addition, a Budgetary Control Report by Income and Expenditure for Regeneration and Development was also shown below which analysed the overall favourable variance (£275,588) by expenditure (£38,632 adverse) and income (£314,221 favourable).

**REGENERATION AND DEVELOPMENT**

**Expenditure - £38.6k (1.1%) worse than budget to date.** This adverse variance was mainly made up of the following: -

1. Regeneration - £132.6k adverse. This adverse variance was more than offset by a £258.0k favourable income variance (see 4 below) and was explained by: -
   a. Payroll £70.4k favourable due to 2 vacancies in Urban Development (£52.4k) which were in the process of being filled. There was a vacant post in Craft Development (£31.6k).
   b. Donaghadee THI grant payments were £225.8k over budget but this was offset by increased grant income (see 4a below).
   c. The Village Programme was £21.5k over budget but this was offset by expected increased grant income (see 4b below)
   d. There were favourable variances in running costs (excluding payroll) for Craft Development (£16.8k), Rural Development (£9.3k), Urban Development (£11.3k) and Portavogie FLAG project (£6.0k).

2. Economic Development - £57.5k favourable. This favourable variance was explained by: -
   a. Payroll costs were over budget by £2.2k to date.
   b. Economic Development projects were £33.9k under budget to date.
   c. There were a number of small underspends to date such as, Signal Centre (£2.1k), Workshops (£2.1k), Economic Development running costs (£7.6k) and Pickie Fun Park (£5.0k).

3. Tourism - £29.2k favourable. This favourable variance was explained by: -
   a. Tourism and Borough Marketing payroll costs were £33.5k under budget to date. The Borough Marketing and Food and Drink Officer posts were in the process of being filled. There were also small payroll favourable variances for the Council’s VIC’s (£15.1k).
   b. Events running costs were £26.0k over budget to date. There were a range of overspends and underspends on Council events but the more significant were: -
i. Sea Bangor - £16.0k over budget to date. Mainly due to additional staging and production required for the children’s Tiddler’s Tent.
ii. Puppet Festival - £12.9k over budget to date. Mainly due to additional security costs, printing costs, hire costs for Big Top and additional craft services required to cover the volume of visitors.

c. There were small favourable variances for a range of Tourism services such as Bangor VIC (£2.1k), Portaferry VIC (£1.8k) and Experience Ards (£1.9k).
d. Tourism Marketing was £13.8k under budget to date.

**Income - £314.2k (68.5%) better than budget to date.** This favourable variance was mainly made up of the following:

4. Regeneration - £258.0k favourable. This was mainly due to:
   a. Donaghadee THI grants were £226.7k favourable. The Council had paid out more grant than budget so would receive more grant funding (see 1b above).
   b. The Village Programme was expected to receive £21.8k grant income which was not budgeted (see 1c above).

5. Economic Development - £41.6k favourable. This was mainly due to Signal Centre income being better than budget to date (£34.3k).

6. Tourism - £13.8k favourable. This was mainly due to the following:
   a. Tourism income was £10.8k favourable – there were small favourable variances for Bangor VIC (£1.8k), Experience Ards (£2.4k) and Cockle Row (£4.5k).
   b. Events income was £3.0k better than budget to date.

---

**BUDGETARY CONTROL REPORT**

*By Directorate and Service*

*Period 9 - December 2018*

<table>
<thead>
<tr>
<th>Note</th>
<th>Year to Date Actual £</th>
<th>Year to Date Budget £</th>
<th>Variance £</th>
<th>Annual Budget £</th>
<th>Variance %</th>
</tr>
</thead>
<tbody>
<tr>
<td>300 Regen, Dev &amp; Planning HQ</td>
<td>242,295</td>
<td>250,400</td>
<td>(8,105)</td>
<td>458,600</td>
<td>3.2</td>
</tr>
<tr>
<td>310 Regeneration</td>
<td>460,513</td>
<td>585,900</td>
<td>(125,387)</td>
<td>1,170,900</td>
<td>21.4</td>
</tr>
<tr>
<td>320 Economic Development</td>
<td>674,490</td>
<td>773,600</td>
<td>(99,110)</td>
<td>1,148,500</td>
<td>12.8</td>
</tr>
<tr>
<td>340 Tourism</td>
<td>1,439,914</td>
<td>1,482,900</td>
<td>(42,986)</td>
<td>2,016,700</td>
<td>2.9</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>2,817,212</strong></td>
<td><strong>3,092,800</strong></td>
<td><strong>(275,588)</strong></td>
<td><strong>4,794,700</strong></td>
<td><strong>8.9</strong></td>
</tr>
</tbody>
</table>
RECOMMENDED that the report be noted.

Alderman Irvine referred to Item 3.b.i – Sea Bangor and he sought further information on why it was so largely over budget.

In response, the Head of Tourism (S Mahaffy) advised that they were expanding the offerings of Sea Bangor that year and that had caused the overspend. She further advised that there had been an underspend in other areas so there were funds available to cover the overspend.

(Councillor Dunlop left the meeting at this stage – 7.36pm)

AGREED TO RECOMMEND, on the proposal of Alderman Irvine, seconded by Councillor Smart, that the recommendation be adopted.

EXCLUSION OF PUBLIC/PRESS

AGREED TO RECOMMEND, on the proposal of Councillor Wilson, seconded by Councillor Cummings, that the public/press be excluded during discussion of the undernoted items of confidential business.

11. DAERA RURAL TOURISM SCHEME UPDATE REPORT (FILE RDP44 (TO/TD22 PLUS TO/TD34)

***IN CONFIDENCE***

***NOT FOR PUBLICATION***

Schedule 6 – Information relating to the financial or business affairs of any particular person (including the Council holding that information).
12. **BELFAST REGION CITY DEAL UPDATE (FILE RDP22)**
   (Appendix VI)

***IN CONFIDENCE***

***NOT FOR PUBLICATION***

Schedule 6 – Information relating to the financial or business affairs of any particular person (including the Council holding that information).

13. **QUEEN’S PARADE – VERBAL UPDATE**

***IN CONFIDENCE***

***NOT FOR PUBLICATION***

Schedule 6 – Information relating to the financial or business affairs of any particular person (including the Council holding that information).

14. **REVIEW OF ARDS CRAFTS AND ARDS VIC**

***IN CONFIDENCE***

***NOT FOR PUBLICATION***

Schedule 6 – Information relating to the financial or business affairs of any particular person (including the Council holding that information).

15. **FLAGSHIP CENTRE, BANGOR**

***COMMERCIAL IN CONFIDENCE***

***NOT FOR PUBLICATION***

Schedule 6 – Information relating to the financial or business affairs of any particular person (including the Council holding that information).

16. **ANY OTHER NOTIFIED BUSINESS**

16.1. **Alderman Irvine – Update on preparations for the Snow Patrol concert including any meetings that been held with stakeholders including local residents, the promoter, chamber of commerce etc.**

***IN CONFIDENCE***

***NOT FOR PUBLICATION***
Schedule 6 – Information relating to the financial or business affairs of any particular person (including the Council holding that information).

**RE-ADMITTANCE OF PUBLIC/PRESS**

AGREED TO RECOMMEND, on the proposal of Councillor Walker, seconded by Councillor Wilson, that the public/press be re-admitted to the meeting.

**TERMINATION OF MEETING**

The meeting terminated at 8.45pm.
ITEM 7.4.

ARDS AND NORTH DOWN BOROUGH COUNCIL

A special meeting of the Ards and North Down Borough Council was held in the Town Hall, The Castle, Bangor on Tuesday, 12 February 2019 commencing at 7.00pm.

PRESENT:

In the Chair: The Mayor (Councillor Smart)

Aldermen: Carson Irvine
Fletcher Keery
Girvan McDowell
Graham Smith
Henry

Councillors: Adair Martin
Armstrong-Cotter McAlpine
Brooks McKee
Cathcart Mcllveen
Chambers Menagh
Cooper Muir
Cummings Robinson
Douglas Smith
Dunlop Walker
Dunne Woods
Edmund

Officers: Chief Executive (S Reid), Director of Organisational Development and Administration (W Swanston), Director of Community and Wellbeing (G Bannister), Director of Finance and Performance (S Christie), Director of Environment (D Lindsay), Director of Regeneration, Development and Planning (S McCullough), Head of Finance (S Grieve), Head of Administration (A Martin), Corporate Communications Manager (C Jackson), Compliance Manager (M Young), Democratic Services Manager (J Wilson) and Democratic Services Officer (J Glasgow)

1. PRAYER

The Mayor (Councillor Smart) commenced the meeting by inviting the Chief Executive to read the Council prayer.

2. APOLOGIES

Apologies were received from Alderman Gibson and Councillors Boyle, Gilmour, Kennedy, Thompson and Wilson.
The Mayor congratulated Councillor Gilmour and her husband, Rodney, on the recent birth of their daughter, Amelia. He wished them every happiness with their new arrival.

He also extended his condolences to Councillor McIlveen and his family, following the death of his grandfather.

NOTED.

3. **DECLARATIONS OF INTEREST**

The Mayor asked for any Declarations of Interest.

No declarations of interest were notified.

NOTED.

**EXCLUSION OF PUBLIC/PRESS**

The Mayor stated that if members were content with the minutes and did not wish to ask questions, he did not see the need to go into committee, which would require the public and the press to be excluded.

Members confirmed that they were content. It was therefore agreed that the meeting would not go into committee.

NOTED.

4 (I) **REPORT OF SPECIAL CORPORATE SERVICES COMMITTEE**

*DATED 7 JANUARY 2019*

(Appendix I)

***IN CONFIDENCE***

PREVIOUSLY CIRCULATED:- Copy of the above minutes.

**RESOLVED**, on the proposal of Alderman Carson, seconded by Councillor Muir, that the minutes be adopted.

4 (II) **REPORT OF SPECIAL CORPORATE SERVICES COMMITTEE**

*DATED 4 FEBRUARY 2019*

(Appendix II)

***IN CONFIDENCE***

PREVIOUSLY CIRCULATED:- Copy of the above minutes.

**RESOLVED**, on the proposal of Alderman Carson, seconded by Councillor Muir, that the minutes be adopted.
5. **PRUDENTIAL CODE REPORTS (FIN130)**
(Appendices III, IV, V)


**Capital Strategy**

The Local Government Finance Act (NI) 2011 required the Council to have regard to the Chartered Institute of Public Finance and Accountancy's (CIPFA) Prudential Code for Capital Finance in Local Authorities 2018 Edition (the Prudential Code) when determining how much money it could afford to borrow. The objectives of the Prudential Code were to ensure, within a clear framework, that the capital investment plans of local authorities were affordable, prudent and sustainable, and that treasury management decisions were taken in accordance with good professional practice.

The capital strategy was a new report for 2019/20, giving a high-level overview of how capital expenditure, capital financing and treasury management activity contributed to the provision of Council services along with an overview of how associated risk was managed and the implications for future financial sustainability.

To demonstrate that the Council had fulfilled its objectives, the Capital Strategy set out the indicators that must be set and monitored each year.

The strategy was set out in the appendix and the Prudential Code required that it was made available on the Council website.

**Treasury Management Strategy Statement**

The Council was also required to adopt the Chartered Institute of Public Finance and Accountancy's Treasury Management in the Public Services: Code of Practice 2017 Edition (the CIPFA Code), which required the Council to approve a treasury management strategy before the start of each financial year.

In addition, the former Department of the Environment (DOE) issued Guidance on Local Council Investments in October 2011 that required the Council to approve an investment strategy before the start of each financial year.

The appendix fulfilled the Council's legal obligation under the Local Government Finance Act (NI) 2011 to have regard to both the CIPFA Code and the DOE Guidance.

**Treasury Management Policy Statement**

The Treasury Management Code of Practice required the Council to approve a treasury policy statement. The delegation section of that policy was amended during the year and the complete revised statement was now provided for Council's information.
RECOMMENDED that Council

- approves the Capital Strategy and Treasury Management Strategy Statement for 2019/20 financial year as set out in Appendices 1 and 2; and
- notes the Treasury Management Policy Statement.

RESOLVED, on the proposal of Alderman Smith, seconded by Alderman Graham, that the recommendations be adopted.

6. ROBUSTNESS OF ESTIMATES AND ADEQUACY OF RESERVES (FILE FIN60)
(Appendix VI)

PREVIOUSLY CIRCULATED:- Report from the Chief Executive attaching forecast Balance Sheet. The report detailed that Section 4 of the Local Government Finance Act 2011 required the Chief Financial Officer of a council to submit a report on the robustness of the estimates and for the Council to have regard to that report when considering the estimates.

In addition, Section 6 required the Chief Financial Officer of a council to submit a report on the adequacy of reserves and for the Council to have regard to that when considering the estimates.

ROBUSTNESS OF ESTIMATES

The aim of the Medium Term Financial Plan (MTFP) was to give the Council a realistic and sustainable plan that reflected the Council’s priorities and the policy of reasonable Council Rate increases as reflected in the Corporate Plan.

The detailed estimates had been formulated in conjunction with Directors, Heads of Service and Service Unit Managers for the various services and underpin the MTFP, taking into account forecast outturn, current spending plans and likely future demand level and pressures for both revenue and capital expenditure.

The Chief Executive was satisfied that the Medium-Term Financial Plan and Budgets Report for 2018/19 (as presented at the Special Corporate Services Committee), encompassing the capital and revenue budget estimates for 2019/20, had been prepared in line with the CIPFA Treasury Management Code, Prudential Code and the Code of Practice on Local Authority Accounting and is robust.

The Chief Executive, however, was mindful that the 2020/21 and 2021/22 projected district rates increases were well above forecast inflation. A report would be presented to Corporate Services Committee in February 2019 with a view to addressing the ongoing underlying need to deliver efficiency and control expenditure in order to make the Council’s plans sustainable in the medium to longer-terms.
ADEQUACY OF RESERVES

The Local Government Finance Act (NI) 2011 requires the Chief Financial Officer of a council to submit a report to council on the adequacy of any proposed level of financial reserves for a financial year.

The Medium-Term Financial Plan and Budgets Report for 2018/19 (as presented at the Special Corporate Services Committee) considers the adequacy of the Council’s financial reserves for the 2018/19 and 2019/20 financial years (as set out in the appendix). The level of forecast financial reserves was in line with the Council’s aim of a realistic and sustainable plan that reflects the Council’s priorities and the policy of reasonable Council Rate increases.

Cognisance had also been taken of the CIPFA Local Authority Accounting Panel Bulletin 99 (issued July 2014), which gives guidance on the level of reserves and the financing of Council expenditure.

The Chief Executive was content with the adequacy of the Council’s forecast financial reserves for 2018/19 and 2019/20 as set out in the appendix. RECOMMENDED that Council notes the report.

RESOLVED, on the proposal of Alderman Irvine, seconded by Alderman Keery, that the recommendation be adopted.

7. DISTRICT RATES 2019/20 (FIN60)  
(Appendix VIII)

PREVIOUSLY CIRCULATED:- Report from the Chief Executive attaching District Rates Calculation. The report detailed that the report was to present to Members the proposed district rates for the 2019/20 financial year.

The Special Corporate Services Committee in February had recommended an increase in the district rates of 2.90% on the current years’ rates and the appendix sets out the formal calculation.

RECOMMENDED that Council sets for the 2019/20 financial year a non-domestic district rate of 22.9737p in the pound and a domestic district rate of 0.3262p in the pound.

Alderman Carson proposed, seconded by Alderman Graham, that the recommendation be adopted.

Alderman Carson presented for the 2019/20 financial year a non-domestic district rate of 22.9737p in the pound and a domestic district rate of 0.3262p in the pound, representing an increase of 2.9% on the current years’ rate.

He thanked the Chairman and members of the Corporate Services Committee for their efforts to achieve this rate. He also thanked officers and staff who had helped to deliver budgets which would allow the Council to deliver services effectively and efficiently.
At this point the Mayor asked if any members wished to raise any objection to the proposed rate.

Alderman Fletcher rose to express disappointment that Local Government Reform had not realised the savings that were projected. He referred to the rate increases since the formation of the new Council, highlighting the projected rate rise and the actual rate rise agreed each year.

Continuing, he stated that this equated to a cumulative rate rise of almost 9% during the Council term, adding that savings of 1.6% had been projected.

He highlighted a number of ways in which the Council could save money, referring in particular to the many unnecessary fireworks displays which took place around the Borough. He noted however that there had never been such a display in either Newtownards or Comber.

He also referred to Facebook and the associated costs of running social media, suggesting that it was fairly pointless for a few ‘likes’.

Alderman Fletcher expressed the view that there were many ways savings could be realised and he referred to Alderman Girvan’s comment at the committee ‘that the Council needed to pull in its horns.’ He agreed with this sentiment. He added that in the legacy Ards Borough Council a rate increase of 0.96% had been achieved on one occasion. He concluded that he hoped the new Council would bear in mind his comments. He confirmed that he would be voting against the proposed rate increase.

The Mayor thanked Alderman Carson for proposing the medium-term financial plan, capital strategy and budgets and for his work as Vice-Chair of the Corporate Services Committee.

He also thanked the members for agreeing the rate, adding that everyone could now look forward to working together to realise its potential for citizens across the Borough.

Continuing, the Mayor stated that striking the rate was an important occasion in the Council year and it provided a valuable opportunity to take stock and consider the breadth of work that it planned to deliver in 2019-20. He took a few moments to comment on how the rate had been reached and what it would allow the Council to do for the people of Ards and North Down.

The Mayor explained that the process of budgeting and rate setting began in early autumn and much work had been done to make efficiencies, without detriment to services or investment plans. This year it had challenged all service areas to consider where savings could be made and how costs could be better managed. He was pleased to say that everyone had risen to the challenge and he echoed Alderman Carson’s sentiments in thanking the Senior Team and all staff involved in the process for their diligence and work ethic.
The hard work and effort had been worthwhile as the Council was able to restrict the rise in the domestic and non-domestic rates to 2.90% - an increase of approximately £1.10 per month for the average householder in Ards and North Down. Of course there was also the regional rate, which would add to this increase, but this was outside of Council control. Whilst this rate increase would allow the Council to maintain and enhance its services across the Borough it was also committed to seeking out further opportunities to transform services and deliver more efficiencies so that it provided the best value for money possible.

A critical part of rate setting concerned the management of the Council’s capital investment plans for new or refurbished facilities. It had of course in December completed its most significant capital scheme to date – the £32M Ards Blair Mayne Wellbeing and Leisure Complex. This much-awaited facility had been very well received by residents and unprecedented levels of interest and applications for new memberships had been received. This was encouraging as the additional income generated by the Council from the increase in membership and visits to the Complex was essential in helping to support the repayment of the significant financial investment.

In the coming year the Council may not have such a sizeable project in its plans but it was continuing to invest in new facilities that would support the wellbeing of residents. It had made provision of £1.4M for a 3G pitch in Portavogie. Two new play parks were planned for Ballycrochan and Scrabo, along with a series of refurbishments of other play and games areas, a combined investment of over £500k. It would also be investing £250k in new fitness equipment for Comber Leisure Centre, £250k in community trails along the Ards Peninsula and almost £200K towards further feasibility works on the proposed greenways from Newtownards to Helen’s Bay and from Kinnegar to Donaghadee.

The Council was also investing more than £1.5M in replacement vehicles and equipment that would enable it to be more efficient in the delivery of services. In line with its commitment to sustainability, it would be trialling the deployment of electric vehicles throughout its fleet as soon as this was practically feasible – hopefully before the end of 2019.

Through the local Rural Development Programme, the Council had taken the opportunity to access almost £900K of funding to allocate to Village Renewal projects across the Borough. This would see the delivery of a range of schemes including new signage, environmental improvements and heritage projects. Council was leading on these village renewal schemes and all the funding would be committed by Ards and North Down Rural Partnership by September 2019.

The Council also had an excellent programme of events scheduled for the forthcoming year and would also continue to support others to deliver prestigious events locally through its grant aid programme. The Council looked forward in particular to a new weekend of activities in Bangor at Easter and expansion of the programme for the Comber Earlys Food Festival in June.

The Council also continued to deliver and, indeed, to grow its cultural events programme with the Ards International Guitar Festival in April and Aspects Literary
Festival in September. As it continued to deliver against the outcomes of the Integrated Arts and Heritage Strategy, it would also be seeking to increase North Down Museum’s capacity for outreach, to deliver a new grants programme and to develop a new heritage forum.

Furthermore, the Council was delighted to welcome Snow Patrol back to play their third concert in Ward Park in May. The Mayor stated that he understood the vast majority of local accommodation providers were already booked up around the dates of the concert and that the Council would be doing all it could to support its local businesses to maximise the opportunities the event would bring to the Borough.

With the target of reaching a 65% recycling rate in the Borough by 2020, the Council would not only retain its focus on environmental issues but introduce more ways for residents and businesses to play their part. Building on the success of its campaign to remove food waste, blue bin material and glass from the grey bin; it was now encouraging all residents to make better use of their Household Recycling Centres. The Council was asking everyone to ensure waste was sorted for recycling before they arrived on site. This would not only save time but also ensure all possible items were recycled, leading to further savings in processing costs compared with landfiling. In April the Council would launch a sustainable trade waste model so that all its trade waste customers could avail of a full suite of recycling bins. This would ensure that the Council maximised recycling, as well as delivering savings for commercial customers on their bin collections.

The Council was continuing to support the Recycling Community Investment Fund, which enabled savings from residents’ recycling efforts to be invested into local environmental projects. The fund amounted to £200K. Just before Christmas its Seabins in Bangor Marina made headlines in both the local and national media with praise for the Council’s stand for sustainability. The Mayor stated that he looked forward to seeing more exciting projects being delivered thanks to this innovative fund over the next year.

The Council also continued to administer £3.3M of PEACE IV funding towards initiatives to support children and young people, the development of shared spaces and services and building positive relations. This would see the delivery of a range of arts, culture, heritage and sports projects. Council was leading on four shared spaces projects, which would see a number of new facilities constructed in Comber, Holywood, Portaferry and Portavogie.

The Mayor then referred to the recent Resident Survey which revealed that local people wanted to see a strong focus on economic development initiatives that would help with job creation across Ards and North Down. It would strive to do this through the ongoing work of its Economic Development Service, which sought to support all local businesses at whatever stage of growth and development. In the coming year it would have a particular focus on two of its key sectors – creative and digital; and food.

Work would continue on the Belfast Region City Deal. The Council had made provision for the preparation of business cases to support the various regeneration projects it planned to take forward. These included:
- £40M to support the regeneration of Bangor Waterfront; which would compliment the development plans for Queen’s Parade being progressed with the Department for Communities.
- £5M for enabling works to realise its vision for a regional park at Whitespots.
- A share of £30M revenue from the regional Employability and Skills program.
- A share of £152M capital towards a regional digital programme.

These were hugely significant, indeed ‘game changing’ projects and the Council was committed to ensuring the best outcomes locally.

The Council was also committed to continuing to invest in the staff who made all of the work it did possible. The Organisational Development Strategy and ‘Our People Plan’ for 19/20 brought about a planned approach to improve organisational performance through aligning strategy, people, and processes and supporting a culture of continued improvement across the workforce.

The Mayor concluded that this was a superb and diverse range of projects that would make a difference to the lives of people right across the Borough. He added that the Council had much to look forward to but equally much work to do. He was confident that everyone – members and officers – would rise to the challenge and deliver for Ards and North Down.

Alderman Graham stated that he did not disagree with the views of Alderman Fletcher, although he was confident that a big effort had been made across the directorates to set the budget. He acknowledged that much work would be required however to live within the budgets set. He urged members to bear the rates in mind when they came forward with future schemes and projects. He concluded by thanking the officers for their efforts.

Councillor McIlveen concurred that members had entered into the merger hoping that savings would be realised. He stated however that while there had been rate rises each year, a number of factors had contributed to this including the introduction of the living wage and rises in landfill tax, all of which the Council had no control. He added that in such situations the Council had a decision to make as to whether it passed the increase onto the ratepayer or cut services.

He stressed the need for the Council to consider where fat could be trimmed from the organisation and how things could be done differently and more efficiently. He referred to a Notice of Motion which he had brought to Council a few months earlier to establish an Efficiency Unit to work across the organisation and provide recommendations as to how better value for money could be delivered. He looked forward to the Unit being set up and savings realised.

He too referred to the continual ‘wish lists’ that members brought to Council. He stressed that members must bear in mind rates when making such proposals. He suggested that, in some cases, members were keen to make headlines by bringing large proposals forward.
Councillor Smith referred to a number of ways that savings could have been made during the Council term. He commented on mileage, stating that had the Council applied HMRC rates, substantial savings could have been made in respect of officers (£300,000) and members (£30,000). He also referred to the costs associated with membership of the NILGA and the NAC, and he queried the benefits. He stated that had those issues been addressed in the region of £500,000 could have been saved during the Council term. He urged the new Council to consider those matters.

RESOLVED, on the proposal of Alderman Carson, seconded by Alderman Graham, that Council sets for the 2019/20 financial year a non-domestic district rate of 22.9737p in the pound and a domestic district rate of 0.3262p in the pound.

TERMINATION OF MEETING

The meeting terminated at 7.29 pm
Item 7.5

ARDS AND NORTH DOWN BOROUGH COUNCIL

A meeting of the Corporate Services Committee was held in the Council Chamber, 2 Church Street, Newtownards on Tuesday, 12 February 2019 at 7.45 pm.

PRESENT:

In the Chair: Alderman Carson (Vice-Chairman)

Aldermen: Graham Keery

Girvan

Councillors: Brooks Muir

Chambers Mcllveen

McKee Smith

Also in attendance: Councillor Martin

Officers: Director of Organisational Development & Administration (W Swanston), Director of Finance & Performance (S Christie), Head of Administration (A Martin), Compliance Manager (M Young) and Democratic Services Officer (J Glasgow)

1. APOLOGIES

Apologies for inability to attend were received from the Chairman (Councillor Gilmour) and Councillor Kennedy.

2. DECLARATIONS OF INTEREST

No declarations of interest were notified at this stage.

3. BUDGETARY CONTROL REPORT – DECEMBER 2018 (FIN45) (Appendix I)

PREVIOUSLY CIRCULATED:- Report from the Director of Finance and Performance

This Budgetary Control Report covers the 9-month period 1 April to 31 December 2018 and the Revenue Budgetary Control Report by Directorate was set out on page 2.

The Council had a full surplus at the end of December of £814,377 (box A) compared with a budgeted surplus for the same period of £338,100 (box B) resulting in a favourable variance on expected surplus of £476,277 (box E).

That was analysed as:

- Net Cost of Services showing an under spend of £549,159 (1.7%) (box C); and
- Non-service income and expenditure showing an adverse variance of £72,882 (box D).

Explanations for the Finance & Performance, Organisational Development & Administration and Chief Executive Directorates and Non-Service Income and Expenditure followed. The detailed Budgetary Control reports for the Environment, Regeneration Development and Planning and Community and Wellbeing Directorates had been reported to the appropriate Committee.

**Explanation of Variance**

A Budgetary Control Report by Income and Expenditure by Directorate was shown on which analysed the overall favourable variance (£476,277 – box E on page 2) as expenditure (£800,271 favourable – box F) and income (£323,994 adverse – box G).

The overall Council favourable variance (£476,277 – box E) could be summarised by the following table:

<table>
<thead>
<tr>
<th>Type</th>
<th>Variance £’000</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary Costs</td>
<td>(645.7)</td>
<td>This is mainly due to a number of vacant posts which either are to be filled or are in the process of being filled.</td>
</tr>
<tr>
<td>Maintenance costs</td>
<td>170.9</td>
<td>Explained on Environment report</td>
</tr>
<tr>
<td>Leisure running costs</td>
<td>(141.5)</td>
<td>Explained on the Community and Wellbeing report</td>
</tr>
<tr>
<td>Leisure income</td>
<td>100.1</td>
<td>Explained on the Community and Wellbeing report</td>
</tr>
<tr>
<td>Rates Income</td>
<td>182.6</td>
<td>Based on updated Q3 information from LPS</td>
</tr>
<tr>
<td>Capital Financing</td>
<td>(119.8)</td>
<td>Lag in capital expenditure</td>
</tr>
<tr>
<td>Other Variances</td>
<td>(22.9)</td>
<td>Combined effect of other expenditure &amp; income</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>(476.3)</strong></td>
<td><strong>Box E</strong></td>
</tr>
</tbody>
</table>

**FINANCE & PERFORMANCE**

Expenditure - £136.3k (4.9%) better than budget to date.
1. Finance & Performance HQ - £68.4k under budget. That was due to a vacant post which was filled in December.
2. Finance - £52.1k under budget. Payroll costs are £69.3k under budget to date due to a delay in resourcing the software implementation projects. Legal fees were £15.5k adverse due to the Council’s share of costs in respect of the Leisure Services special legal regime VAT Tax Tribunal case.
3. Performance & Projects - £15.8k favourable. Payroll costs were £9.5k under budget to date due to a vacant post which was being covered by agency.

**ORGANISATIONAL DEVELOPMENT & ADMINISTRATION**

**Expenditure - £112.1k (3.1%) better than budget to date.** The favourable variance was mainly made up of the following: -

4. Human Resources and Organisational Development - £3.3k adverse which mainly consists of: -
   a. Payroll is £34.7k favourable. One post was being covered at no cost to Council and 2 administration posts have now been filled.
   b. Recruitment costs were £23.6k adverse. Two assessment centres had been required so far this year which were not budgeted for.
   c. Corporate Training expenditure was £17.5k over budget but that was more than offset by increased income – see 7a below.

5. Administration & Customer Services - £119.3k favourable which mainly consists of: -
   a. Payroll was £84.9k favourable due to vacancies within Compliance (£56.3k) and Risk Management (£37.0k) some of which were in the process of being filled.
   b. Customer Services running costs were £24.6k better than budget to date mainly due to stationary, postage and training spend being less than expected to date.

**Income - £66.2k (27.5%) better than budget to date.** The favourable variance was mainly made up of the following: -

6. Administration income was £46.8k better than budget to date
   a. Land and Property rent income was £23.3k higher than budget to date.
   b. Registration income was £4.9k better than budget to date.
   c. Risk management income was £12.7k better than budget. The Council received £13.9k from its insurers in respect of costs connected with the Regina Caelis boat.

7. HR & OD income was £19.4k better than budget to date
   a. Corporate Training income was £19.4k better than budget. Non-Council staff attending Council run courses had been rebilled. In addition, there had been internal contributions from two Council services that did not expect to use their own training budgets this year to Corporate Training to help fund additional Corporate Training
courses. That was, in effect, additional income to Corporate Training and offsets the adverse expenditure variance – see 4c above.

**CHIEF EXECUTIVE**

**Expenditure - £70.9k (8.5%) better than budget to date.** The favourable variance was mainly due to payroll costs being £62.0k less than budget to date due to vacant posts in Chief Executive’s Office and Corporate Communications. Most of Corporate Communications vacant posts were being covered by agency staff.

**NON-SERVICE INCOME AND EXPENDITURE**

**Expenditure - £114.2k (2.9%) better than budget to date.**

8. This favourable variance was mainly due to interest payable and MRP being under budget (£119.8k) as a result of a lag in capital expenditure delaying the need to borrow.

**Income - £187.1k (0.5%) worse than budget to date.**

9. The Council had been advised by LPS that, based on Quarter 3 information, the 2018/19 rates outturn may result in a clawback of £182.6k. As mentioned last month that was due to a second significant property revaluation. The graph, below, illustrated the trend of previous years APP forecasts and finalisations.

In addition, the Council’s estimated Quarter 2 2018/19 De-Rating Grant finalisation was indicating a clawback of £25.7k (Quarter 3 information had not been received yet).
RECOMMENDED that the Committee notes this report.

AGREED TO RECOMMEND, on the proposal of Councillor Muir, seconded by Alderman Girvan that the recommendation be adopted.

4. **STRANGFORD FERRY SERVICE (NOM 79)**  
(Appendix II)

PREVIOUSLY CIRCULATED: Report from the Director of Chief Executive attaching Letter from DfI Permanent Secretary dated 2 January 2019. The report detailed that Members would be aware of the agreed Notice of Motion with regard to the operation of the Strangford to Portaferry Ferry Service:

“That this Council agreed to write to Katrina Godfrey, Permanent Secretary for the Department for Infrastructure (DfI) requesting a meeting to discuss the current timetable and operational concerns of the Strangford ferry service with a view to addressing the increasing and noticeable need and requirements of those who avail of this service”.

Attached to the report was the reply from the Permanent Secretary of DfI agreeing to a meeting to discuss the issues covered from the Motion. The decision coincided with a similar Motion from Newry, Mourne and Down District Council with regard to specific issues on the Strangford side of the Lough. The Chief Executive of the Council and that of Newry, Mourne and Down District Council met with Simon Richardson and DfI officials on 29 January 2019 to initially discuss the concerns of both Councils prior to any further meeting with the Permanent Secretary. The meeting was positive and the officials agreed to continue to work on the matters raised to find an acceptable solution to the Department and the Councils.

The Council may wish to nominate Members to take part in a delegation to meet with the Permanent Secretary to raise these specific issues directly with her assuming that there was no satisfactory progress made on the resolution by that time.

RECOMMENDED that the Council notes this report including the reply from the Permanent Secretary and the initial meeting of officials and considers nominating a cross party delegation to meet with the Permanent Secretary in the near future, should this be necessary.

AGREED TO RECOMMEND, on the proposal of Councillor McIlveen, seconded by Councillor Chambers that the recommendation be adopted.

AGREED TO RECOMMEND, on the proposal of Councillor McIlveen, seconded by Councillor Smith, that the Peninsula DEA Councillors form the delegation.
5. **NILGA SUMMARY PRODUCT & WORK PLAN AND ASSOCIATED INVESTMENT SUBSCRIPTION (CX9)**  
(Appendix III)

PREVIOUSLY CIRCULATED:- Report from the Director of Organisational Development and Administration attaching Letter from NILGA, NILGA Investment & Work Plan 2019/20 and Request for Annual Subscription. The report detailed that NILGA had submitted their Summary Product and Work Plan for 2019/20 and a request for the annual subscription required to deliver it.

The Work Plan aims to not only meet Ards and North Down Borough Council’s requirements but also supports a substantial forward prioritisation programme to ensure councils were sustainable and resilient now and beyond the next elections.

The annual subscription of £48,914 (excluding VAT) reflected no increase on the 2018/19 subscription.

RECOMMENDED that the NILGA Product/Work Plan and subscription for 2019/20 of £48,914 plus VAT are approved.

AGREE TO RECOMMEND, on the proposal of Councillor Muir, seconded by Councillor Smart that the recommendation be adopted.

Councillor Smith wished to be recorded as against.

6. **REQUEST TO LIGHT UP COUNCIL BUILDINGS BY LEUKAEMIA CARE (FILE LP37)**

PREVIOUSLY CIRCULATED:- Report from the Director of Organisational Development and Administration detailing that the Council had received a request from Leukaemia Care to light up Council buildings (Town Hall Arts Centre, Newtownards and McKee Clock, Bangor) the colour red on Tuesday 17th September to mark the 50th anniversary of the Charity.

Leukaemia Care was a national blood cancer support charity dedicated to making sure that patients, carers, family members and friends receive the right information, advice and support. The Charity offered several services including their nurse-led helpline, over 25 support groups across the United Kingdom and a one-to-one buddy support service.

To celebrate their 50th anniversary, Leukaemia Care would be running a yearlong campaign raising awareness of the signs and symptoms of leukaemia within the public and healthcare professionals, as well as looking into 50 key issues which blood cancer patients face.

RECOMMENDED that the Council accedes to the request and lights the buildings red on the above date.
AGREED TO RECOMMEND, on the proposal of Councillor Smith, seconded by Councillor Chambers, that the recommendation be adopted.

7. REQUEST FOR CIVIC RECEPTION – BALLYHOLME YACHT CLUB (CEV56)  
(Appendix IV)

PREVIOUSLY CIRCULATED:- Report from the Director of Organisational Development and Administration attaching letter from Councillor Cathcart, Alderman Irvine and Councillor T Smith requesting that Ballyholme Yacht Club be considered for a civic reception/dinner in 2019, its centenary year. For 100 years, the Yacht Club has been rooted in the local community. It has held regattas and international events, brought visitors to the Borough, raised money for local charities, held sailing lessons for local Primary School and more.

Council Policy on Civic Receptions

Members were reminded that the Council’s policy for hosting civic receptions requires requests to be submitted in writing to the Chief Executive and signed by at least three elected members. The request, once received, was assessed against assessment criteria and an officer’s report, with an appropriate recommendation, was subsequently prepared for consideration by the Corporate Services Committee.

Assessment Criteria

The subject of requests must meet one of the two criteria outlined below:-
1. Demonstrate exceptional service to the Borough/Local Community and have a significant anniversary (The exceptional service should be in the areas of voluntary or charitable work. The Anniversary should be a milestone of 25, 50 or 100 years.) OR
2. Mark a very significant or unique achievement. (Defined as an achievement which would be recognised throughout Northern Ireland and beyond and the recipient has a strong association within the Borough).

The request had been submitted in line with agreed procedures and was deemed to meet the criteria for a civic reception as stated in point 1 above.

RECOMMENDED that the Council proceeds to offer Ballyholme Yacht Club a Civic Reception/Dinner to mark its 100th Anniversary and, should the offer be accepted, proceeds to arrange same on a date to be agreed by relevant parties.

AGREED TO RECOMMEND, on the proposal of Alderman Girvan, seconded by Alderman Keery, that the recommendation be adopted.

8. MINUTES OF MEETING OF FAIR TRADE STEERING GROUP  
(Appendix V)

PREVIOUSLY CIRCULATED:- Report from the Director of Organisational Development and Administration attaching minutes of meeting of Fair Trade Steering Group. The report detailed that the Council’s Fair Trade Steering Group met on 28
January 2019. Members were invited to attend the Fair Trade Coffee morning in the Chamber, Town Hall, Bangor on 27 February 2019 between 10am and 12 noon.

RECOMMENDED that the Minutes be adopted.

On a point of accuracy, Councillor McIlveen noted that one of the apologies received should be noted as Dr Stange, not Dr Strange as recorded.

The Director of Organisational Development and Administration drew Members attention to the Coffee morning that was being held on 27 February 2019.

AGREED TO RECOMMEND, on the proposal of Alderman Graham, seconded Councillor McIlveen, that the recommendation be adopted.

9. ITEM WITHDRAWN

10. RESPONSE TO NOTICE OF MOTION RE REVIEW OF PIP FOR THOSE WITH TERMINAL ILLNESS
(Appendix VI)

PREVIOUSLY CIRCULATED:- Report from the Director of Organisational Development and Administration attaching Letter from Head of Ministerial Correspondence, Department for Work & Pensions. The report detailed that the following Notice of Motion was agreed by Corporate Services Committee in October 2018:

“That this Council writes to the Department of Work and Pensions urging that a review takes place on how people with terminal illnesses are assessed for welfare under Personal Independence Payments, with the focus on the six month rule.”

The response had been received from the Head of Ministerial correspondence for Department for Work and Pensions detailing the current position.

RECOMMENDED that Council notes this report.

Proposed by Councillor McKee, seconded by Councillor Smart, as an amendment, that this Council notes the response and writes back to Mr Watling requesting information on what consultation and discussions the Department for Work and Pensions has had with the medical professionals on any change in these guidelines and if they would consider following Scotland's example in scrapping time limits for those who are diagnosed with terminal illness.

Councillor McKee felt that the response was wholly insufficient to the motion. In the letter Mr Watling outlined that there were differences of opinion in the medical professions about terminal illness and indicated that there was a disagreement over apparent 'cut off points' that the Department of Work and Pensions had inserted into the policy. As was stated in the discussion on the original motion, what if you were given 8 months and died within 3, you would have been denied your fastrack PIP application and been waiting for a decision. If you were diagnosed terminal but the
timeline was 6-9 months the medical staff would not be able to recommend you for the DS1500 form because you may be able to live longer, if your treatment worked. Councillor McKee stated that the stress and worry that being asked when you expected to die on a form and being picked as priority if you had less than six months was frankly disgusting contributing to mental health issues that so many people faced. There were difficulties even medical experts had in providing an accurate end of life prognosis and the ‘horizon effect’. As AGE stated, ‘it is impossible to say exactly how long someone will live and people who receive PIP under these rules may live longer than six months. Charities and clinicians say the six-month definition most severely affects patients suffering from non-cancer terminal conditions, such as dementia, for which it could be difficult to predict an accurate life expectancy. Which begged the question, when was someone terminal? The Scottish government had decided that when medical practitioners decided that someone was terminal in Scotland that was enough for their benefits to reflect that. But according to the Department of Work and Pensions judgement and subsequently DfC in Northern Ireland, it was when they decided that you could be terminal enough for fairer and more sensitive benefits access. Medical practitioners should be able to recommend that someone who had a terminal illness could apply and get the appropriate benefits in a timely manner.

Given the points raised, Councillor McKee asked Council to write back asking what consultation had been done to gain a consensus amongst medical practitioners on the very important issue and query how it could differ in Scotland.

Councillor Smart concurred with the comments of Councillor McKee. The reform was meant to be for the betterment of the most sick and frail in society.

Councillor Mcllveen rose in support of the amendment, the matter was an important one and needed to be addressed in the absence of an Assembly.

AGreed, as an amendment, that this Council notes the response and writes back to Mr Watling requesting information on what consultation and discussions the Department for Work and Pensions has had with the medical professionals on any change in these guidelines and if they would consider following Scotland’s example in scrapping time limits for those who are diagnosed with terminal illness.

11. RESPONSE TO NOTICE OF MOTION RE NI HOUSING EXECUTIVE TRANSFER SCHEME (NOM 76) (Appendix VII)

(Alderman Keery declared an interest and withdrew from the meeting – 7.53 pm)

PREVIOUSLY CIRCULATED:- Report from the Director of Organisational Development and Administration attaching Letter from the Chief Executive, NI Housing Executive. The report detailed that the following Notice of Motion was agreed by the Corporate Services Committee in November 2018:
“That this Council agrees that criminal gangs are taking advantage of the NI Housing Executive transfer scheme, using it as a direct means to geographically extend their drugs empires; that is having a hugely detrimental impact upon established communities across the Borough; and that we seek a meeting with the NIHE to discuss the matter.”

The response had been received from the Chief Executive of Northern Ireland Housing Executive agreeing to meet with representatives to seek clarification and view any evidence in relation to the Notice of Motion.

RECOMMENDED that Council nominates representatives to meet with Northern Ireland Housing Executive to discuss this Notice of Motion.

Proposed by Councillor Mcllveen, seconded by Councillor Smith, that Councillor Kennedy be nominated to meet with the NIHE.

Councillor Muir referred to the correspondence that had been received and noted that had been dated 2018. He referred to the meeting that was scheduled for 28th January and asked if that meeting went ahead and who attended.

The Director of Organisational Development and Administration stated that the letter should say 2019. Due to the timeframe, the meeting had been postponed and would be rescheduled.

Proposed by Councillor Muir, seconded by Alderman Girvan, that Alderman McDowell, be nominated to meet with the NIHE.

Proposed by Councillor Chambers, seconded by Councillor McKee, that Councillor Smart be nominated to meet with the NIHE.

Proposed by Councillor McKee, seconded by Councillor Smart, that Councillor Woods be nominated to meet with the NIHE.

Proposed by Alderman Graham, seconded by Councillor Smith, that Councillor Mcllveen be nominated to meet with the NIHE.

AGREED TO RECOMMEND, that Councillor Kennedy, Alderman McDowell, Councillor Smart, Councillor Woods and Councillor Mcllveen be nominated as the representatives to meet with the Northern Ireland Housing Executive to discuss the motion.

12. RESPONSE TO NOTICE OF MOTION RE BREXIT WITHDRAWAL DEAL (NOM 87) (Appendix VIII)

PREVIOUSLY CIRCULATED:- Report from the Director of Organisational Development and Administration attaching Letter from Secretary of State for Northern Ireland. The report detailed that the following Notice of Motion was agreed by Council in November 2018:
“That this Council acknowledges and agrees Northern Ireland is a unique region within the United Kingdom due to its land border with the European Union. We understand that withdrawing from the EU gives rise to unique challenges in terms of trade and therefore offers full support to our business trade associations, professional bodies, trade unions and civic organisations who are standing firmly against a disorderly withdrawal from the European Union. We agree that the current deal is a bad deal for both Northern Ireland and the United Kingdom in general and wish to see a better deal for our country, and this Council will work with local businesses to maximise the opportunities. We agree to write to the Secretary of State as a matter of urgency affirming this.”

The response had been received from the Secretary of State for Northern Ireland urging Council to reconsider its position for the reasons outlined in her letter.

RECOMMENDED that Council notes this report.

AGREED TO RECOMMEND, on the proposal of Alderman Graham, seconded by Alderman Girvan, that the recommendation be adopted.

13. RESPONSE TO NOTICE OF MOTION RE PERIOD POVERTY - PROVISION OF FREE SANITARY PRODUCTS AT COUNCIL FACILITIES (ADM61)

PREVIOUSLY CIRCULATED:- Report from the Director of Organisational Development and Administration detailing that Members may recall that, in November 2018, it was agreed:-

“That this Council recognises that period poverty is a very real issue for many girls and women and as such agrees to bring back a report, including associated costs, as to how the Council could make sanitary products available free of charge within Council facilities. The report to explore where this initiative has been introduced in other facilities in GB and ROI for an evidence-based approach, and also consider pilot sites.”

An internal Task and Finish working group was set up to consider and respond to the above motion. It comprised the Head of Administration, Head of Community and Culture, Community Centres and Halls Manager, Customer Services Manager, Environmental Health Manager (Health and Wellbeing), Leisure Manager and Museum Manager.

Practices in Other Facilities/Council Areas
Research was carried out by the Environmental Health Manager (Health and Wellbeing) into practices in other areas, however, detailed information was difficult to obtain.

North Ayrshire Council was the first UK Council to announce its intention to provide free sanitary items in all its facilities in August 2018. It had proceeded accordingly, however, further information on operational success, costs etc. was not currently
available. Further contact could be made in due course to seek that detail. It was noted that Councils in other parts of the UK also had responsibility for the delivery of health and education services.

Derry & Strabane City and District Council also recently agreed to a similar motion which was the subject of local media attention. Its working group provided a report to committee on 18 January 2019 suggesting a three-month pilot incorporating 3 leisure centres and the Guildhall which provided free sanitary items and information in female toilets. It also recommended looking at ways of obtaining funding to supply the sanitary items in their community facilities.

Other Initiatives
The ANDBC Group noted that:-

1. as mentioned during debate at Corporate Services Committee in November 2018 on the wider subject of how Period Poverty was being tackled UK wide, Plan International had carried out a study into period poverty in the UK and had introduced a P card scheme, providing free products to girls in schools;

2. A Red Box Project NI initiative has been set up in the North Down and Ards area. The aim of this project is to “quietly ensure that no young woman misses out on her education because of her period.” It places stocked red boxes of sanitary wear in schools for young women to access, aiming to reach those who may not be able to afford these items. The project relies on donations of sanitary products and underwear by the public and calls on local people to include the purchase of such items in their regular shop for drop-off at a donation station. Financial donations can also be made through www.gofundme.com

A Council member had also been recently approached by a representative of The Homeless Period, an organisation based in Belfast, which provides sanitary products for women in need. It was keen to outreach into the Borough, but needed to identify drop-off bases for donations, which would then be collected and distributed by one of their team to various local charities, such as Women’s Aid.

As part of the research process, contact was also made with the local Foodbanks in the area and the issue of period poverty was discussed. Newtownards Foodbank reported that there had been much greater awareness of period poverty and they were receiving an adequate number of donations of these items which they were able to pass on to those most in need i.e. in receipt of emergency food parcels. For them, the lack of basic hygiene products (soap, shower gel, toothpaste, deodorant etc) was the main issue.

Bangor Foodbank stated that it struggled to receive sufficient donations of sanitary items to meet the demand. It also supplied sanitary items to community Centres in Whitehill, Rathgill and Breezemount. It was hoping to engage with four local schools but was instead referred to The Red Box project to see how both initiatives could support each other.

The Storehouse, Bangor also provided sanitary items to those most in need, and again said those and hygiene items were in constant high demand. North Down and
Ards Women’s Aid also reported an increasing need for both hygiene and sanitary items to support their work.

Objectives of Motion/ Provision of Free Sanitary Products at Council Facilities
In the course of debate, the Group considered that:

1. those in need of free sanitary products were not, in general, those who regularly used Council facilities. Most customers were of a different demographic profile, were not in financial stress or were visiting the facilities for specific and short-term purposes. That view was also shared by the local Foodbanks and Women’s Aid.

2. if sanitary products were made available in toilets and changing areas, they could be used by anyone and would not necessarily benefit those who could least afford to buy them. That failed to tackle period poverty.

3. If products were made freely available behind reception desks or in stores, some young women may feel stigmatised at having to ask for them.

4. If the Council wished to tackle the issue of period poverty, it would best do so by using its networking capabilities and influence at the local Poverty Network, at which Foodbanks, churches, charities and other related groups were represented.

5. As the Council had no baseline information as to the cost of providing sanitary products, no way of knowing the likely uptake of such a scheme or its potential effectiveness in tackling period poverty, it was suggested that a three-month pilot scheme be implemented whereby free sanitary products were made available at community halls and facilities in Targeting Social Need areas (TSN) on, for example, Youth Club nights.

6. The Employee Health and Wellbeing Group had planned to launch a one-off health and wellbeing initiative to collect unwanted beauty products to pass to local Women’s Refuges for inclusion in welcome packs and support local foodbanks. In the light of the conversations with these beneficiaries following this Motion, this initiative could be extended to seek donations of sanitary products or financial donations which could be used to buy such items. It was acknowledged that would be a one-off scheme and, while it could become an annual “after Christmas” event in-house, it would be a gesture towards assisting those in need, rather than a means of tackling the period poverty issue. (This would rely on the goodwill and generosity of employees).

7. The Council could consider hosting a “Red Box” or “Homeless Period” repository at its facilities throughout the year which would allow donations from members of the public as well as staff to be received. These products could then be distributed to charitable groups as required.

8. The Council could share the information obtained on Manufacturer supported schemes with the local Poverty Network and encourage foodbanks and charities to apply for these free supplies.

NB: There was currently no provision in any budget for the provision of free sanitary products in Council facilities. If a pilot scheme was successful, a budget could be considered for the future.

RECOMMENDED that the Council proceeds to implement actions as described in points 4, 5, 6, 7 and 8 above and that the Internal Working Group reports back to the Committee on the outcomes after the 3-month pilot period (See Point 5).
Alderman Girvan thanked Officers for the report and welcomed the suggestions that had been put forward.

**AGREED TO RECOMMEND**, on the proposal of Councillor Smith, seconded by Councillor Mcllveen, that the recommendation be adopted.

14. **NOTICES OF MOTION**

14.1 **Notice of Motion submitted by Councillor Chambers and Alderman Henry**

That this Council supports the campaign to build the United Kingdom’s first national memorial, dedicated to all emergency service personnel who have served or been killed in the course of their duties; believes that such a memorial would be a fitting tribute to those past and present who have shown extraordinary bravery and selflessness by putting themselves in harm’s way in order to keep us safe; recognises that the campaign has already secured widespread political support including, from the Prime Minister, her predecessors, leaders of the opposition and also has backing of both the Scottish and Welsh Governments. Therefore this Council formally places on record our support for the creation of a national monument to act as a symbol of eternal gratitude for their service.

Councillor Chambers wished to add a slight amendment that furthermore, that Council also circulate the motion to the other ten Councils in Northern Ireland.

Proposed by Councillor Chambers, seconded by Councillor Smart, that the Notice of Motion, as amended be adopted.

Councillor Chambers advised that late last year the founder of the National Emergency Services Memorial Charity, Mr Thomas Scholes Fog who was a special Sergeant in the Metropolitan Police came to Northern Ireland to meet with the PSNI, Northern Ireland Ambulance Service, Northern Ireland Fire and Rescue Service, political leaders and representatives. The idea was to gain support here and to also look at venues for national events in 2020. The charity was made up of board or trustees from different emergency services and volunteers who fundraised and assisted with organising events and raising the charities profiles. The aim of the charity was to build the UK’s first National Cenotaph to serve as a national symbol of remembrance, sacrifice and gratitude to all UK emergency services personnel and service animals. There were some individual monuments dotted around Britain but not one national 999 cenotaph. In the UK there were around 2 million people working in the emergency services, many of whom were volunteers. Over 7,000 members of the UK emergency services had been killed in the line of duty. He referred to the sacrifice paid in Northern Ireland, especially during The Troubles by the brave men and women who held positions within the emergency services. Indeed, many of those killed came from the Borough and there were many former and currently serving personnel living right across the Borough. The memorial was to be built in London and it was hoped that an accurate model of the 999 memorial would be launched in the next few months and if enough money was raised then there was the
option of possibly building smaller memorials in all of the UK capital cities including Belfast. The charity was also going to have a 999 festival of thanksgiving and an emergency services day in Northern Ireland in September 2020. The campaign already had the support from political leaders in Northern Ireland, the Prime Minister, the leader of the opposition, the first Ministers of Scotland and Wales along with many others. Councillor Chambers noted that the Council was not being asked to make any financial contribution, he sought the Committee’s support for what he felt was a wonderful opportunity to be the first Council in Northern Ireland to support and demonstrate the Council’s eternal gratitude to all emergency services personnel.

AGREED, that this Council supports the campaign to build the United Kingdom’s first national memorial, dedicated to all emergency service personnel who have served or been killed in the course of their duties; believes that such a memorial would be a fitting tribute to those past and present who have shown extraordinary bravery and selflessness by putting themselves in harm’s way in order to keep us safe; recognises that the campaign has already secured widespread political support including, from the Prime Minister, her predecessors, leaders of the opposition and also has backing of both the Scottish and Welsh Governments. Therefore this Council formally places on record our support for the creation of a national monument to act as a symbol of eternal gratitude for their service. Furthermore, that Council also circulate the motion to the other ten Councils in Northern Ireland.

14.2 Notice of Motion submitted by Councillor Martin and Councillor Smith

Council notes the enormous damage gambling addiction can cause in the lives of individuals, families and communities. In May 2017 the Department for Communities published a survey, which found a problem gambling prevalence rate of 2.3% in Northern Ireland, a rate over four times higher than in England. Furthermore, this Council notes the move by Her Majesty’s Government to reduce stakes on Fixed Odds Betting Terminals (FOBTs), a particularly addictive form of gambling, from £100 to £2 in April 2019. The Council further notes that this decision does not apply to Northern Ireland and in the absence of an Executive and Assembly action cannot be taken to reduce the stakes on these terminals. The Council calls on betting companies operating in Northern Ireland to follow the decision of Ladbrokes to voluntarily reduce the stakes on FOBT machines in this jurisdiction in line with the rest of the UK. The Council also calls on the Department of Health to review support given to individuals suffering from gambling addiction and calls for the creation of a dedicated service to address this addiction. The Council writes to the Departments of Health and Communities to encourage them to do all in their power to support those with gambling addiction and to ascertain whether anything can be currently done regarding FOBTs in Northern Ireland.

Proposed by Councillor Martin, seconded by Councillor Smith, that the Notice of Motion be adopted.

(Alderman Keery re-entered the meeting – 8.03 pm)
Councillor Martin stated that we all knew individuals who had the occasional flutter and did so responsibly. However, for some in society gambling could have a deeply detrimental impact. There had been a number of high profile cases including NI and Rangers player Kyle Lafferty and NI Footballer Keith Gillespie. Councillor Martin stated that Northern Ireland had a particular problem with gambling addiction. In 2017, the Department of Communities published research which found that 2.3% of individuals living in Northern Ireland were found to be problem gamblers with a further 4.9% being classed as moderate risk gamblers. If that research was accurate, that meant 30,000 – 40,000 adults in society were problem gamblers. Northern Ireland was in a much worse position than other parts of the UK: in England the equivalent was 0.5%, Scotland 0.7% and Wales 1.1%. Support for individuals suffering from gambling addiction was very much dependent on personal wealth, as private treatment was available. However, understandably a lot of people with gambling addiction did not have the money available and to get help on the NHS was a struggle although help was available through Gamblers Anonymous. Support services for individuals with gambling addiction may cost money but failing to act could prove a false economy, if individuals ended up in the criminal justice system public expenditure would be considerably greater.

Councillor Martin explained that Fixed Odds Betting Terminals (FOBTs), those were a form of electronic gaming machine which allowed players to bet up to £100 every twenty seconds on games such as roulette or simulated horse races. Those machines had proven to be especially problematic for individuals at risk of problem gambling. As a consequence, HM Government had sought to take action to cut the maximum stake on Fixed Odds Betting Terminals from £100 to £2. From 1st April 2019, the stake would fall to £2 instead of £100 however, due to a lack of Assembly that would not apply in Northern Ireland. In the meantime, the call was for local betting shops to voluntarily reduce the stake on FOBTs from £100 to £2 in line with Great Britain. In a very welcome development, following pressure from CARE and Belfast City Council, UK wide operators Ladbrokes Coral, William Hill, Paddy Power and Betfair had agreed to voluntarily reduce the stake and locally run bookmakers Toals and McLeans had followed suit. That would equate to companies operating around 90% of FOBTs in Northern Ireland. Councillor Martin appreciated that the Council was limited in what it could do to tackle the problem. However, he hoped the Committee would agree to at least write to the Department of Health and Communities to call on them to see what action they could take in the absence of the Assembly, to ensure improvements to the support provided for those suffering from gambling addiction.

Councillor Smith stated that thousands of people had a gambling problem and that had cost people their families and lives had been destroyed. He believed the Council did need to raise its voice regarding the matter and he was happy to support the motion.

Councillor Chambers admired the commitment of those bookmakers who had already reduced the stake. However, he was alarmed that Ladbrokes were incentivising their employees to encourage customers to play slot machines with the threat of losing their jobs if they did not meet the targets. Councillor Chambers stated that support for those with a gambling addiction was vital.
Alderman Carson referred to the tv adverts that could be seen advertising gambling and he felt a lot of the problems stemmed from those adverts.

Alderman Graham agreed with that comment and referred to the intervals when watching boxing and the amount of tv adverts advertising gambling that could be seen and felt the advertising element needed to be dealt with. Alderman Graham also referred to the problem that people were allowed to gamble using a credit card and that also needed to be addressed.

On summing up, Councillor Martin thanked Members for their comments. In respect of Ladbrokes he found that situation alarming as the staff were meant to spot gambling behaviours within premises and offer help.

AGREED, that the Notice of Motion be adopted.

32. HUMAN RIGHTS COMMISSION ANNUAL STATEMENT

The Director of Organisational Development and Administration advised that the item had been listed in confidence in error.

PREVIOUSLY CIRCULATED:- Report from the Director of Organisational Development and Administration attaching Northern Ireland Human Rights Commission’s Annual Statement for 2018. The Annual Statement was a detailed report assessing the state of human rights in Northern Ireland. It was published each year and was recently launched at Parliament Buildings.

UNDERSTANDING THE ANNUAL STATEMENT

The Commission’s annual statement used a traffic light system to assist readers.

RED identified a subject that required immediate action by the UK Government, NI Executive or relevant public authorities and the issue may be an ongoing violation or abuse of human rights within NI.

AMBER identified a subject that initial steps toward providing an effective response could had already been taken or the necessity of taking action acknowledged by the relevant body. Such actions may have commenced, but were not yet completed. The identified subject required action by the UK Government, NI Executive or relevant public authorities. The issue may not be at a level that constitutes an ongoing violation or abuse of human rights.

GREEN identified a subject that had been acknowledged as requiring action to protect human rights in NI and an effective response has been provided by the UK Government, NI Executive or relevant public authorities. A firm commitment to address the matter would have been demonstrated and undertaken.

The Annual Statement 2018 sets out 12 red issues that required immediate action by the UK Government, NI Executive or relevant public authorities.
The red issues in 2018 were listed below:

**Right to life**
- Pg 30 Conflict related deaths: transitional justice and individual cases
- Pg 34 Legacy inquests and inquiries

**Right to liberty and security of the person**
- Pg 46 The remand of children

**Freedom from torture, inhuman and degrading treatment**
- Pg 76 Physical punishment of children

**Freedom from slavery**
- Pg 84 Child, early and forced marriage
- Pg 85 Child sexual exploitation
- Pg 87 Children missing from care

**Right to fair trial and the administration of justice**
- Pg 94 Age of criminal responsibility
- Pg 98 Compensation for a miscarriage of justice

**Right to private and family life**
- Pg 103 Access to financial support for unmarried couples

**Right to an adequate standard of living and to social security**
- Pg 130 Anti-poverty strategy

**Right to health**
- Pg 166 Termination of pregnancy

RECOMMENDED that this report is noted.

AGREED TO RECOMMEND, on the proposal of Alderman Graham, seconded by Councillor McIlveen, that the recommendation be adopted.

**EXCLUSION OF PUBLIC/PRESS**

Councillor Muir questioned the rationale why Items 30 and 31 – Requests to use Ballymenoch Park – 12th July and 31st August had to be considered in Committee. The Director of Organisational Development and Administration explained that a letter of objection had been received late in the day in respect of those items being in Committee and those items would now be deferred to consider the complaint further.

Councillor Muir also questioned why Item 15 – Council Preparedness for Brexit was to be considered in Committee. The report covered a range of issues and he believed that it was a matter of public interest which should be debated in an open forum. The Director of Organisational Development and Administration stated that the report made reference to staffing issues along with information regarding the attendance at PSNI briefings where a confidentiality agreement had been signed.
Proposed by Councillor McIlveen, seconded by Alderman Graham, that the public/press be excluded during the discussion of the undernoted items of confidential business.

The proposal was put to the meeting and declared carried with 7 voting FOR and 3 AGAINST.

AGREED, that the public/press be excluded during the discussion of the undernoted items of confidential business.

15. **COUNCIL PREPARATION FOR BREXIT**

***IN CONFIDENCE***

NOT FOR PUBLICATION

Schedule 6 – Information relating to the financial or business affairs of any particular person.

16. **TENDER FOR THE PROVISION OF COUNCIL ADVERTISING (RECRUITMENT, PUBLIC NOTICES AND TENDERS)**

***IN CONFIDENCE***

NOT FOR PUBLICATION

Schedule 6 – Information relating to the financial or business affairs of any particular person.

17. **TENDER FOR THE PROVISION OF PRINTING SERVICES (CCM/POR/2019)**

***IN CONFIDENCE***

NOT FOR PUBLICATION

Schedule 6 – Information relating to the financial or business affairs of any particular person.

18. **CORPORATE BANKING CONTRACT (FIN35)**

***IN CONFIDENCE***

NOT FOR PUBLICATION

Schedule 6 – Information relating to the financial or business affairs of any particular person.
19. **DESTRUCTION OF HAMILTON HOUSE AND SCOUT HALL**

***IN CONFIDENCE***

**NOT FOR PUBLICATION**

Schedule 6 – Information relating to the financial or business affairs of any particular person.

20. **NIHE WORKS AT CIRCULAR ROAD, NEWTOWNARDS (FILE LP381)**

(Appendices IX, X, XI)

***IN CONFIDENCE***

**NOT FOR PUBLICATION**

Schedule 6 – Information relating to the financial or business affairs of any particular person.

21. **LEASE OF LAND AT JUNCTION OF ABBEY STREET/NEWTOWNARDS ROAD FROM THE REPRESENTATIVES OF THE CHURCH OF IRELAND (LP269)**

(Appendix XII)

***IN CONFIDENCE***

**NOT FOR PUBLICATION**

Schedule 6 – Information relating to the financial or business affairs of any particular person.

22. **REQUEST FROM URBAN PROPERTY SOLUTIONS LTD TO GRANT A 25 YEAR SUB LEASE TO COPELANDS SPIRITS LTD FOR LAND AT MANOR STREET, DONAGHADEE**

***IN CONFIDENCE***

**NOT FOR PUBLICATION**

Schedule 6 – Information relating to the financial or business affairs of any particular person.
23. **RENEWAL OF LICENCE TO PORTAVOGIE YOUTH FOOTBALL CLUB FOR STORAGE CONTAINER AT BRANDON’S BRAE (LP157)**
   (Appendix XIII)

***IN CONFIDENCE***

NOT FOR PUBLICATION

Schedule 6 – Information relating to the financial or business affairs of any particular person.

24. **REQUEST FROM NORTH DOWN HOCKEY CLUB TO RENEW LICENCE FOR TEMPORARY SCAFFOLDING TOWER AT COMBER LEISURE CENTRE**
   (Appendices XIV,XV)

***IN CONFIDENCE***

NOT FOR PUBLICATION

Schedule 6 – Information relating to the financial or business affairs of any particular person.

25. **REQUEST FROM BELFAST AND COUNTY DOWN RAILWAY COMPANY LTD TO USE THE PREMISES ABOVE THE PUBLIC TOILETS AT THE PARADE, DONAGHADEE (LP380)**
   (Appendix XVI)

***IN CONFIDENCE***

NOT FOR PUBLICATION

Schedule 6 – Information relating to the financial or business affairs of any particular person.

26. **RENEWAL OF LEASE OF HELENS’ BAY TENNIS CLUB PAVILION TO HELEN’S BAY TENNIS CLUB (LP318)**
   (Appendix XVII)

***IN CONFIDENCE***

NOT FOR PUBLICATION

Schedule 6 – Information relating to the financial or business affairs of any particular person.
27. **REQUEST FROM ULTIMATE STRONGMAN PRODUCTIONS LTD TO USE THE MCKEE CLOCK ARENA FOR IRELAND’S STRONGEST MAN EVENT 2019 (FILE LP2XX)**
(Appendix XVIII)

***IN CONFIDENCE***

NOT FOR PUBLICATION

Schedule 6 – Information relating to the financial or business affairs of any particular person.

28. **REQUEST FROM AEL LTD IN RELATION TO LAND ADJACENT TO EXPLORIS (LP348)**
(Appendix XIX)

***IN CONFIDENCE***

NOT FOR PUBLICATION

Schedule 6 – Information relating to the financial or business affairs of any particular person.

29. **REQUEST FOR A FUNFAIR AT CASTLE PARK, BANGOR (LP21)**
(Appendices XX, XXI)

***IN CONFIDENCE***

NOT FOR PUBLICATION

Schedule 6 – Information relating to the financial or business affairs of any particular person.

30. **REQUEST TO USE BALLYMENOCH PARK FOR 12TH JULY CELEBRATIONS (LP2V)**
(Appendix XXII)

***IN CONFIDENCE***

NOT FOR PUBLICATION
Schedule 6 – Information relating to the financial or business affairs of any particular person.

31. **REQUEST TO USE BALLYMENOECH PARK ON SATURDAY 31ST AUGUST 2019 (LP390)**
   (Appendix XXIII)

***IN CONFIDENCE***

NOT FOR PUBLICATION

Schedule 6 – Information relating to the financial or business affairs of any particular person.

33. **ABSENCE REPORT - QUARTER 3 2018/19**
   (Appendix XXIV)

***IN CONFIDENCE***

NOT FOR PUBLICATION

Schedule 6 – Information relating to the financial or business affairs of any particular person.

34. **MINUTES OF MEETING OF BLAIR MAYNE BURSARY COMMITTEE HELD 4 2.19 (ADM24)**
   (Appendix XXV)

***IN CONFIDENCE***

NOT FOR PUBLICATION

Schedule 6 – Information relating to the financial or business affairs of any particular person.

35. **REPORT ON NOTICE OF MOTION - EFFICIENCY AND ACHIEVEMENTS FROM APRIL 2015**

***IN CONFIDENCE***

NOT FOR PUBLICATION

Schedule 6 – Information relating to the financial or business affairs of any particular person.
36. **BUSINESS CASE FOR THE RESTRUCTURING OF THE FINANCE AND PERFORMANCE DIRECTORATE**

(Appendix XXVI)

***IN CONFIDENCE***

NOT FOR PUBLICATION

Schedule 6 – Information relating to the financial or business affairs of any particular person.

**RE-ADMITTANCE OF PUBLIC/PRESS**

AGREED TO RECOMMEND, on the proposal of Councillor Smart, seconded by Councillor McIlveen, that the public/press be re-admitted to the meeting.

37. **ANY OTHER NOTIFIED BUSINESS**

There were no items of any other business.

**TERMINATION OF MEETING**

The meeting terminated at 8.52 pm.

**CIRCULATED FOR INFORMATION**

(a) Letter from Dfi - Consultation on Timetable and Work Programme for the Preparation of the Northern Ireland Flood Risk Management Plan (2021 – 2027).
ARDS AND NORTH DOWN BOROUGH COUNCIL

A meeting of the Community and Wellbeing Committee was held in the Council Chamber, 2 Church Street, Newtownards on Wednesday, 13 February 2019 at 7.00pm.

PRESENT:
In the Chair: Councillor Woods
Aldermen: Irvine
Smith
Councillors: Adair Martin
Boyle McAlpine
Brooks Menagh
Chambers Muir
Dunne Smart
Douglas Thompson
Edmund

Officers: Director of Community and Wellbeing (G Bannister), Head of Community and Culture (J Nixey), Head of Leisure and Amenities (I O’Neil), Head of Environmental Health Protection and Development (M Potts), Leisure Administration Officer (E Gregson) and Democratic Services Officer (H Loebnau).

1. APOLOGIES

The Chairman welcomed Members to the meeting and made particular mention to those in the public gallery. Apologies were noted from Councillors Cooper and Kennedy.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

NOTED.

3. DEPUTATIONS

3.1 Ulster Wildlife
(Appendix I)

Mr Conor McKinney was welcomed to the meeting and he made his presentation on Red Squirrel Conservation in Ards and North Down. He explained the situation with respect to red squirrels in the wider conservation context, what was being done to help them and how the Council could help with that work.
He began by stating that red squirrels had been in decline since the introduction of the grey squirrel to Ireland in 1911 and it was now a priority species in Northern Ireland as a result of that decline. Grey squirrel management was an important conservation technique for red squirrel conservation and successful eradication attempts had already been made.

Analysis had demonstrated that exposure to Pine Marten clearly suppressed grey squirrel populations in Scotland. Local volunteer groups were also crucial and were well placed to deliver red squirrel conservation. It was noted that without them there would simply be no red squirrels left.

Mr McKinney stressed the need for Ards and North Down to be part of the change to help the red squirrel and it could do that by:

- Providing access to Council properties to control grey squirrels
- Including red squirrels and Pine Marten in the new local biodiversity action plan
- Ensuring management plans for wooded areas under Council control included measures to control grey squirrels for the protection of red squirrels and Pine Marten.
- Supporting the erection of red squirrel drey and Pine Marten den boxes by covering them under Council public liability insurance.

Councillor Menagh praised the work which was being undertaken locally and wished Ulster Wildlife success in its undertaking to protect the red squirrel.

Councillor Martin also considered the work to be superb and he would be more than happy to see the Council taking the suggestions forward. He wondered was the battle lost since there were many visible grey squirrels in Castle Park. It was noted that it was not a lost cause but that the reintroduction of the red squirrel would require ongoing support. The grey squirrel would need to be eradicated and with investment a buffer area would need to be created to protect the new red squirrels. The geography of the Ards and North Down area was considered to be good since it was largely surrounded by water which helped to protect the red squirrels from migrating greys.

Councillor Douglas was less enthusiastic since she did not wish to see the eradication of healthy animals and she wondered were there alternative ways of managing the situation. In response it was noted that there were no other means. Mr McKinney discussed the pathways used by the greys and those needed to be plugged. He discussed the strategies used and the live traps which held animals. Those traps were checked twice daily and the highest standards of animal welfare were used. The grey squirrels were treated humanely and with the utmost respect.

Councillor Smart asked what would be required from the Council and Mr McKinney explained that the Clandeboye Estate, the Ulster Folk and Transport Museum and other major landowners in the area were playing their part and to be a good neighbour in that sense the Council also needed to become involved. He added that nobody who worked in animal conservation took pleasure in eradicating a species but that there was a bigger picture which needed to be considered.
(Councillor Adair left the meeting at 7.25 pm)

Councillor McAlpine was struggling with the concept and saw the tensions outlined she asked if there were areas of the country where the strategy was working and it was explained that the red squirrels were thriving in Angelsey, the Mourne Mountains and parts of Scotland. The complete removal of the greys in those areas was the preferred option.

The Chair thanked Mr McKinney for his presentation and he left the meeting.

NOTED.

3.2 Kilcooley Community Forum – 3G Pitch

Mr Desy Clayton was introduced, and it was explained that he was representing Kilcooley Community Forum. Mr Clayton explained that the Forum had existed since 1997 and was an umbrella group representing 15 community groups who had a broad interest on the estate.

He explained the proposal and the funding which was being made available to develop the new pitch but that, if required, assurances needed to be made that the Council would take ownership of the pitch if necessary at a future point in time.

He explained that the Forum had experience of managing projects and had a track record of being in operation for 20 years, they were legally accountable for their actions and took professional advice when appropriate. The project would be part of a bigger programme for the area and he was certain that demand existed in the area for such a facility. Extensive consultations had taken place within the community and Glentoran Football Club and local schools and clubs and shown a desire to use the facilities. A study had shown that the pitch would be used 7 days a week.

(Councillor Adair entered the meeting at 7.35 pm)

Jobs would also be created in the area as a result of the investment and so he urged the Council to support the project.

Alderman Irvine thanked Mr Clayton and his colleagues who were in attendance. He was encouraged by the support given by the east Belfast based Glentoran Football Club and the jobs which could be created. It was recognised that the project had been at development stage for 10 years now and he was pleased that systems were now in place to allow it to proceed.

It was explained that Bangor Football Club was not able to meet the demand for usage and many other clubs faced a similar problem. Demand did not match the supply.

Alderman Smith welcomed the development and wondered if plans could be circulated. It was noted that they could be provided for anyone who wished to see them and the Council’s Neighbourhood Renewal Officer could also make them
available. It was envisaged that the pitch could be operational within approximately 14 weeks if all the approvals were given.

Councillor Boyle thanked Mr Clayton and his colleagues but tried to balance how far the Council should extend its risk. In the worst case scenario, the Council would need to step in to manage the pitch. Mr Clayton explained that for all social investment fund requirements that was a criteria although he was not envisaging that that would happen it was simply a default position on all projects in Northern Ireland. The Councillor went on to ask Mr Clayton if his figures were based on a best-case scenario. In response it was explained that the figures had been subject to rigorous sensitivity analysis of +/- 20% and the figures used were realistic and even conservative. The capital would be 100% funded. Councillor Boyle wished the Forum well with the work that it undertook.

Councillor McAlpine expressed concern about Glentoran as the anchor tenant and wondered how long that was likely to continue since the club would likely prefer facilities closer to their home ground in Belfast if those could be found. It was explained that Glentoran were happy with the arrangements and it was expected that they would continue to use the facilities in Bangor in to the future. The distance factor did not appear to be a problem for the club either.

Councillor Martin was excited at the prospect of investment in to what was the one of the most deprived areas of Northern Ireland and the third largest housing estate in the region. It would also be of benefit to the schools located in the area and wider in Bangor West. The impact on the community would be fantastic and there would be a visible tangible asset for an area which considered that it had been marginalised for a long time.

The Chair thanked Mr Clayton for his attendance, and he left the meeting at 7.55 pm.

NOTED.

4. **COMMUNITY & WELLBEING CONTROL REPORT - DECEMBER 2018**

PREVIOUSLY CIRCULATED: Report from the Director of Community and Wellbeing detailing that the Community & Wellbeing Budgetary Control Report covered the 9-month period 1 April 2018 to 31 December 2018. The net cost of services was showing an underspend of £12,811 (0.2%).

**Explanation of Variance**

A Budgetary Control Report by Income and Expenditure for the Directorate was, also, shown which analysed the overall favourable variance (£12,811) by expenditure (£369,432 favourable) and income (£356,621 adverse). However, if the net nil distorting effect on income and expenditure of Peace IV grants was removed then the variance for expenditure was £72,332 favourable and income £59,521 adverse.
COMMUNITY & WELLBEING

Expenditure - £369.4k (3.5%) better than budget to date. The favourable variance was mainly made up of the following: -

1. Environmental Health - £79.7k favourable. That was mainly due to: -
   a. Payroll was £58.4k favourable mainly due to vacant posts which were being recruited.
   b. Spend on NI Home Safety Database was £17.4k adverse as it wasn’t budgeted for but that was offset by a similar favourable income variance.
   c. Home Safety was currently £7.3k under budget but it was expected that the budget would be fully spent by the end of the financial year.
   d. There were underspends to date on mileage (£11.2k) and training (£6.6k).

2. Community & Culture - £381.2k favourable (£84.1k favourable after allowing for the net nil distorting effect on income and expenditure of Peace IV grants).
   a. Payroll £63.6k favourable mainly due to an underspend in Community Development (£42.3k). The Manager’s post was filled in September but the Coordinator post was still vacant.
   b. Peace IV grant payments were £297.1k under budget to date due to a delay in the project starting (SEUPB delayed approvals) but that was offset by a similar adverse variance on income.
   c. Community Development Summer Schemes and Council Run Clubs were £20.6k under budget to date.
   d. The Bonfire Programme was £35.7k over budget mainly due to increased site clearance costs.
   e. There were small underspends to date on Volunteer Support (£7.0k), PR Plan (£6.9k) and Neighbourhood Renewal (£6.5k).

3. Leisure & Amenities - £90.4k adverse. The 2018/19 budget assumed the old Ards Leisure Centre would operate for 8 months with the new Ards Blair Mayne Wellbeing & Leisure Centre (ABMW&LC) operating for 4 months. The old Centre was actually open for 9 months (with it being closed to the public for the second half of December) and the new Centre opened in January 2019. That had had an adverse impact on financial performance especially income.
   a. Payroll was £251.1k adverse but that included severance payments and pension costs totalling £123.1k. There were overspends to date on Ards Leisure Centre (£211.8k – no budget for December) and Comber Leisure Centre (£34.9k) due to allocation of staff. That was to be addressed by transformation and transition to the new centre. There were, also, overspends to date on Londonderry Park (£31.8k) and Parks & Cemeteries (£15.6k). All of those overspends were partially offset by favourable variances in ABMW&LC (£111.8k – not
open in December), Community Halls/Centres (£15.3k), Leisure Admin (£27.0k – 1 vacant post), Countryside Management (£15.1k – 1 vacant post) and Outdoor Recreations (£12.4k – 1 vacant post).

b. Ards Leisure Centre (£58.5k), ABMW&LC (£3.5k), Comber Leisure Centre (£14.5k), Portaferry Sports Complex (£9.2k) and Londonderry Park (£18.1k) running costs (excluding payroll) were £103.8k under budget to date. That helped to offset the adverse payroll and income variances.

c. Ards Half Marathon was underspent by £23.6k as the event was not held this year. That, also, meant there was no income received.

d. Parks & Cemeteries running costs (excluding payroll) were £92.3k over budget to date. That was mainly due to increased spend on equipment and tools, plant and equipment maintenance and pitch renovation work.

e. Community Halls/Centres running costs (excluding payroll) were £38.8k under budget to date.

f. There were a number of favourable variances to date for other Leisure services such as Sports Pavilions (£15.8k), Sports & Football Development (£8.0k), Everybody Active programme (£13.6k), Hamilton Hub (£5.4k), Countryside Management (£4.7k) and Leisure consultancy costs (£20.1k).

**Income - £356.6k (10.3%) worse than budget to date.** That adverse variance was mainly made up of the following: -

4. Environmental Health - £22.8k better than budget.
   a. NI Home Safety Database income was £17.4k favourable as that was budgeted for. That offset the adverse expenditure variance.
   b. Home Safety grant income was £8.0k better than budget to date.

5. Community and Culture - £278.4k adverse (£18.7k favourable after allowing for the net nil distorting effect on income and expenditure of Peace IV grants).
   a. Peace IV grant income was £297.1k adverse but that was offset by a similar favourable variance on project spend.
   b. Good Relations grant income (£4.2k) and Bonfire Programme income (£6.1k) were £10.3k better than budget to date.
   c. Arts Centre income was £6.0k better than budget to date.

6. Leisure & Amenities - £100.1k adverse.
   a. Income at ABMW&LC (£146.1k adverse – the budget assumed December 2018 opening but it didn’t open until January 2019), Ards Leisure Centre (£21.4k favourable), Comber Leisure Centre (£11.9k favourable), Portaferry Sports Centre (£0.7k favourable) and Londonderry Park (£9.8k adverse) was £121.9k behind budget to date.
b. Community Halls/Centres income was £38.2k better than budget to date. That was mainly due to Queens Hall (£11.7k) and Hamilton Road Community Centre (£10.7k) performing better than budget to date.

c. Ards Half Marathon income was £14.0k adverse.

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<th>Year to Date Budget £</th>
<th>Variance £</th>
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RECOMMENDED that the Committee notes the report.

AGREED TO RECOMMEND, on the proposal of Alderman Irvine, seconded by Councillor Martin, that the recommendation be adopted.

5. **PCSP FACEBOOK PAGE**

PREVIOUSLY CIRCULATED:- Report from the Director of Community and Wellbeing detailing that in December 2018 Council agreed a Notice of Motion requesting a Facebook page be established for the Policing and Community Safety Partnership (PCSP).
As Members would be aware the PCSP had delegated authority from the Council to manage and deliver the Policing and Community Strategy and Action Plan within the Borough. The PCSP had also requested the establishment of a Facebook page and a report would be tabled at the next meeting.

When the new PCSPs were established in 2015 the Northern Ireland Policing Board set up a Facebook page for each of the 11 PCSPs. For consistency in branding each PCSP page had been set up to include a profile picture with the logo and name of the PCSP; organisation type; standardised text about the PCSP and other generic settings.

PCSPs were also encouraged to post or share information about their PCSP on the corporate PCSP page which was available at www.facebook.com/pcsps.

Posting on the generic PCSP page also assisted in raising the profile of PCSPs collectively and was also a good tool to share good practice across PCSPs.

The Ards and North Down PCSP page had not yet been activated. Council policy dictated that all media should be filtered through the central Council media streams except where exceptions had been agreed (eg Leisure Ards and North Down).

PCSP staff had researched other PCSPs to ascertain if they had Facebook pages in place and how they were maintained, and the following information had been obtained:

- PCSP staff took responsibility for all aspects of the Facebook account in each of the other Council areas,
- Corporate Communications shared posts on the Council Facebook page, where appropriate,
- One member of the PCSP team was given responsibility to look after the day to day maintenance/posts etc,
- Posts were scheduled in advance / other members looked after the account when staff were on leave,
- Posts were light and varied with a community safety message,
- Staff spent an average of 30 mins per day on the Facebook page.

The one exception was Downpatrick which had outsourced the running of Facebook to a social media consultant at a cost of £300 per month. That still required time and resources of PCSP staff to be in regular contact providing material and instructions to the consultant.

PCSPs reported having found using Facebook to be cost effective and more targeted.

Since using Facebook, one PCSP reported higher attendance at public meetings and the advertising expenditure in terms of print media had reduced significantly.

RECOMMENDED that the Council permits PCSP to activate and maintain a Facebook page for the Ards and North Down PCSP area.
Members broadly welcomed the recommendation which brought the Council in line with what was happening elsewhere. Councillor Boyle questioned if the Facebook page would make much difference but if Members wanted it and felt that it was important he was content to progress although he insisted he did have some reservations.

Councillor Menagh did not agree with the criticism and believed that there was much good work being carried out behind the scenes and he would like to see more community policing.

Councillor Adair agreed stating that it was easy to sit and criticise, but he stressed that a difference was being made even though the organisation had limited powers.

Councillor Edmund added that the body opened up the lines of communication with the public and he recommended that.

**AGREED TO RECOMMEND, on the proposal of Councillor Douglas, seconded by Councillor Edmund, that the recommendation be adopted.**

6. **PEACE BENCHES (FILE PEACE 4-6)**

PREVIOUSLY CIRCULATED:- Report from the Director of Community and Wellbeing detailing that as Art at the Heart of the Peninsula Building Positive Relations 4F (BPR4F), was a Community Based Arts and Participation Programme being delivered by the Institute for Conflict Research (ICR) as part of the Ards and North Down PEACE IV programme. It was aimed at garnering respect for the Peninsula’s social and environmental heritage including raising awareness of those who had migrated to and from the area.

At the heart of the Peninsula were its people, their stories and the natural environment. Historically, a range of activities and events including those connected to the sea and other aspects of the landscape marked the area of as one of important historical significance as well as an area of natural beauty. The significance of the Plantation remained etched into the area’s ecosystem as did the contribution of the Vane-Tempest-Stewart, Montgomery and Savage families to the architecture of the area at different periods. The religious patronage of Affreca de Courcy in Greyabbey drew attention to the involvement of women and of faith to the richness and diversity of the area. Over the last year, a series of public consultations and activities with residents and other stakeholders in the area had identified those and the other matters of diversity as important and of value. The issues raised also included: the safe haven offered to Kindertransport children who came to Millisle after escaping Nazi Germany; the rescue by the Sir Samuel Kelly lifeboat of survivors of large shipping tragedy; those Polish Airmen whose squadrons were stationed in Ballywalter and Ballyhalbert during the 2nd world war; the kelp and straw hat industries associated with Kirkubbin and the annual return of migrating birds and fauna to an area rich with indigenous and transplanted flora. The public art pieces would be linked visually by their use of materials and form and would include aspects of each of the six villages’ heritage.
The pieces would provide an opportunity to link the villages and create a potential point for any tourism strategy where the Ards Peninsula area could have its distinctive stories realised.

It was proposed to site six benches (five on Council land) in the following locations:

Donaghadee – land at Shore Street  
Millisle – Beach Park area  
Ballywalter - Pier  
Portaferry – Grounds of Portaferry Castle, the Ropewalk or Tullyboard Windmill  
Kircubbin – Common Ground beside Play Park  
Greyabbey – Physic Garden by Tree Stump (not Council owned land)

Discussions had taken place with the relevant Council departments in relation to the siting and maintenance of the benches on the 5 areas of land owned by Council. Further information in relation to the location of the bench in Portaferry would be brought to Committee once a final site had been agreed.

Discussions had also taken place between ICR, Mr Bill Montgomery and the Department for Communities in relation to the siting of a benches within the grounds of the Abbey, Greyabbey.

A quotation process had been undertaken by ICR in relation to the design and build of the benches and it was hoped they would be located on each of the sites in April / May 2019 and would be fully funded by the Peace IV programme.

RECOMMENDED that the Council grants approval for the siting of the benches.

Councillor Adair proposed an amendment to the recommendation to include:

“and further task officers to source alternative or additional funding to deliver peace benches in Ballyhalbert, Cloughey, Carrowdore and Portavogie.”

Councillor Adair welcomed Art in the Heart which he considered a successful community partnership and the benches which were coming as an end result. However he was disappointed that some villages had not been included and wanted to see fairness for every area which could benefit. There were an abundance of ideas that could be incorporated. He hoped that funding would be allocated for the 4 villages which had been left out.

Councillor Edmund praised the report and he explained the historical importance of Ballyhalbert in the second world war and the nearby satellite state at Kirkistown. Those areas were strategically important to the city of Belfast during the war. If other forms of funding could be found he welcomed the four villages being added as noted in the amendment.

Councillor Boyle noted that it was not always possible to include every village in every Council plan but he wished the initiative well.
Councillor Adair thanked Members for their support and said that each village on the peninsula had something to offer and he was aware of that as a representative of the area.

**AGREED TO RECOMMEND,** on the proposal of Councillor Adair, seconded by Councillor Edmund, that the Council grants approval for the siting of benches and further tasks officers to source alternative or additional funding to deliver peace benches in Ballyhalbert, Cloughey, Carrowdore and Portavogie.

(Councillor Muir left the meeting at 8.05 pm)

**7. MARY PETERS TRUST (CW32)**

(Appendix II)

PREVIOUSLY CIRCULATED:- Report from the Director of Community and Wellbeing detailing that Members may be aware the Mary Peters Trust was a voluntary organisation which distributed funds to the young sportspeople which assisted towards the significant costs in developing sporting excellence.

A request had been received from the above Trust for continuing support towards the work of the organisation for the year 2019/20.

Whilst Council also delivered sporting awards to local sports people through the Sports Forum the additional funding from the Trust had been critical over the years in providing much needed support above and beyond Council capabilities to the young sportspeople of the Borough who would otherwise have considerable personal costs towards funding their sporting development.

Last year over 200 young people from across Northern Ireland benefited from £80,000 of funding from the Trust. Twelve of the recipients were from the Borough and they received £5,100. The list of recipients which included young people from across the Borough and representing eleven sports was attached.

It was proposed to continue to support the above organisation in a similar way to previous years with a Council contribution of £3,000. That could be met from current budgets.

**RECOMMENDED** that Council approves the contribution of £3,000 to the Mary Peters Trust.

Councillor Boyle praised the initiative which promoted sport among young people in the Borough. Councillor Thompson praised the work of Mary Peters and reminded Members that she was the guest speaker at this year’s Sports Awards in the Ards Blair Mayne Leisure and Wellbeing Complex.

**AGREED TO RECOMMEND,** on the proposal of Councillor Boyle, seconded by Alderman Smith, that the recommendation be adopted.
8. **ARDS AND NORTH DOWN SPORTS FORUM GRANTS (FILE SD109)**
(Appendix III and IV)

PREVIOUSLY CIRCULATED:- Report from the Director of Community and Wellbeing detailing that Members would be aware that on the 26th August 2015 Council delegated authority to the Ards and North Down Sports Forum Borough, in order to allow it to administer sports grants funding on behalf of the Council. £25,000 had been allocated within the 2018/2019 revenue budget for that purpose.

The Council further authorised the Forum under delegated powers to award grants of up to £250. Grants above £250 still required Council approval. In addition, the Council requested that regular updates were reported to Members.

During January 2019, the Forum received a total of 3 grant applications; 1 of which was for Travel and Accommodation, 1 of which was for Equipment and 1 of which was for Coaching. A summary of the applications was detailed.

A total of 2 of the applications failed to meet the specified criteria. The reasons for the unsuccessful applications was detailed. Unsuccessful Sports Forum Grants January 2019.

For information, the annual budget and spend to date on grant categories was as followed:

<table>
<thead>
<tr>
<th>January 2019</th>
<th>Annual Budget</th>
<th>Funding Awarded January 2019</th>
<th>Remaining Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Travel and Accommodation*</td>
<td>£12,000</td>
<td>£150</td>
<td>-£1,398.37</td>
</tr>
<tr>
<td>Coaching*</td>
<td>£2,500</td>
<td>£0</td>
<td>£595.50</td>
</tr>
<tr>
<td>Equipment*</td>
<td>£5,000</td>
<td>£0</td>
<td>£267.89</td>
</tr>
<tr>
<td>Events</td>
<td>£3,000</td>
<td>£0</td>
<td>-£942.45</td>
</tr>
<tr>
<td>Seeding</td>
<td>£500</td>
<td>£0</td>
<td>£250</td>
</tr>
<tr>
<td>Anniversary</td>
<td>£1,000</td>
<td>£0</td>
<td>£1,000</td>
</tr>
<tr>
<td>Discretionary</td>
<td>£1,000</td>
<td>£0</td>
<td>£880</td>
</tr>
</tbody>
</table>

Gold Cards Issued during the period January 2019 is 0.

* The proposed remaining budget for Travel & Accommodation of -£1,398.37 was based on a proposed award of £150 with withdrawn costs of £300 as listed in Appendix 1(A). The proposed remaining budget for Equipment of £267.89 was based on a proposed withdrawn cost of £1,351.34. The proposed remaining budget for Coaching of £595.50 was based on withdrawn costs of £101.25.

RECOMMENDED that the Council approves the attached applications for financial assistance for sporting purposes valued at above £250, and that the applications approved by the forum (valued at below £250) are noted.

As agreed by Council any applications which meet the guidelines for the remainder of the year are honoured and that funds are reallocated from the underspend from the Councils capital grant scheme.
Councillor Boyle noted that no funding had been given to Holywood Cricket Club and wondered if the Council could do anything to help. The Head of Leisure and Amenities explained that all support would be given to local clubs to apply and further remaining funding would be made available. It was not expected that any club that met the criteria would not be funded in the current year. Councillor Dunne asked if the CASC status was a new requirement and if the Cricket Club at Holywood had to meet this which had come from Sport NI. In response to a related question from Councillor Muir, the Head of Leisure and Amenities explained it was advisory but Council had adopted that as good practice. Is was not hard to obtain. The Council would offer the club support in that respect. It was explained that there was a requirement that any funds raised would be fed back in to support the sports clubs to ensure their ongoing viability.

Further queries were raised by Councillor Martin and Alderman Irvine on how clubs could be helped further.

The Head of Leisure and Amenities pointed out that the application process for funding was not difficult and help would be offered where it was needed. In addition there was an appeal process available.

AGREED TO RECOMMEND, on the proposal of Councillor Menagh, seconded by Councillor Boyle, that the recommendation be adopted.

9. **ALLOTMENTS (FILE PCA14)**

PREVIOUSLY CIRCULATED:- Report from the Director of Community and Wellbeing detailing that in response to a Notice of Motion from the Community and Wellbeing Committee in September, officers were asked to bring back a report regarding the provision of allotments at the Bryansburn Road site.

Officers had been working with the incumbent allotment tenants and a number of productive meetings had been held regarding the management and development of the site. An action plan had been agreed with the tenants with a works programme set out to commence in February.

The programme of works included the installation of new gates, pathways, water points and low-level fencing (to delineate plot layouts). In addition, a number of vacant plots had been identified. Due to the significant size of existing plots it was proposed that vacant plots would be reduced by half and offered to applicants from the allotment waiting list.

Officers had contacted those people on the waiting list regarding their interest and a number of people had responded that they were no longer interested and had been removed from the list. Currently there were 36 people on the list who responded to the most recent communication from a total number of 106.
The programmed works would create additional plots which would be available for new tenants. Officers would contact the people on the waiting list in order to offer plots until all plots were filled.

In order to support the tenants Council had signed up to the Social Farms and Gardens organisation who provided advice and assistance to the tenants and also provided guidance towards the ongoing development of the facility. In addition, Officers were developing an updated set of rules and regulations for use of the facility. It was anticipated that through the application of the rules and regulations together with the support of Social Farms and Gardens that the facility would be of a standard appropriate to the requirements of all users.

Members would be aware of a previous report to the Community and Wellbeing Committee in September 2016 regarding allotment provision across the Borough. Officers would be developing an allotment strategy during 2019 which would be reported to the committee in due course. The outcomes of the strategy would begin to be delivered during the 2020/21 budget period.

RECOMMENDED that Council notes the report.

Alderman Smith was delighted to receive the report which had come from her Notice of Motion. She thanked the officers concerned particularly the Parks and Cemeteries Manager. Along with officers she had visited the allotments several times and had met with plot owners.

Contact had been made with everyone who held a plot and still wished to continue to use it. Once that was established contact was made from the list of those waiting to have a plot. A further meeting was held along with a representative from Social Farms and Gardens who had been very helpful. There was a programme of work which would take some time to bring the allotments up to standard. Alderman Smith reported that there was a real air of enthusiasm around the reorganisation of bringing the plots back to life and she looked forward to seeing the allotment grow from strength to strength.

Councillor Douglas commented that the quality of the allotments in Newtownards was much better. The Director pointed out that those plots were a private business.

(Councillor Martin entered the meeting at 8.19 pm)

Members showed support for the sentiments of Alderman Smith and praised the work. It was noted that a nominal rent was paid per allotment to the Council of £15 per annum. Councillor Muir pointed out that there were clear benefits to everyone involved including physical and mental health and community engagement.

AGREED TO RECOMMEND, on the proposal of Alderman Smith, seconded by Councillor Douglas, that the recommendation be adopted.

10. **HANGING BASKETS (FILE PCA5)**
PREVIOUSLY CIRCULATED:- Report from the Director of Community and Wellbeing detailing that in response to a Notice of Motion from the Community and Wellbeing Committee in September officers were asked to bring back a report regarding the provision of a floral display in Bangor Main Street.

Members would be aware that following the public realm works in Bangor the number of rail planters used for the summer floral displays had reduced. The reason for that was that the railings installed in the public realm works did not accommodate the brackets on the existing rail planters which the Council owned.

During the winter period, Officers purchased 29 planters which could be used around the Translink station and the Hamilton Road / Main Street junction. In addition to that Officers had replaced the brackets on 100 of the railing planter boxes to allow ease of fitting and removal for the old planters to be put on display throughout other areas of Bangor.

The finance for those planters was found from existing horticultural development budgets, and it would be Officers’ intention to purchase additional planters from the 2019/20 budget subject to its approval.

In addition to the new planters it was intended to introduce additional floral colour to the central reservation and roundabouts adjacent to the Bus Station. This would be in the form of a Spring sowing of annual flower seed mixes subject to adequate fencing being installed to prevent pedestrian foot traffic.

RECOMMENDED that the Council approves the proposals.

Councillor Douglas referred to the area in Abbey Street which was currently being improved. It was hoped that the public would be deterred from crossing through the planted beds.

Alderman Smith was delighted to see her Notice of Motion progressing and hoped the entrance of Bangor could be restored to its former glory. She had been disappointed the previous year to see how dull the area looked in comparison to previous years. Thankfully there were new planters, new brackets on the railings which appeared to be the problem last year and now the planters could be put up ready for display with greater ease. She had noticed the men out working at preparing the central reservation beds, digging out the dull grass. The aim was to have more colour in the towns. She looked forward to seeing Bangor in bloom once more.

Other Members were in agreement noting that residents and tourists alike loved to see the towns of the Borough looking colourful.

AGREED TO RECOMMEND, on the proposal of Councillor Douglas, seconded by Alderman Smith, that the recommendation be adopted.

11. DISPLAY BEDS (PCA5)
PREVIOUSLY CIRCULATED:- Report from the Director of Community and Wellbeing detailing that Council currently had provision for display beds to be created at the following locations across the Borough: -

- Post Office, Bangor
- Ballymenoch Park, Holywood
- Court Square, Newtownards
- East Street, Donaghadee
- Comber Square, Comber

Historically, the displays had been installed on an ad hoc basis as a result of written requests from interested organisations/groups.

Currently there was no charge for the use of the display beds and Council installed the display and bore the full cost of installation. Dependent upon the nature of details in the display, the cost could vary from £600-£700 to cover labour and materials.

The display beds provided an opportunity for local organisations and groups to highlight key dates and significant anniversaries. In addition, Council had created displays to commemorate significant anniversaries such as the World War One Centenary and the Royal Air Force Centenary.

There was currently no policy regarding the allocation of the display beds. Officers had no guidance on the approval of competing requests and associated content or had any guiding framework from Council within which to manage any requests made. As such it was proposed that, through the Council’s policy development process, Officers develop a policy on the use of Display Beds.

RECOMMENDED that the Council approve the development of a policy for the use of Display Beds through the Council’s policy development process.

Alderman Smith referred to the beautiful display that Comber had had the previous summer. The display beds of the Borough were often a showcase for many organisations eg. The Girl’s Brigade, The Royal Airforce and many more. Those beds were regarded with a sense of pride and it was welcoming to view these when driving in to the local towns. Councillor Thompson and Edmund commented on the value of the display beds to communities and encouraged officers to keep up the good work.

AGREED TO RECOMMEND, on the proposal of Alderman Smith, seconded by Councillor Thompson, that the recommendation be adopted.

12. ARDS HALF MARATHON (FILE CW122)

PREVIOUSLY CIRCULATED:- Report from the Director of Community and Wellbeing detailing that Members would recall that for operational reasons the Ards Half Marathon could not be delivered in 2018. Communications at the time highlighted the reasons behind that and it was noted that Members expressed their desire to see that prestigious event delivered in 2019. To that end the report
presented detailed how the event could return to the Athletics calendar for 2019 and beyond.

Some of the issues concerning capacity to deliver that caused the cancellation of the Ards Half Marathon in 2018 had not changed and in order to ensure the Ards Half Marathon was delivered in 2019 and in subsequent years officers had been reviewing alternative models of delivering the event making the very best use of the resources available to them.

Officers had identified that the best way of securing the future of the Ards Half Marathon was by entering into a partnership arrangement with an organisation that was very experienced in delivering that type of event and was as committed to securing the future of the Ards Half Marathon as much as the Council was.

To that end in 2018 the Council contacted a number of athletic / running clubs from the Borough that may have shown an interest in partnering with the Council, in order to gain any expression of interest, and as a result had engaged with Scrabo Striders, a local running club. They with Council support of £8,000 in the first year had confirmed that they would utilize the club membership capacity and deliver the Half Marathon in partnership with the Council on the last Friday night in June, the longstanding traditional date for the event. The cost was lower than the cost to the Council in previous years. It had also been agreed that the fee would reduce to £5,000 in year 2, to £3,000 in year 3, and with no fee being required from year 4 onward.

The event would still retain the name Ards Half Marathon in the title, it would start and finish at Ards Blair Mayne Wellbeing and Leisure Complex and would follow more or less the same route as previous half marathons had taken allowing for the new start and finish points.

A similar partnership arrangement was set up with the North Down Athletics Club in relation to the Bangor 10k, and the model of delivery had proven to be very successful now that it was properly established.

The Council would provide logistical support through the provision of equipment such as barriers, gantries, tables and chairs as it had done for all previous half marathons, (and the Bangor 10k), and had undertaken to do that as long as Scrabo Striders continued to deliver the event.

RECOMMENDED that the Council agrees to the above arrangement with Scrabo Striders in order to deliver the Ards Half Marathon in 2019 and beyond.

Members were pleased to see that the Ards Half Marathon would be taking place with the support of the Scrabo Striders.

(Councillor Dunne left the meeting at 8.30 pm)

Councillor Boyle welcomed the report and thanked officers for the hard work which had been carried out behind the scenes. He remembered that last year Members and officers had taken a battering but it was hoped that the race could grow year on
year and it was wonderful to see visitors and spectators visit Newtownards. They thought Scrabo Striders should be praised for its support.

Councillor Smart agreed that the extensive work was great and he welcomed the partnership arrangement between the Council and Scrabo Striders.

(Councillor Dunne entered the meeting at 8.34 pm)

Councillor Muir insisted that the Ards Half Marathon was one of the major events on the local sports calendar and hoped that its financial viability was secure going forward. He hoped the costs of road closures requirement which was because of unwelcomed legislation would not derail the future of the partnership. He stressed the need to get the course exactly 13.1 miles and hoped that engagement would take place with the police in connection with road closures.

(Councillor Douglas left the meeting at 8.35 pm)

The Head of Leisure and Amenities agreed that there still work to be done and that the start and finish of the race was at the new Ards Blair Mayne Wellbeing and Leisure Complex. The rest of the route was unchanged and the race distance would be exactly as required.

(Councillor Douglas entered the meeting at 8.36 pm)

**AGREED TO RECOMMEND, on the proposal of Councillor Menagh, seconded by Councillor Boyle, that the recommendation be adopted.**

13. **INCLUSIVE BEACHES (CW83)**

PREVIOUSLY CIRCULATED:- Report from the Director of Community and Wellbeing detailing that Members would recall that in October 2017, a Notice of Motion was agreed that required officers to bring back a report on the possibility of creating an inclusive beach, like that at Benone Strand in partnership with the Mae Murray foundation, at a suitable location within the Borough, where people of all abilities could share and enjoy seaside activities.

An interim report in September 2018 which described an assessment of a list of possible options, identified Groomsport as a suitable location and Council granted approval to officers to continue to work in association with the Mae Murray Foundation on plans, estimated costs and resources required to develop and designate that Beach as an inclusive facility and to bring back a further report on the prospects of development.

A further report was brought forward in November 2018 indicating options as to the possible provision at Groomsport beach which also indicated the possible funding that might have been available from Sport NI to cover the capital costs of conversion of the Groomsport toilets. Council resolved “that subject to capital funding being provided by Sport NI and the Mae Murray Foundation and adequate revenue resources being allocated by Council as part of the current budget estimates process, the Council proceeds with option 3 above and provides a “Changing
Places" facility at Groomsport beach and equipment for disabled users to access the beach, in association with the Mae Murray Foundation and Sport NI”.

As a result of consultation with Sport NI full funding for the conversion of Groomsport toilets had been offered. Discussions continued regarding the most appropriate layout of the building to accommodate the new equipment and the type of use for the building. In that regard there was some increase in the cost of the conversion works which were costed at £68,000. Sport NI had agreed to fund the work 100%. In addition, the Mae Murray Foundation had agreed to provide £30,000 worth of beach access equipment. Therefore, £98,000 of external funding had been secured for the project.

Since the last committee report on the development, there had been a lot of work to move the project forward. To date, the Council had carried out the public survey (during the month of December) around the provision of an accessible beach and had been very pleased with the response and comments. Over 270 people responded to the survey, including 15% from Groomsport. Most people who responded to the survey were in support of the changes proposed and some of the concerns that were raised at November’s committee were highlighted. Most concerns related to car parking or increased littering/anti-social behaviour. Many people completing the survey were particularly pleased about the proposed changes to the toilet facility and the inclusion of a changing places accredited area complete with hoist.

Suitable revenue funding for the project from the Council had been included in the estimates process. That comprised £5,000 for equipment replacement and repair and £2,500 for staff payments in relation to the scheme, which would need to be included in budgets each year going forward.

The work had to commence as soon as possible due to the time restriction in having the Sport NI funding money spent within the financial year ending 31 March 2019. To that end some preparatory works had already been started at the toilets.

RECOMMENDED that the Council approves the completion of the development of an inclusive beach and “Changing Places” facilities at Groomsport Beach prior to 31st March 2019, and reviews operations over the summer in order to inform possible development and management arrangements at any future locations for similar facilities at an appropriate time in the future.

Councillor Chambers welcomed the report and it was exciting to see the inclusive beach progressed. The funding had far exceeded what was anticipated. Members welcomed the beach and looked forward to welcoming visitors to the Borough.

He had hoped that the survey would have gone on for longer and noted that there were concerns about car parking highlighted. The Head of Environmental Health Protection and Development confirmed that officers had met with concerned residents and gave assurance that any displacement of parking would only be at certain times, ie it was not an all year round change.

(Councillor Smart left the meeting at 8.40 pm)
AGREED TO RECOMMEND, on the proposal of Councillor Chambers, seconded by Councillor Boyle, that the recommendation be adopted.

14. **SCHEME OF DELEGATION (FILE CW122)**

PREVIOUSLY CIRCULATED:- Report from the Director of Community and Wellbeing detailing that the Council’s Scheme of Delegation permitted Directors to authorise officers within their directorate under a list of specified legislation in order to perform statutory enforcement duties on behalf of the Council. New legislation could be added to the list subject to approval by Council.

When the United Kingdom left the EU, the Council had been advised for example by the Food Standards Agency that new legislation would be made to replace existing laws made under the European Communities Act or referring to European standards.

In order to ensure that officers could continue to legally carry out their duties it would be necessary to add new or replacement legislation to the list, possibly at short notice.

RECOMMENDED that the Council grants delegated authority to all Directors to add relevant legislation to the list and to continue to authorise officers accordingly.

In response to a query from Councillor Boyle on the purpose of the recommendation, the Director explained that delegated authority was already in place since 2015 to allow officers to be authorised to exercise their day to day powers. The reason for the report was that the United Kingdom may have to bring in replacement legislation because of Brexit at short notice and authorisation of officers under anything new might be needed quickly in order to continue to do the job on behalf of the Council that was currently undertaken.

Councillor Martin proposed an amendment as followed:

“It is recommended that council grants delegated authority to all directors to add relevant legislation to the list and continues to authorise officers accordingly. This approval is granted on the condition that any acquired authority, and its subsequent use for emergency powers, is outlined and ratified by the appropriate Council Committee or Council at the first available opportunity.”

The amendment was seconded by Councillor Edmund.

Councillor Edmund lent his support to his colleague and stated that the amendment was a means to keep Members informed about what was happening. The Director surmised that was in reality asking for retrospective approval for adding legislation to the list.

Councillor Boyle felt the matter was confusing and he could not support it as the Committee had no way of influencing it and he asked for a recorded vote. Councillor Douglas wondered if the amendment could be reworded.
Councillor Martin’s amendment was put to the meeting with 10 voting FOR, 4 AGAINST and 1 ABSTENTION AND 3 ABSENT. The amendment was CARRIED.

FOR (10)        AGAINST (4)        ABSTAINED (1)        ABSENT (3)
Aldermen        Councillors        Councillor        Councillors
Irvine          Boyle             Woods             Cooper
Smith           Douglas           Woods             Kennedy
Councillors      McAlpine          Muir              Smart
Adair
Brooks
Chambers
Dunne
Edmund
Martin
Menagh
Thompson

AGREED TO RECOMMEND, on the proposal of Councillor Martin, seconded by Councillor Edmund, that the amended recommendation be adopted and that the Council grants delegated authority to all directors to add relevant legislation to the list and continues to authorise officers accordingly. This approval is granted on the condition that any acquired authority, and its subsequent use for emergency powers, is outlined and ratified by the appropriate Council Committee or Council at the first available opportunity.”

RECESS 8.57 pm
MEETING RECOMMENCED at 9.12 pm

15. NOTICE OF MOTION

15.1 Notice of Motion submitted by Councillor Cathcart

That this Council expresses its concern with the decision by NI Water to pursue community houses with water charges. Community organisations struggle for funding on an annual basis, and would not be able to get funding for services such as water charges, especially backdated charges. These charges therefore put community organisations in financial hardship and put their ability to serve their community at risk. This Council therefore writes to NI Water and the Permanent Secretary of the Department for infrastructure stating the council’s belief that community houses serve their local community and should be exempt from water charges, like they are for Rates.

Proposed by Councillor Cathcart, seconded by Alderman Irvine that the Notice of Motion be adopted.

Councillor Cathcart proposed an amendment:

"That this Council expresses its concern with the decision by NI Water to pursue community houses with water charges. Community organisations struggle for
funding on an annual basis, and would not be able to get funding for services such as water charges, especially backdated charges. These charges therefore put community organisations in financial hardship and put their ability to serve their community at risk. This Council therefore writes to NI Water and the Permanent Secretary at the Department for Infrastructure asking that the water charges are waived for community houses in our Borough, particularly the backdated charges.”

Councillor Cathcart began by suggesting that every Member would be aware of the pressures community organisations in the Borough were under, especially those who ran Community Houses. The decision by NI Water to pursue water charges had come as yet another blow at a difficult time for community houses.

Pressures on Community Houses had formed due to a reduction in funding from the Department for Communities and despite the Council increasing its funding, with so many groups applying the budget was being stretched too thinly, resulting in reduced funding to Community Houses.

He explained that it cost £2,700 to run a Community House, and in the current year community development funding for running costs was cut by 20% from £2,000 to £1,600 as there was an increase in applications for projects. The shortfall had to be found elsewhere.

External funders did not fund running costs, so community groups could not seek funding to pay those charges. Furthermore, the one-year budgets that community groups had to operate under made it impossible to deal with unexpected costs, especially costs that ran into hundreds of pounds.

Community Houses were often in areas where there were no community centres, in some of the most deprived parts of the Borough. Community houses provided after school homework clubs, classes and events for the elderly close to their homes, a place for young people to stay away from trouble, a place to bring people together to socialise with their neighbours and ensure there was a community spirit in the area. He feared that they may be lost and he welcomed that the Council now had a working group looking at funding for community groups and hoped that progress would be made.

He urged NI Water to reconsider the charges and that while £300-400 may not seem a lot of money to some for a community group such as Breezemount, Bloomfield, Rathgill, Whitehill or Clandeboye, that was a real issue due to the pressures that he had highlighted.

It was one thing to start charges but quite another to backdate them and send demanding letters for years of back pay because of a new decision.

Community Houses were small properties which would not use much water since they typically only had a kettle and a toilet. He pointed to NI Water’s vision which was to grow value and trust by being world class. He urged the organisation to show a bit of class and to drop the charges, particularly those which were backdated.
Alderman Irvine stressed the positive contribution of Community Houses. The water charges being spoken of had come recently and while he had written to the Chief Executive of NI Water there had been no movement to date.

Councillor Douglas rose to support the Motion and agreed that Councillor Cathcart was right about the work of community groups being invaluable. She hoped that NI Water would show some leeway in the situation and was happy to give her support.

Councillors Menagh and Edmund were in agreement that the work of the Community Houses was invaluable in their communities and that volunteers went far beyond what most of us could imagine. Alderman Smith suggested that a strongly worded document be written to the Permanent Secretary asking for a reversal of the charges.

Councillor Brooks explained that while he sympathised with the situation there was a need to treat groups fairly. Small businesses could make similar claims and if the charge was removed it would need to be added to the bills of other people. As a small business owner himself he had had his fair share of bills and taxation.

Councillor Cathcart thanked Members for their support and while he sympathised with Councillor Brooks he insisted that the backdating of the charges had made life very difficult for the groups. On being put to the vote 12 voted FOR; 1 voted AGAINST and 1 ABSTAINED and the amended Notice of Motion was declared CARRIED.

AGREED, on the proposal of Councillor Cathcart, seconded by Alderman Irvine, that the amended Notice of Motion be adopted.

**EXCLUSION OF PUBLIC/PRESS**

AGREED TO RECOMMEND, on the proposal of Councillor Douglas, seconded by Councillor Chambers, that the public/press be excluded from the meeting during the undernoted items of confidential business.

16. **EXTENSION OF CONTRACT TENDER FOR THE PROVISION OF FRONTLINE ADVICE SERVICES IN ARDS AND NORTH DOWN (FILE CW20 (PART 4))**

***IN CONFIDENCE***

SCHEDULE 6 – Information relating to the financial or business affairs of any particular person (including the council holding that information).

17. **PEACE IV SHARED SPACES AND SERVICES UPDATE (FILE PEACE 4-6)**
   (Appendices V - XI)

***IN CONFIDENCE***
SCHEDULE 6 – Information relating to the financial or business affairs of any particular person (including the council holding that information).

18.  **PCSP PRIVATE MEETING MINUTES 12.11.18**  
(Appendix XII)

***IN CONFIDENCE***

SCHEDULE 6 – Information relating to the financial or business affairs of any particular person (including the council holding that information).

19.  **KILCOOLEY 3G PITCH**  
(Appendix XIII & XIV)

***IN CONFIDENCE***

SCHEDULE 6 – Information relating to the financial or business affairs of any particular person (including the council holding that information).

20.  **EXTENSION OF ANNUAL TENDER (FILE PRO59)**

***IN CONFIDENCE***

SCHEDULE 6 – Information relating to the financial or business affairs of any particular person (including the council holding that information).

21.  **TENDER FOR THE REDEVELOPMENT OF THE EXISTING PLAY AREA AT STEELE DICKSON PARK, PORTAFERRY AND BALLYCRANBEG, KIRCUBBIN (FILE CW77)**  
(Appendix XV – XVIII)

***IN CONFIDENCE***

SCHEDULE 6 – Information relating to the financial or business affairs of any particular person (including the council holding that information).

**READMITTANCE OF PUBLIC/PRESS**

AGREED TO RECOMMEND, on the proposal of Councillor Adair, seconded by Councillor Douglas, that the public/press be excluded from the meeting during the undernoted items of confidential business.

22.  **ANY OTHER NOTIFIED BUSINESS**

22.1  **Need for Investment in Ards Peninsula Sports Pavilions**

Councillor Adair spoke of the need to refurbish the sports pavilions on the peninsula. Many were in a poor condition and he referred to the leaky roof at Greyabbey. In the 1960s a building programme had been carried out. Many of those pavilions were
now in a poor state and needed some investment. The Director confirmed that all buildings were maintained and renovated when required. Cloughey had already been upgraded in accordance with the Council’s approved process and met the needs of the club that used it at that time, and that renovation work was commenced before Christmas and was still being undertaken at Greyabbey.

NOTED.

(Councillor Dunne left the meeting at 10.21 pm)

22.2 Update on the Play Strategy

Councillor Adair said that Members had been waiting for the strategy since the new Council was formed. The Director confirmed that the project brief was being drafted and would be circulated to officers with a role in play in the middle of March in order to finalise the specification. Currently it was planned that in April or May it would be put out to tender, with the appointment of a contractor in the Summer. Time lines after that stage were uncertain as it depended on the contract agreed. The development work would likely take 6 to 9 months as a guide.

NOTED.

TERMINATION OF MEETING

The Chair advised Members that it was her last meeting as Chair of the committee. She remarked that the committee had had to take some difficult decisions but that it had been a great year.

Councillor Martin had welcomed her chairing and appreciated how she had been fair and balanced in that role.

Councillor Boyle thanked Councillor Woods and said that it had been a pleasure being her Vice.

Councillor Menagh, Alderman Smith and Councillor Douglas also thanked her and gave their best wishes.

The meeting terminated at 10.27 pm.
Hi Jan

I hope you are well. As you are aware elections to the Ards and North Down Youth Council were held on 10 February at the Ganaway Activity Centre recently. To the best of our knowledge, the event was well received by Councillors, Members of the Peace IV Partnership, SEUPB and Council Officers. We now have 20 young people on the Youth Council and they are keen to explore how best they can work with the Council. To this end we would like to request a delegation to Council at the earliest opportunity, to make all of the Councillors aware of our existence and what we aim to do, including:

1. Meet, discuss and plan activities.
2. Take initiative to implement the planned activities.
3. Lead in activities and sub groups, when able to participate.
4. Provide partnership with relevant borough council departments, and act in an advisory/consultee capacity on decisions being made that impact on the lives of all young people in the borough.
5. Attend reflection meetings to reflect and evaluate the progress of activities, and share achievements, thoughts and visions for the future.

I would appreciate any feedback on this request please, many thanks Phil

Phil Glennon
Head of Operations
Northern Ireland Youth Forum
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www.niyf.org
http://www.facebook.com/NIYouthForum
http://www.youtube.com/user/NIYF1979
https://twitter.com/NIYF
Registered Charity: XR36973
NI Charity number: NIC102677
Our ref: DB/CR/vo/CE27

29 January 2019

Mr S Reid
Chief Executive
Ards and North Down Borough Council
Town Hall
The Castle
Bangor
BT20 4BT

Dear Mr. Reid,

Public Enquiry in Relation to ill Treatment of Patients at Muckamore Abbey

At a meeting of Lisburn & Castlereagh City Council held on 22 January 2019, the following Notice of Motion was unanimously agreed:

"Following the recent revelations of ill treatment of patients at Muckamore Abbey, this Council calls on the Department of Health to hold a public Enquiry. If a decision cannot be made in the absence of a Minister, this Council calls on the Secretary of State to step in and authorise such an Enquiry."

It was agreed that this Notice of Motion be forwarded to all other councils in Northern Ireland seeking their support in calling for a Public Enquiry into the treatment of patients in Muckamore Abbey and, accordingly, I should be grateful if you would have this matter considered by Ards and North Down Borough Council.

Yours sincerely,

[Signature]

D BURNS
CHIEF EXECUTIVE
Is transport is big issue for you?

Imtac is organising 5 meetings across Northern Ireland in March to discuss transport and travel with disabled people and older people.

Who is Imtac?

Imtac is a Committee of disabled and older people. We advise Government in Northern Ireland about transport issues.

Why are we having a meeting?

Imtac is organising the meetings to hear about transport issues that affect older people and disabled people in different locations in Northern Ireland.

When and where are the meetings?

All the meetings will start at 11.30am and finish at 1.30pm. We will be providing lunch. These are the dates and locations:

14th March 2019 – Newtownards at the Ards Leisure Centre
19th March 2019 – Newry at Newry Leisure Centre
22nd March 2019 – Enniskillen at Fermanagh House
25th March 2019 – Belfast at Girdwood Community Hub
29th March 2019 – Derry/Londonderry in The Guildhall

Why attend?

The meetings are the chance to tell Imtac about problems you have accessing transport. We will use what you tell us in the advice we give Government. It is also a chance to learn more about what Imtac does and how you can get more involved in our work.

Who should attend?

The meetings are open to anyone to attend but Imtac is keen to hear from disabled people and older people in particular.
What should you do next?

If you would like to attend any of the meetings please let Michael Lorimer know at the Imtac office. Please tell Michael about your access, dietary or other requirements.

By telephone on 028 9072 6020
By mobile or text on 07528464350
By email at michael@imtac.org.uk
On Twitter @ImtacNI
Imtac Public Meetings March 2019

Registration Form

This form can also be completed over the telephone. Contact Michael Lorimer on 028 90726020.

About you

Name:

Organisation (if applicable):

Email:

Telephone:

Postal address:

Meeting location

Tell us which meeting(s) would you like attend.

14th March 2019 – Newtownards at the Ards Leisure Centre  
19th March 2019 – Newry at Newry Leisure Centre  
22nd March 2019 – Enniskillen at Fermanagh House  
25th March 2019 – Belfast at Girdwood Community Hub  
29th March 2019 – Derry/Londonderry in The Guildhall

Yes/No

All meetings start at 11.30am and finish at 1.30pm.

Your requirements

All venues have ground floor, level access and accessible facilities such as toilets. We have tried to make sure that venues have good accessible parking and can be accessed by public transport. Venues in Belfast, Newry and Newtownards have Changing Places facilities.

We can provide other support for people attending the meeting including:

• Papers in formats accessible to you
• Sign language interpreters
• Other communication support
• A hearing loop system

Please tell us about your particular requirements for the meeting?

We provide lunch at all meetings. Please tell us about any particular dietary requirements?

Thank you for registering for our workshop. Please return this form by email to michael@imtac.org.uk. Alternatively return it by post using:

Imtac
Titanic Suites
55-59 Adelaide Street
Belfast
BT2 8FE
Management of Minors’ and Patients’ Funds
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2. APPROACHES OUTSIDE NORTHERN IRELAND

3. OPTIONS FOR THE FUTURE: THE ROLE OF THE COURT

4. OPTIONS FOR THE FUTURE: INTERNAL MANAGEMENT AND OVERSIGHT OF THE FUNDS

5. IMPACT ASSESSMENTS

6. RESPONDING TO THIS CONSULTATION

ANNEX A RESPONSE TEMPLATE
INTRODUCTION

The purpose of this consultation is to seek views on how the financial assets (funds) of individuals which are currently under the control of a court and managed by the Court Funds Office (the CFO) should be managed in the future.

The CFO is part of the Northern Ireland Courts and Tribunals Service (NICTS) and provides a fund management service to approximately 13,000 people whose funds are under the control of the Court. The funds held by the CFO are invested on the direction of the court in accordance with the Court Funds Rules.

There are three types of funds held by the CFO:

- **Compensation payments awarded to children as a result of civil legal action.** Where compensation is awarded to a person under 18 years of age, the court will order the funds to be held in court until the child’s 18th birthday. These funds are managed on the child’s behalf by the CFO.

- **Funds held for people unable to manage their own finances** (legally known as ‘Patients’). In such cases, the CFO acts under the direction of the Master (Care and Protection) to manage the patient’s property and affairs. In some cases the Court will appoint a family member or other responsible person (known as a ‘Controller’) to manage the person’s assets outside Court but under the supervision of the Court.

- **Unclaimed money and litigation** - money held in court pending settlement of a civil court action; bail money held by the courts; or where the court holds the assets of individuals, partnerships or companies as a receiver of last resort.

The purpose of this consultation paper is to invite views as to whether it is appropriate for such funds to continue to be managed by the CFO under the protection of the court and, if so, how best the CFO can deliver that service to meet the needs of our clients.
Why is change being considered?

The Department of Justice wishes to be sure that the long-standing arrangements for the management of financial assets by the CFO are the best fit for the twenty-first century. We invite views on whether there is a better way to assist the individuals who need support in financial matters. We wish to invite views on whether the current arrangements for managing funds in court remain appropriate.

The legislation which governs how the CFO operates was enacted 40 years ago, and was based on much earlier legislation, so it would be timely to review these arrangements. There has been major change in the financial services sector since the CFO legislation was enacted, for example in terms of regulation and investment products available. To provide a modern and efficient service to our clients we believe it is now time to assess if the current arrangements support their needs.

The following sections explain in more detail why change is being considered, including:

- **An overview of the Court Funds Office.** In this section we will describe the services provided to the CFO clients and outline the oversight arrangements currently in place.

- **An explanation of the approaches taken outside Northern Ireland.** In this section we will provide a description of how court funds are managed in England and Wales; Scotland; and the Republic of Ireland.

- **Options for the future management of funds in court.** In this section we will provide details of options for the future and suggest the pros and cons of each option.

At the end of the document you will be asked to consider a number of questions in relation to proposed changes. It is important that we receive the views of interested parties and the wider public as we seek to shape future policy in this area.
1. OVERVIEW OF THE COURT FUNDS OFFICE

The role of the Court Funds Office

1.1 The CFO is the office of the Accountant General of the Court of Judicature of Northern Ireland. The primary duty of the Accountant General is to protect funds held in court. The legislation governing the work of the CFO is set out in Part VII of the Judicature (Northern Ireland) Act 1978, the Administration of Justice Act 1982 and the Court Funds Rules (Northern Ireland) 1979.

1.2 The investment of funds in court is under the control of the judiciary. The CFO provides administrative support to the judiciary in their oversight of the funds held in Court. The role of the CFO is to provide a fund management service for the civil courts in Northern Ireland.

1.3 The CFO staff interact with the judiciary, our external investment manager and, most importantly, the clients of the CFO, many of whom are among the most vulnerable people in our society.

1.4 At the end of financial year 2017-18, the CFO was responsible for the administration of funds totalling £298m on behalf of approximately 13,000 clients.

How are funds managed by the CFO?

1.5 The three types of funds held by the CFO are -

- Compensation payments awarded to children (i.e. minors) as a result of civil legal action. Where compensation is awarded to a person under 18 years of age, for example following an accident, the court will order the funds to be held in court until the child’s 18th birthday. These funds are managed on the child’s behalf by the CFO. At the end of financial year 2017-18, 30% of the funds managed by the CFO were those of minors.
- **Funds held for people unable to manage their own finances** (known as ‘Patients’). In such cases, the CFO acts under the direction of the High Court judicial officer called the Master (Care and Protection) to manage the patient’s property and affairs. At the end of financial year 2017-18, 65% of the funds managed by the CFO were those of patients.

- **Unclaimed money and litigation** - money held in court pending settlement of a civil court action; bail money held by the courts; or where the court holds the assets of individuals, partnerships or companies as a receiver of last resort. At the end of financial year 2017-18, 5% of the funds managed by the CFO fell into this category.

1.6 The total amount held on behalf of each client is referred to as the Client’s Fund. On receipt of the money that the court has directed to be lodged into court, the CFO makes an initial assessment of how the fund should be managed. The purpose of this assessment is to ensure that clients are provided with a fund management service that is appropriate to their individual needs. This assessment considers factors such as the size of the fund, the length of time the fund is likely to remain in court, and the personal circumstances of the client; for example the client may require regular access to the funds to cover the cost of care, in the case of a patient, or educational needs in the case of a child.

1.7 The CFO engages a firm of stockbrokers to provide investment management services, including providing recommendations for the investment of a client’s fund. The investment manager must be registered with the financial service industry’s regulatory body and the staff must be suitably qualified. The investment manager charges an annual fee based on the value of each fund invested, which is deducted from the relevant client's fund.

1.8 The information gathered by the CFO as part of the initial assessment is provided to the investment manager to enable them to provide an appropriate recommendation. If required, the client’s representative will also be asked to provide further information to ensure that their needs have been fully considered.
1.9 The investment manager’s recommendation for investments will be submitted to the Court for consideration. Final decisions in relation to all investments rest with the Court. If the Court approves the proposals, the investment manager is instructed to implement the Court’s decision.

How are funds invested?

1.10 A court can only order funds to be invested in accordance with the provisions of the legislation under which the CFO operates. Under the Judicature Act, funds can be invested in the following ways:-

- **A cash deposit account at a fixed rate of interest.** The Act requires that any cash not required for the client’s day to day expenses is to be lodged with the UK Debt Management Office (DMO) which is part of HM Treasury (HMT). All cash deposits lodged with DMO are completely secure and guaranteed by HMT. Under the legislation the Accountant General cannot invest cash deposits with any other financial institutions. Funds invested in the cash deposit account with DMO can be made available to the client at short notice if the need arises.

- **Government stocks (Gilts).** Gilts are investments issued by the UK Government. They are regarded as low risk investments, which run for a fixed period of time, and produce a guaranteed rate of return. Interest is paid on the amount of money invested and is lodged in the DMO deposit account. Funds invested in gilts can be accessed before the fixed period is over, but this may affect the return on the investment. Gilts may be held directly, or in collective funds.

- **Stockmarket (Equities).** Investments in stocks and shares (equities) have the potential to produce higher returns over a period of time, but also carry greater risk as the value of the investment can fall as well as increase. The CFO uses a number of collective investment funds when investing in the stock market. The aim is to achieve modest long term returns to cover the expected requirements of the client. Dividends received are lodged in the DMO deposit
account. For equities to be considered as an appropriate investment option, a fund should be expected to be managed by the CFO for a minimum of five years. Funds invested in equities can be accessed at any time.

1.11 The investment manager provides the CFO with a set of recommended investment parameters which are used when considering how a fund should be invested.

1.12 At the end of financial year 2017-18, the funds in court were held as follows:

<table>
<thead>
<tr>
<th></th>
<th>£m</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash</td>
<td>98</td>
<td>33</td>
</tr>
<tr>
<td>Gilts</td>
<td>59</td>
<td>20</td>
</tr>
<tr>
<td>Equities</td>
<td>141</td>
<td>47</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>298</td>
<td>100</td>
</tr>
</tbody>
</table>

The CFO oversight arrangements

1.13 The NICTS Chief Executive has administrative responsibility for the CFO in his capacity as the Accountant General of the Court of Judicature. He is supported in the discharge of his responsibilities by a committee called the Court Funds Judicial Liaison Group (JLG). The JLG is chaired by a senior Judge nominated by the Lord Chief Justice. Four other judicial members and three independent members also serve on this group. The JLG provides an oversight role in relation to the CFO and reviews investment performance and options with the investment manager. The NICTS Board receives regular reports on the performance of the CFO.
2. APPROACHES OUTSIDE NORTHERN IRELAND

ENGLAND AND WALES

2.1 Arrangements in England and Wales are similar to Northern Ireland and are based on similar legislation. The Office of the Accountant General (OAG) in England and Wales oversees the CFO for England and Wales. Day-to-day operations are contracted out to National Savings and Investments. Like the CFO in Northern Ireland, they invest clients’ cash deposits with the Debt Management Office of HM Treasury.

2.2 A common investment scheme (i.e. a pooled investment fund, where clients invested in the fund have a share in the overall assets of the scheme) has been created for clients of the CFO in England and Wales. Funds which meet certain criteria, related to the value of the fund and the length of time it will be held, are invested in this scheme, which is operated by a fund manager. Due to the restrictive criteria, only a small percentage of funds are invested in the scheme, although the criteria for investment are currently under review.

2.3 In England and Wales, the Court of Protection makes decisions for people who lack mental capacity, including appointing another responsible person (referred to as a “deputy”), such as a relative, to make decisions on behalf of those individuals.

2.4 Compared with the position in Northern Ireland, a greater proportion of funds belonging to individuals who lack mental capacity are managed and invested by a person’s deputy out of court, rather than being held in court. In such cases, the deputy is required to submit an annual return to the office detailing the financial transactions undertaken during the year and outlining the decisions that have been made on behalf of the individual concerned. The Court of Protection determines the level of supervision required in each case.
2.5 The Accountant of the Courts of Justice in the Republic of Ireland (a senior Courts Service official) fulfils a role equivalent to that of the Accountant General in Northern Ireland.

2.6 Children’s funds in court are allocated to one of five investment strategies according to the individual’s requirements. There are a series of prescribed rules that determine which of five strategies are used for individual cases.

<table>
<thead>
<tr>
<th>Strategy</th>
<th>Description of Strategy</th>
<th>Time Horizon Children’s Funds held in Court</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash Fund</td>
<td>100% cash</td>
<td>Less than 3 months</td>
</tr>
<tr>
<td>Euribor Plus Fund</td>
<td>Predominately cash instruments; the objective is to outperform the Cash Fund.</td>
<td>From 3 months to 3 years</td>
</tr>
<tr>
<td>Cash and Short Term Bond Fund</td>
<td>70% Euribor Plus Fund 30% Bond Index Fund</td>
<td>From 3 to 5 years</td>
</tr>
<tr>
<td>Moderate Balanced Fund</td>
<td>70% Euribor Plus Fund 23% Bond Index Fund 7% Equity Index Funds</td>
<td>From 5 to 8 years</td>
</tr>
<tr>
<td>Diversified Fund</td>
<td>50% Euribor Plus Fund 27.5% Bond Index Fund 22.5% Equity Index Funds</td>
<td>More than 8 years</td>
</tr>
</tbody>
</table>

2.7 Individuals who lack mental capacity are known as Wards of Court. Usually a member of the Ward’s family is appointed by the court and is asked to make recommendations in relation to their affairs. Wards’ funds are invested as follows:

<table>
<thead>
<tr>
<th>Strategy</th>
<th>Description of Strategy</th>
<th>Time Horizon</th>
</tr>
</thead>
<tbody>
<tr>
<td>Growth Fund</td>
<td>55% Equity Index Funds 15% Bond Index Fund 15% Corporate Bond Fund 15% Alternative Fund</td>
<td>More than 5 years</td>
</tr>
</tbody>
</table>

Arrangements in relation to Wards of Court are due to change on commencement of recent legislation that will eventually see the end of the Wardship procedure and the introduction of Co-Decision Makers and Co-Decision-Making agreements.
2.8 In Scotland, the Accountant of Court (AoC) is a court appointed official who supervises the administration of assets belonging to children and those incapable of managing their own affairs.

2.9 In the majority of cases, court awards made to children in Scotland are not brought under the control of the court but are paid to a parent or guardian or court appointed representative or, in certain circumstances, to the child themselves (the age of legal capacity in Scotland is 16 years). It is for the court to determine to whom the award should be paid. As a last resort, where no suitable individual is identified, a child’s award may be paid to the AoC to be held until they reach 16. Where the court directs funds to be paid to a parent or guardian, or to the child, the AoC does not discharge an oversight role.

2.10 Where assets over £20k are due to be transferred to a child (for example on the death of a parent), an application must be made to the AoC for a direction regarding the conditions under which the assets must be managed which may include transfer of any cash assets to the AoC. If funds are paid to the AoC they may be lodged with an investment manager or held on deposit with a bank and held in the name of the child. Where a child’s assets are not held by the AoC, the individual appointed to administer the assets is required to provide annual statements to the AoC to confirm that they are complying with the direction from the AoC. Expenditure cannot be incurred unless it has been approved by the AoC.

2.11 In Scotland, funds belonging to adults who are incapable of managing their own affairs are managed by an appointed financial guardian who is often a family member. The financial guardian must submit annual accounts to the office of the AoC for review each year.
3. OPTIONS FOR THE FUTURE: THE ROLE OF THE COURT

3.1 Children’s funds are under the control of the court which made the original order for compensation (this could be the County Court or the High Court) until the child turns 18, unless the court directs otherwise. Applications for payments out of the fund for the benefit of the child (such as to pay for holidays or educational equipment) must be approved by the court.

3.2 Patients’ funds are under the control of the High Court. A judicial officer called the Master (Care and Protection) appoints a responsible person (called a Controller), such as a family member, to act on behalf of the patient. If there is no suitable family member or other person to carry out this role, the Official Solicitor of the Court of Judicature (who is a lawyer employed by the Northern Ireland Courts and Tribunal Service) will be appointed Controller. The Master may direct some or all of the assets of the patient to be lodged with the CFO or managed outside the court by the Controller under the supervision of the Office of Care and Protection (OCP). Funds that are held by the CFO will only be released on the direction of the Master. The OCP carries out an annual review of each case, irrespective of whether the funds are held by the CFO or outside court.

3.3 One of the issues for consideration is whether it is better to have funds controlled and managed outside the court on behalf of those entitled to the fund, or whether it is better for the funds to be controlled by the court and the investments managed by the CFO. This is particularly relevant for children’s funds, where the default position is currently to lodge the funds in court with the CFO, other than in exceptional circumstances.

3.4 Patients’ funds are more likely to be held outside court under the management of a Controller. OCP currently supervises around 1,700 cases, of which around 700 have funds held in court. In addition, OCP have issued approximately 1,300 Short Procedure Orders (these are cases, usually low in value, where funds are held outside court with no further supervision by OCP).
We have identified three possible approaches for consideration.

**Approach 1 – Maintain the status quo**

3.5 Where a court awards compensation to a child the funds would continue to be paid into court. The CFO would continue to manage the funds in court for the child under the direction of the court until the child reaches the age of 18 years. The court would retain the power to direct a child’s fund to be managed out of court, but this would only be in exceptional cases.

3.6 Funds for patients would continue to be lodged in court where no suitable family member or other person is available to act as Controller of the funds on behalf of the patient. Funds lodged in court would continue to be managed by the CFO.

**Approach 2 – Only retain funds in court exceptionally**

3.7 Under this option, where compensation is awarded to a child, the court would appoint a responsible adult such as a parent or guardian who would control the funds on behalf of the child. This would remove the requirement to make an application to the Court for a payment out of the fund.

3.8 It is likely under this option that the cost of making investments would be higher than those incurred when funds are managed in court by the CFO. It is estimated that the current management costs charged to the CFO clients are less than 50% of those charged to investors using a similar service on an individual basis.

3.9 Funds for patients would continue to be managed as they are today. Where a suitable family member or other person is available, they would be appointed as Controller to manage the funds. Where a suitable person is not available to act as Controller, the funds would be brought into court and managed under the supervision of the court.
Approach 3 – Set a financial threshold above which funds would be held in court.

3.10 It would be possible to design a system where funds belonging to a minor would only be held in court where the funds exceed a specified amount. Below the specified amount the fund would be paid directly to a child’s parent or guardian or other appointed representative.

3.11 In considering the appropriate threshold for investing funds in court, it is necessary to consider the level of funds held in court.

<table>
<thead>
<tr>
<th>Value of fund (£)</th>
<th>Number of children’s cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-1,999</td>
<td>4,093</td>
</tr>
<tr>
<td>2,000 - 3,999</td>
<td>4,303</td>
</tr>
<tr>
<td>4,000 - 4,999</td>
<td>992</td>
</tr>
<tr>
<td>5,000 - 9,999</td>
<td>1,407</td>
</tr>
<tr>
<td>10,000 - 24,999</td>
<td>629</td>
</tr>
<tr>
<td>&gt; 25,000</td>
<td>368</td>
</tr>
<tr>
<td></td>
<td>11,792</td>
</tr>
</tbody>
</table>

3.12 As the majority of funds held in court on behalf of minors are in the lower range of values, a limit could be set above which the court would exercise control in only a small number of higher value cases. For example, if the limit was £10,000 this would mean that less than 10% of cases would be managed by the court.

3.13 Although a financial threshold could also be set for patient’s cases – with only cases with a fund value above that threshold coming under the control of the court – the most important consideration in a patient’s case would be whether a suitable family member or other person is available to act as Controller of the patient’s funds. Where such a person is not available to act as Controller, the funds would still require to be brought under the control of the court.
Considering the options

3.14 It is important to consider why a patient or a child cannot manage their own money and property and the extent to which the involvement of the court and CFO is necessary. The circumstances of patients and children are different. We have also already noted that in most patients cases the funds are managed by a Controller out of court while in most children’s cases the funds are managed by the CFO. We want to be sure that is the right approach in both sets of circumstances.

Children

3.15 A child is considered in law to lack the capacity to take all sorts of significant decisions about their life which are ordinarily a matter for those with parental responsibility in respect of the child. It might therefore be considered that the property and money of a child need not automatically be brought under the jurisdiction of the court and could be managed by a parent or guardian on behalf of the child until they reach the age of 18. In those circumstances, it might also be expected that parents would take the views of the child into account especially if the child was of sufficient maturity. In practice however, it is the case that children’s funds are mostly managed in court. The intention may be to avoid the risk that a parent may make poor investment decisions on behalf of the child or might squander the money or act otherwise than in the child’s best interests. That risk however could be mitigated by requiring an annual report to the court on the use of the funds. If there was a concern in a particular case the funds could then be brought into court to be managed by CFO.

3.16 We think there is a case for saying that a parent ought in principle to be responsible for managing their child’s money and property consistent with their other responsibilities to take important decisions concerning the child. There may of course be cases were regrettably the parent is not to be entrusted with this financial responsibility but such cases should be capable of being identified and the funds brought under the control of the court.
3.17 Alternatively, it would be possible to design a system combining elements of the above approaches when dealing with children’s funds. As in Scotland, a financial threshold could be set, above which funds would be brought under the control of the court. Below this threshold, the funds would be the responsibility of the parent or guardian or other court appointed representative. Once paid out of court, the fund would be the responsibility of that person to manage on the child’s behalf – there would be no supervisory role for the court to undertake.

3.18 In the final analysis, the key question in the case of children’s funds is whether they continue to require the court’s protection even where relatively small amounts are involved? If not, then an approach similar to that in Scotland seems to offer a proportionate way forward, so that the court would only become involved in the higher value cases. If, on the other hand, it is thought that children’s funds require the court’s protection irrespective of the size of the fund, the current arrangements – under which the funds are controlled by the court until the child turns 18 – are probably the most suitable, subject to the possible need to broaden the range of available investments. This is discussed in the next section of this paper.

Patients
3.19 Where a person (a patient) who has money or property is incapable of managing his or her own affairs, then the law provides for the court to intervene as necessary. Currently the court’s role is set out in the Mental Health (Northern Ireland) Order 1986. In due course, those provisions will be replaced by those in the Mental Capacity Act (Northern Ireland) 2016. When it is brought into force, the 2016 Act will establish important principles in respect of a person’s capacity to make decisions on their own behalf and, if necessary, to be supported in making decisions. It will however remain the case that where a person is unable to make a decision then there will be a role for the court in either taking the decision on that person’s behalf or, alternatively, appointing a family member or friend (who will be called a Deputy instead of a Controller) to do so. In some cases it may be that a patient will never have decision making capacity in their lifetime and their funds will always be subject to management on their behalf.
3.20 We see no reason to disturb the current approach so that most patients’ funds should continue to be managed outside court by someone (a Controller or under the 2016 Act, a Deputy) acting in the best interests of the patient. This approach is consistent with devolving the decision making as closely as possible to the patient and keeping direct court intervention to a minimum, subject to the ongoing safeguard that the Controller or Deputy perform their responsibilities under the supervision of the court.
4. OPTIONS FOR THE FUTURE: INTERNAL MANAGEMENT AND OVERSIGHT OF THE FUNDS

4.1 It is important to ensure that the CFO is as efficient and cost effective as possible in continuing to discharge its functions in the interests of patients and children. We have outlined below a number of areas where improvements might be made to the current procedures under which the CFO operates.

Delegation of Accountant General’s functions

4.2 The Court Funds Rules allow many of the functions of the Accountant General to be discharged by a person employed within the CFO. NICTS considers it would be helpful if the Accountant General had the power to delegate his functions beyond the staff of the CFO and in particular to an investment manager.

Introduction of nominee accounts

4.3 The range of permissible investments available to the CFO is set out in legislation and has not kept pace with some more recent investment products. There is therefore a case for extending the types of investments that can be used for court funds. An example of this is nominee accounts. Nominee accounts are operated by investment managers on behalf of their clients. Investments held in this way are not held in the name of the client, but the client is registered as the beneficial owner. The investments are held separately from the investment manager’s own assets, so they are protected against the possibility that the investment manager ceases trading.

4.4 The introduction of nominee holdings could be used for the investment of court funds if the legal ownership of securities could vest in a nominee company rather than the Accountant General. This would have the advantage that dividend collection, which is currently undertaken by the CFO, could be managed by the investment manager who would be able to provide a consolidated tax report for each client. The investment manager would also be able to provide advice in relation to any corporate actions such as rights issues or class actions.
4.5 NICTS considers that it would be helpful if the court funds legislation were expanded to allow funds in court to be held in nominee accounts.

**Extension of the list of authorised investment types**

4.6 The current legislation means that the CFO clients are unable to benefit from the full range of investment options available today because many of these options did not exist when the legislation governing funds in court was enacted. Stocks and shares ISAs are an example of this, where tax efficient investments could be made for clients with significant funds in court. In order to permit the use of stocks and shares ISAs, the legislation would also have to allow for investments to be held in nominee accounts (see paragraphs 4.3 - 4.5 above).

4.7 NICTS considers that it would be beneficial to the CFO clients if funds in court could be invested in a wider range of products than is currently permissible.

**Oversight arrangements for the CFO**

4.8 The Court Funds Judicial Liaison Group (JLG) currently provides an oversight role in relation to the Court Funds Office. The terms of reference of the Group are to:

- ensure the protection of funds held in court;
- advise on the framework governing the investment of funds held in court;
- oversee the investment activities of the CFO;
- consider performance reports provided by the Investment Manager.

4.9 The current membership of the JLG includes members of the Judiciary, the Accountant General, senior staff from the CFO and OCP and a number of independent members. The independent members include a representative from the Northern Ireland Consumer Council and an independent investment advisor.

4.10 The JLG was established administratively by the NICTS. The Northern Ireland Public Accounts Committee has recommended the introduction of a statutory oversight Committee with defined roles and responsibilities.
4.11 The terms of reference and membership of such a statutory oversight committee will be dependent on the outcome of this consultation and the future role of the CFO. Until such a committee is established, the JLG will continue to provide an oversight function.

**Providing for discretionary investment decisions**

4.12 At present, all investment decisions are made by the court on an individual basis and the investment manager is then instructed to proceed if their recommendation is approved. On occasion there can be a delay between the investment manager making recommendations and the transaction being executed. This prevents the CFO from making changes to investments quickly, which would be particularly important in volatile market conditions where investments may have to be changed at short notice.

4.13 By enabling the investment manager to take investment decisions, changes to investments could be made promptly without the need to refer to the court for approval. However, any investment decisions taken by the investment manager would only be within narrow parameters set by the court; for example, limited to minor or technical adjustments to agreed investments for the purposes of rebalancing a portfolio or utilising the annual capital gains tax allowance.

4.14 NICTS considers that it would be beneficial to the CFO clients if the investment manager was able to make minor or technical investment decisions without express court approval in each individual case provided the investment chosen falls within an agreed framework

**Unclaimed funds**

4.15 Unclaimed funds are monies that are held by the CFO where the rightful owner cannot be located. This could be where the beneficiary has moved outside the jurisdiction without informing the CFO or where the beneficiary is now deceased and details of next of kin are not known. The CFO is also required to accept funds in certain circumstances, where the recipient is unable to be traced by third parties; for example, where a bank has surplus funds from a house repossession but is unable to trace the beneficiary.
4.16 The accumulation of unclaimed balances has occurred because funds can only be removed by a court direction when claimed by the client or their representatives. Currently the CFO holds funds totalling over £750,000 (relating to approximately 300 cases) that are unclaimed and where the beneficial owner cannot be traced.

4.17 NICTS wish to consider alternative options for unclaimed balances. One option could be to surrender the funds to the Northern Ireland Consolidated Fund (NICF). Funds in the NICF can be used for public service in Northern Ireland. If funds were surrendered in this way, it would be important that the beneficiary would not lose their right to the fund should the beneficial owner subsequently be traced.

**Allowable methods of payment**

4.18 At present the Court Funds Rules allow the Accountant General to make payment by means of the Bankers’ Automated Clearing System (BACS) or by crossed cheque. Other payment options are now available, such as faster payments where funds are receipted in the payee’s account on the same day for accounts that accept this method of payment.

4.19 In addition, using cheques as a method of payment creates an avoidable administrative cost to the CFO and a cheque is not as secure a method of payment as a direct transfer into the beneficiary’s account.

4.20 NICTS considers that the allowable methods of payment should be amended to reflect new methods of payment in the banking sector and to remove cheques as a payment option.
5. IMPACT ASSESSMENTS

5.1 Section 75 of the Northern Ireland Act 1998 requires all public authorities in Northern Ireland to have due regard to equality of opportunity between the nine equality categories and have regard to promote good relations between persons of different religious belief, political opinion or racial group. Public Authorities are also required to meet legislative obligations under the Disability Discrimination Order, particularly in the formation of public policy making.

5.2 NICTS is fully committed to fulfilling its Section 75 obligations on the promotion of equality of opportunity, good relations and meeting legislative requirements in Northern Ireland.

5.3 The options set out in this consultation have been subjected to equality impact screening. There have been no adverse equality impacts identified and initial screening has not identified any other Section 75 impacts. The full equality screening form is available on the NICTS and Department of Justice websites. Comments are also welcome on any aspect of the equality screening assessment.

5.4 Responses to this consultation will be used to refine the impact assessments referred to in the paragraphs above.
6. RESPONDING TO THIS CONSULTATION

6.1 You are invited to comment on the proposals contained in this paper. NICTS welcomes responses to the following questions:

| Question 1 | Do you believe that the protection provided by the court to funds held on behalf of children and patients is important? |
| Question 2 | In relation to holding funds in court, which of the following options do you think is most appropriate? |
|            | - Approach 1 – maintain the status quo; |
|            | - Approach 2 – only retain funds in court exceptionally; |
|            | - Approach 3 – set a financial threshold limit above which funds would be held in court. |
|            | If you believe that a limit should be set, what level do you think is appropriate? |
| Question 3 | Which of the following options do you believe would improve the operation of the Court Funds Office? |
|            | - the power to delegate the Accountant General's functions to a third party, such as an investment manager (para 4.2); |
|            | - the introduction of nominee accounts for investment holdings (para 4.3); |
|            | - extending the list of authorised investment types (para 4.6); |
|            | - making improvements to oversight arrangements (para 4.8); |
|            | - providing for discretionary investment decisions (para 4.12); |
|            | - enabling the surrender of long standing unclaimed funds (para 4.15); |
|            | - amending the allowable methods of payment (para 4.18). |
|            | Please give reasons for your answers. |
| Question 4 | Is there anything else that you think we should consider in order to improve the service that is offered by the CFO? |
6.2 Responses or requests for further information should be made in writing and emailed to CourtFundsConsultation@courtsni.gov.uk or sent by post to:

Court Funds Consultation
Northern Ireland Courts and Tribunals Services
4th Floor, Laganside House
23 – 27 Oxford Street
BELFAST
BT1 3LA

The consultation period will end at 5pm on 8 May 2019.

6.3 Responses can be made by completing the Consultation Response Form on our website at www.justice-ni.gov.uk/consultations or by completing the template at Annex A. It is important that respondents complete all sections of the form so we know how you would like your information to be treated. Responses can also be completed via NI Direct, Citizen Space at https://consultations.nidirect.gov.uk/.

6.4 Responses will be analysed and we will aim to publish a summary of the responses to this consultation and the proposed way forward on the NICTS website within two months of the end of the consultation. Please note that responses will not be attributed to organisations or individuals. A list of respondents will be published including organisations as an Annex to the summary of responses. The names of individuals will only be published on the list of respondents if they provide their express consent. All information will be handled in accordance with the Data Protection Act 2018.

6.5 This document is available in alternative formats; please contact us via the postal or email addresses above or by telephone on (028) 9072 8894 to discuss your requirements.

6.6 This consultation has been circulated to the Department of Justice list of consultees, members of the Judiciary and CFO clients.
ANNEX A: RESPONSE TEMPLATE

Respondent Information Form

Please note that this form must be completed and returned with your response.

To find out how we handle your personal data, please see our Privacy Notice at https://www.justice-ni.gov.uk/topics/courts-and-tribunals

Responses will be analysed and we will aim to publish a summary of the responses to this consultation and the proposed way forward on the NICTS website within two months of the end of the consultation period. Please note that responses will not be attributed to organisations or individuals. A list of respondents will be published including organisations as an annex to the summary of responses. The names of individuals will only be published on the list of respondents if they provide their express consent by ticking the box below. All information will be handled in accordance with the Data Protection Act 2018.

Are you responding as an individual or an organisation?

☐ Individual
☐ Organisation

Full Name or Name of Organisation
Address
Postcode
Telephone Number
Email address

If you are responding as an individual, please tick the box below if you consent to your name appearing within the list of respondents published on the NICTS website.

☐

If you wish to withdraw your consent between now and the date of publication, please contact the Court Funds Office at CourtFundsConsultation@courtsni.gov.uk.
**Question 1**  Do you believe that the protection provided by the court to funds held on behalf of children and patients is important?

Please give reasons for your answer.

**Question 2**  In relation to holding funds in court, which of the following options do you think is most appropriate?

- Maintain the status quo;
- Only retain funds in court exceptionally;
- Set a financial threshold above which funds would be held in court.

Please give reasons for your answer. If you believe that a limit should be set, what level do you think is appropriate?
Question 3 Which of the following options do you believe would improve the operation of the Court Funds Office?

- Power to delegate the Accountant General’s functions to a third party, such as an investment manager;
- the introduction of nominee accounts for investment holdings;
- extending the list of authorised investment types;
- making improvements to oversight arrangements;
- providing for discretionary investment decisions;
- enabling the surrender of long standing unclaimed funds
- amending the allowable methods of payment.

Please give reasons for your answers.
**Question 4**  Is there anything else that you think we should consider in order to improve the service that is offered by CFO?

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**Do you have any other comments?**
Please provide details of who your organisation represents and, where applicable, how the views of members were assembled.
Dear Stakeholder,

**Stakeholder Engagement – Higher Education Tuition Fees at the College of Agriculture, Food and Rural Enterprise (CAFRE)**

I am writing to inform you that the Department of Agriculture, Environment and Rural Affairs (DAERA) has commenced a stakeholder engagement exercise on Higher Education Tuition Fee Policy at CAFRE and to invite you to input to this exercise.

**Purpose of the Stakeholder Engagement Exercise**

The Department undertook a Review of CAFRE Higher Education Tuition Fees in 2017/18. The review found a disparity in the level of fees charged for different degree programmes at CAFRE, as well as differences in the amount charged to CAFRE students compared with students studying for degrees at Further Education Colleges and universities elsewhere in Northern Ireland. A subsequent focus group in June 2018 identified a range of potential policy options for future HE Tuition Fee policy at CAFRE and these have been used to form the basis of our stakeholder engagement.

The stakeholder engagement document, a copy of the review and copies of the Equality Impact Assessment and Rural Needs Assessment are available to view on the DAERA website at the following link:

[https://www.daera-ni.gov.uk/consultations/review-tuition-fee-policy](https://www.daera-ni.gov.uk/consultations/review-tuition-fee-policy)

Alternative formats can be made available by contacting policy.development@daera-ni.gov.uk or by telephoning (028) 9262 3094.

*A living, working, active landscape valued by everyone.*
How to respond
You can view and respond to this stakeholder engagement exercise online at the Northern Ireland Hub – Citizen Space at: https://consultations.nidirect.gov.uk/daera-cap-policy-economics-and-statistics-division/daera-review-of-higher-education-tuition-fees-1

If you are unable to respond via Citizen Space, written responses will also be accepted at:

CAFRE Tuition Fees Stakeholder Engagement Exercise
Policy, Economics and Statistics Division
Department of Agriculture, Environment and Rural Affairs
Room 361A
Dundonald House
Upper Newtownards Road
Ballymiscaw
Belfast
BT4 3SB

Or by e-mail to: policy.development@daera-ni.gov.uk

Timetable
Responses to the stakeholder engagement exercise should be submitted via Citizen Space or sent to the postal or e-mail addresses above no later than 12 April 2019. It may not be possible to consider responses received after this date. An acknowledgement will be sent to confirm receipt of each response.

At the end of the engagement, the Department intends to publish a summary of responses following the closing date for receipt of views. Your response, and all other responses to this publication, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Any confidentiality disclaimer generated by your IT system in e-mail responses will not be treated as such a request.

Section 8(e) of the Data Protection Act 2018 permits processing of personal data when necessary for an activity that supports or promotes democratic engagement. Information provided by respondents to this stakeholder engagement exercise will be held and used for the purposes of the administration of this current exercise and subsequently disposed of in accordance with the provisions of the Data Protection Act 2018 and General Data Protection Regulation.

The Freedom of Information Act gives the public a right to request any information held by a public authority, namely, the Department in this case. This access to information includes information provided in response to a stakeholder engagement exercise. The Department cannot automatically consider as confidential information supplied to it in response to a stakeholder engagement exercise. However, it does have the responsibility to decide whether any information provided by you in response to this stakeholder engagement exercise, should be made public or be treated as confidential. The personal data provided by you as a consequence of responding will not normally be shared unless there is an over-riding public interest to do so.
The Lord Chancellor’s Code of Practice on the Freedom of Information Act provides that:

- The Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department’s functions and it would not otherwise be provided;

- The Department should not agree to hold information received from third parties “in confidence” which is not confidential in nature; and

- Acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

For further information about confidentiality of responses please contact the Information Commissioner’s Office (or see the web site at: https://ico.org.uk/)

Thank you for taking the time to engage with DAERA on this important issue, we look forward to receiving your response.

Yours faithfully,

Seamus McErlean
Director
Policy, Economics and Statistics Division
REVIEW OF THE LAW ON CHILD SEXUAL EXPLOITATION

Consultation on policy proposals

February 2019

Closing date for responses:  16 April 2019
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Section 1: About this consultation

Introduction


1.2 This review has considered a wide range of issues, some of which have resulted in proposals to strengthen the law to prevent CSE and to further protect children from sexual abuse. This consultation seeks your views on these and any other issues that you think relevant but which have not been included.

1.3 In the absence of an Executive and an Assembly, it will not be possible to make significant policy changes or to take forward amendments to the law; these stages will have to await Ministerial direction. However, this consultation provides a timely opportunity to examine these issues carefully and to develop comprehensive policy proposals, informed by your views, which will be ready to be considered and taken forward by Ministers once the Executive is restored.

Responding to the consultation

1.4 The best way to access this consultation is online at https://consultations.nidirect.gov.uk/doj-corporate-secretariat/review-of-the-law-on-child-sexual-exploitation. The consultation includes a number of questions on which we would particularly welcome your views. The question numbers in this document correspond with those in the online questionnaire. You are also welcome to submit any other comments you might have on the content of the consultation.
1.5 The Department encourages you to respond using the online survey via the link above. Alternatively, you can send comments by email to CPB@justice-ni.x.gsi.gov.uk or by post to the address at paragraph 1.9 below. Please clearly indicate whether you are responding as an individual or on behalf of an organisation.

1.6 The consultation will be open for eight weeks. The closing date for receipt of responses is 5pm on Tuesday 16 April 2019. Please note that it is unlikely that responses to the consultation will be accepted after this date.

Alternative formats and further information

1.7 You may make additional copies of this report without seeking permission.

1.8 Hard copies and copies in other formats, including Braille, large print etc. can be made available on request. If you require an alternative format or a language other than English, please let us know and we will do our best to assist you. If you require any further information on the consultation process or the content of this document, or any other assistance to make a response, please contact the Department.

1.9 We can be contacted using the details provided below:

Address: Criminal Policy Branch
Department of Justice
Massey House
Stormont Estate
Belfast
BT4 3SX

Phone: (028) 90 169584
Email: CPB@justice-ni.x.gsi.gov.uk
Website: www.justice-ni.gov.uk/consultations
Screening

1.10 These policy proposals have been screened for equality impact and rural needs impact. No adverse impacts have been identified. Copies of these screening assessments are available on our website alongside the consultation document. We welcome any comments you might have on these screening documents. These screening assessments will be revisited if necessary if there are significant changes to the policy proposals as a result of consultation comments.

Freedom of information and General Data Protection Regulations

1.11 The Department intends to publish a summary of responses on its website on completion of the consultation process. Any contact details that will identify a respondent as a private individual will be removed prior to publication.

1.12 All information will be handled in accordance with the General Data Protection Regulations (GDPR). Respondents should be aware that the Department’s obligations under the Freedom of Information Act 2000 may require that any responses, not subject to specific exemptions under the Act, be disclosed to other parties on request.

1.13 For further information about Freedom of Information and GDPR please contact the Information Commissioner’s Office at https://ico.org.uk/.

Complaints

1.14 If you have any concerns about the way this consultation process has been handled, you should submit your complaint by email to standardsunit@justice-ni.x.gsi.gov.uk or write to the following address:

    Standards Unit, Department of Justice
    Knockview Buildings
    Stormont Estate
    Belfast, BT4 3SL
Section 2: Introduction

Background and scope

2.1 The Department has carried out a review of the law relating to CSE and sexual offences against children. This review meets a commitment by previous Justice Ministers to consider a number of issues where changes could be made to the law to strengthen protection for children from this type of abuse. The purpose of the review was to assess the adequacy and effectiveness of the current law to protect children from harm and the extent to which current offences remain appropriate, particularly in light of the way in which technology has changed how perpetrators now target and abuse children.

2.2 The specific issues under consideration arose from:

- the Report of the Independent Inquiry into Child Sexual Abuse and Exploitation in Northern Ireland ('the Marshall Report'). This Report, published in 2014, made 17 Key Recommendations and 60 Supporting Recommendations relating to cross-sectoral child protection, safeguarding arrangements and measures to prevent and tackle CSE. The Marshall Report found that the legislative framework in place in 2014 was largely adequate to protect children from sexual exploitation and abuse, and no significant gaps were identified. However, the Report also highlighted six areas where consideration could be given to improving and strengthening the law, all of which are included in this consultation;

- the Justice Committee's Report on Justice in the 21st Century ('Justice in the 21st Century'). This Report, published in 2015, made three proposals for legislative change relating to online child sexual exploitation. These proposals were presented to the Committee as possible amendments to the Justice (No. 2) Bill, but it was agreed that these would be considered later as part of the review of child sexual exploitation, to allow for proper engagement on these complex and difficult policy issues. These issues are now included in this consultation;
• examination of the law on CSE and sexual offences against children in
  neighbouring jurisdictions; and

• other emerging issues relating to CSE which could require changes to the
  criminal law.

2.3 This consultation analyses these issues and presents some proposals for
  legislative change.

2.4 During the review, the Department engaged with the Police Service of Northern
  Ireland (PSNI) and the Public Prosecution Service (PPS) to take the views of
  key criminal justice partners into account.

2.5 Preventing and stopping CSE requires a multi-agency approach including: early
  intervention and prevention; support for victims; disruption of CSE-related
  activities; and investigation and prosecution of perpetrators.

2.6 This consultation is specifically concerned with the criminal law in relation to
  CSE and sexual offences against children, as well as statutory powers to
  disrupt and stop abuse. Wider issues such as the criminal justice process,
  trafficking, public protection arrangements, organised crime, or support services
  for victims are outside the scope of this consultation.

Definitions

2.7 The Children (Northern Ireland) Order 1995 defines a child as a person under
  the age of 18. The words ‘child’ or ‘children’, as well as ‘young person’ and
  ‘young people’ are used throughout this document to refer to people under the
  age of 18 unless specified otherwise.

2.8 The age of consent to any form of sexual activity in Northern Ireland is 16.
  This means that it is an offence to have any sexual activity with a person under
  the age of 16. In cases where the child is over 13, the law provides that sexual
  activity is not unlawful if the defendant reasonably believes that the other
  person is over 16.
2.9 **Child sexual abuse** “occurs when others use and exploit children sexually for their own gratification or gain or the gratification of others.”¹ Sexual abuse involves forcing or enticing a child to take part in sexual activities which may involve physical contact, including penetrative or non-penetrative acts, and non-contact activities, such as involving children in looking at, or in the production of, pornographic material, watching sexual activities or encouraging children to behave in sexually inappropriate ways.²

2.10 **Child sexual exploitation** is “a form of sexual abuse in which a person(s) exploits, coerces and/or manipulates a child or a young person into engaging in some form of sexual activity in return for something the child needs or desires and/or for the gain of the person(s) perpetrating or facilitating the abuse”³.

2.11 Some examples of types of behaviour, which would normally occur outside of familial relationships and would be considered CSE include:

- planned and systematic exploitation of young people by gangs etc.;
- ‘party house’ scenarios where young people are expected to ‘pay’ for drugs and alcohol with sexual activity;
- worrying relationships between children aged under 16 and adults who are a few years older;
- seemingly consensual relationships which develop to include an expectation that the young person engages in sexual activity with the partner’s friends;
- online sexual grooming; and
- making and sharing of indecent images of a young person which can become the focus of bullying or blackmail.⁴

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¹ Department of Health (2017) *Cooperating to Safeguard Children and Young People in Northern Ireland*
² Department of Health (2017) *Cooperating to Safeguard Children and Young People in Northern Ireland*
³ Safeguarding Board Northern Ireland (2014) *Professional Information: Child Sexual Exploitation Definition and Guidance*
2.12 A young person may believe that they are in a consensual relationship with the perpetrator and not realise that they are victims of abuse. They may also feel that they are getting something ‘in return’ for the abuse by way of tangible items such as alcohol, drugs, cigarettes, money or other gifts, or intangible ‘rewards’ such as perceived affection, a sense of belonging or protection. Young people may also be afraid of what might happen if they do not comply with the perpetrator’s demands. These factors are part of the abusive process and distinguish CSE from other forms of sexual abuse.

2.13 CSE is a generic term used to describe various forms of the sexual exploitation of children. There is no specific offence of CSE, and cases of CSE generally include a range of different sexual and non-sexual offences.

**Context**

2.14 Awareness of CSE has increased considerably in recent years in light of high profile cases such as those in Rotherham and Rochdale in England which involved the large scale exploitation of children and young people. These cases prompted a number of wide ranging reviews, which have resulted in new legislative and non-legislative measures being put in place to prevent abuse and to provide better protection for children and young people.

2.15 The Marshall Report sets out the findings of the independent inquiry into CSE in Northern Ireland, making 17 key recommendations and 60 supporting recommendations relating to cross-sectoral child protection, safeguarding arrangements and measures to prevent and tackle CSE. The majority of these recommendations have been implemented. The status of each of the 17 key recommendations is provided at Annex A.

2.16 Recent digital and technological advancements have changed the way in which many perpetrators target children and carry out abuse. There have been significant increases in online and technology-based offending such as online

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5 Centre for Youth and Criminal Justice, Barnardo’s Scotland (2017) *Over the Internet, Under the Radar: Prevention of Online Child Sexual Abuse and Exploitation in Scotland*
grooming, ‘sexting’, revenge pornography and live streaming. There have also been increases in image-based abuse, as indecent images and films depicting abuse can be made and shared quickly and easily while perpetrators exploit the anonymity and encryption of the ‘dark web’.

2.17 The rapid expansion of high speed internet access, combined with the ease with which children, from a very young age, can access it on a range of devices such as tablets, phones, smart televisions and games consoles, allows perpetrators to interact with children easily and instantaneously from almost anywhere in the world. The use of technology allows perpetrators to use a ‘scattergun approach’ to target large numbers of children using blanket messaging across a number of platforms, in the hope that a few of the children respond.

2.18 Online abuse, including online sexual exploitation and sexting, are growing areas of concern for organisations delivering support services to children and young people.

2.19 For example, in 2016/17, ChildLine delivered 12,248 counselling sessions about online safety and abuse, representing an increase of 9% from the previous year, and 2,132 sessions on online child sexual exploitation, an increase of 44% from the previous year. ‘Sexting’ has been the most viewed topic on the ChildLine information pages for the last four years.

2.20 There are significant challenges in ensuring that the criminal law, as part of the overarching framework of legislation, policies and procedures to prevent and stop abuse, is adequate to address the changing way in which perpetrators operate. In particular, there is a need to ensure that existing offences remain appropriate in light of the changing nature of CSE, and to put in place new or amended measures if any ‘gaps’ in the law emerge.

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7 Internet Watch Foundation (2018) Trends in Online Child Sexual Exploitation: Examining the Distribution of Captures of Live-streamed Child Sexual Abuse
8 WeProtect Global Alliance (2018) Global Threat Assessment
9 See, for example, OFCOM (2016) Children and Parents Media Use and Attitudes Report
11 NSPCC (2017) How safe are our children - report briefing: Northern Ireland context
2.21 Recently, there has been increased awareness of other types of activity that may fall within the scope of this review, including: ‘up-skirting’, which describes the covert taking of photographs or filming underneath clothing; the importation and possession of child sex dolls; and offences involving abuse of a position of trust.

**Who is at risk?**

2.22 Although Northern Ireland has not seen any large scale cases of exploitation such as those in England, the nature of CSE in Northern Ireland, for example in terms of the ways in which perpetrators target children and the factors which make children vulnerable to abuse, is perceived to be similar to that elsewhere in the UK and Ireland,

2.23 Any child, regardless of age, gender, socio-economic or other factors, can be a victim of CSE.

2.24 CSE primarily affects young people at post-primary age (where concerns are first reported when a child is around 12-15 years old). Older children aged 16 and 17, although legally able to consent to sexual activity, can also be sexually exploited in situations where there is a power differential, an exchange of tangible or intangible ‘rewards’ or where they are not able to freely give informed consent.\(^\text{12}\)

2.25 Most cases of CSE relate to young females but young males are also abused. Young males may have particular difficulties and a reluctance to identify their situation as abusive or to tell anyone about the abuse. Children in care are at a disproportionate risk of CSE, although most victims of CSE live at home. There are a wide range of complex risk factors which may make some children more

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\(^{12}\) Safeguarding Board Northern Ireland (2014) *Professional Information: Child Sexual Exploitation Definition and Guidance*
vulnerable to CSE. While most perpetrators are believed to be adult males, abuse can also be perpetrated by adult females and by other young people.13

2.26 It is difficult to determine the actual numbers of children affected by CSE as the abuse is, by its very nature, clandestine and hidden, with most sexual abuse never reported.14

2.27 The Marshall Report concluded that, in September 2014, 97 to 120 children across Northern Ireland were recorded as being at significant risk of CSE and 145 children were considered appropriate for a service referral. However, given the significant difficulties in estimating the numbers of children and young people at risk, the Report found that the actual number of children at risk was likely to be significantly higher.15

2.28 Other research indicates that amongst the general population of 16 year olds in Northern Ireland, one in nine had experienced grooming and one in 15 reported having been taken advantage of whilst under the influence of drink or drugs.16 It is also important to place these estimates in the context of the rapid changes in online and digital offending which have increased even in the short number of years since this data was collected.

2.29 The Police Service of Northern Ireland (PSNI) recorded 1,875 sexual offences against victims under 18 in 2016/17. This represents an increase of 3.6% from 2015/16 (1,809 sexual offences recorded against under 18s) and a further 23.7% increase from 2014/15 (1,516 sexual offences recorded against under 18s). The data only reflects the year in which an offence was reported, rather than when it was committed.

2.30 In 2017/18 there were 10 recorded cases of child abduction in Northern Ireland, as well as 36 recorded cases of kidnapping committed against people of all ages.

14 Barnardo’s NI (2011) ‘Not a world away’: The sexual exploitation of children and young people in Northern Ireland
16 ARK (2010) Northern Ireland Young Life and Times Survey
2.31 In 2017/18 there were 123 recorded cases of harassment and 121 cases of malicious communications (including the offence of disclosing private sexual photographs and film with intent to cause distress) against people under the age of 18.
Section 3: The current legislative framework

3.1 The current legislative framework in Northern Ireland provides for a range of sexual offences, including some offences which can only be committed against children and which are categorised according to the age of the victim. There is no single, specific offence of CSE. Instead, cases of CSE are likely to include a number of different sexual offences as well as other, non-sexual offences including child abduction, trafficking, domestic violence and abuse, and blackmail.

Sexual offences

3.2 The Sexual Offences (Northern Ireland) Order 2008 (‘the 2008 Order’) provides for a number of sexual offences against children which are categorised according to the age of the victim. These include:

- **Articles 12-15** - which provide for the offences of rape and other offences against children under 13. These articles include offences of assault by penetration, sexual assault and causing a child to engage in sexual activity without consent. In law a child under the age of 13 can never consent to sexual activity and there is no defence of believing that the child was of an older age.

- **Articles 16-22A** - which provide for offences against children under 16. These articles include offences of sexual activity with a child, causing or inciting a child to engage in sexual activity, engaging in sexual activity in the presence of a child, causing a child to watch a sexual act, arranging or facilitating the commission of a sex offence against a child, meeting a child following sexual grooming, and sexual communication with a child. In law a child under 16 cannot consent to sexual activity, but the law provides that sexual activity with a child aged 13-16 is not unlawful if the defendant reasonably believes that the child is aged 16 or over. These articles also make provision for child sex offences committed by children (for example in cases of peer on peer abuse).
• **Articles 23-42** - which provide for offences against children under 18. These articles provide for sexual offences against all children, in particular circumstances where older children might also be vulnerable, including abuse of a position of trust, familial sexual offences and abuse through prostitution or pornography.

3.3 The 2008 Order also includes other sexual offences which are not specific to children or categorised according to the age of the victim. Some of these offences may feature in cases of CSE or sexual abuse against children and are relevant to the this consultation, such as **Article 71** which provides for the offence of voyeurism.

3.4 Section 51 of the **Justice Act (Northern Ireland) 2016** (‘the 2016 Act’) provides for the offence of disclosing private sexual photographs and films with intent to cause distress. This offence is not specific to children and is not categorised according to the age of the victim. This offence targets behaviour commonly referred to as ‘revenge pornography’. This type of behaviour may also engage other, non-sexual, offences such as harassment (under the **Protection from Harassment (Northern Ireland) Order 1997**), improper use of a communications network (under the **Communications Act 2003**) and blackmail (under the **Theft Act (Northern Ireland) 1969**).

3.5 The **Serious Crime Act 2015** provides for the offence of possession of a paedophile manual, defined as an item that contains advice or guidance about abusing children sexually.

3.6 The **Justice Act (Northern Ireland) 2015** (‘the 2015 Act’) amended the 2008 Order to provide for the offence of sexual communication with a child. It is an offence for a person over 18, for the purposes of obtaining sexual gratification, to intentionally communicate with a child under 16 where the communication is sexual in nature or is intended to encourage such a response from the child. For an offence to have been committed the perpetrator must have been aware that the person with whom they were communicating was under 16.

3.7 The 2015 Act also amended the offence of meeting a child following sexual grooming etc. (under Article 22 of the 2008 Order). The test to determine if
there has been an offence now requires there to have been contact between
the perpetrator and victim “on at least one occasion”, a reduction from the
previous threshold of “on at least two occasions”.

3.8 The **Criminal Justice and Immigration Act 2008** provides for an offence of
possessing extreme pornographic images. The scope of this offence was
extended by the 2016 Act to include images depicting rape or other non-
consensual sexual acts.

3.9 The **Protection of Children (Northern Ireland) Order 1978** provides for an
offence of taking, making, showing, distributing and possessing indecent
photographs of children under the age of 18. The **Criminal Justice (Evidence,
Etc.) (Northern Ireland) Order 1988** provides for the offence of possession of
an indecent photograph of a child. The **Coroners and Justice Act 2009**
provides for an offence of possession of prohibited images of children (not
photographs).

**Abduction offences**

3.10 The **Child Abduction (Northern Ireland) Order 1985** provides for offences of
abduction of a child by a parent and abduction of a child by persons other than
a parent. These offences only apply where the child is under 16.

3.11 The **Children (Northern Ireland) Order 1995** provides for the offence of
abduction of a child in care etc. This offence applies to all children under the
age of 18 who are in care, subject to an Emergency Protection Order, or in
police protection.

3.12 The common law offence of kidnapping is the taking or carrying away of one
person by another, by force or fraud, without the consent of the person taken or
carried away and without lawful excuse. The related offence of false
imprisonment applies when the individual is detained, rather than taken or
carried away. These offences apply to both adult and child victims.
Civil prevention orders

3.13 The **Sexual Offences Act 2003** provides for civil prevention orders that can be used to place restrictions and/or positive requirements on individuals who pose a risk in the community for the purpose of protecting the public or particular members of the public from serious sexual harm. The orders in place in Northern Ireland are Sexual Offences Prevention Orders (SOPOs), Foreign Travel Orders (FTOs) and Risk of Sexual Harm Orders (RoSHOs). It is an offence to breach any of these orders.

Police powers

3.14 In addition to the use of the civil prevention orders described above, the PSNI has a range of statutory and non-statutory powers to help prevent and stop CSE including:

- Article 65 of the **Children (Northern Ireland) Order 1995**, which allows a child under 18 years old to be taken into police protection where police believe the child is at risk of ‘significant harm’;

- Article 19 of the **Police and Criminal Evidence (Northern Ireland) Order 1989**, which allows police to enter premises to arrest an individual for an indictable offence;

- Article 68 of the **Children (Northern Ireland) Order 1995**, which allows police to apply to the court for a Recovery Order to grant police specific powers to recover a child aged under 18 who is in care, under emergency protection orders, or in police protection, where that child has been abducted;

- A **Police Information Notice** (PIN) can be issued to individuals who have had an allegation of harassment made against them. These can be used in future legal proceedings to show that a suspect was aware that their behaviour would count as harassment.
A Child Abduction Warning Notice (CAWN), which is an administrative tool that can be issued against individuals who are suspected of grooming children. A CAWN states that the individual has no permission to associate with the named child and that, if they do so, they can be arrested. A CAWN has no statutory basis but can be used to form an evidence base for prosecutions for child abduction by rebutting the defence that the perpetrator did not know the child’s age. A CAWN can be issued in respect of all children under 16 and children in care under 18.

Other types of prevention order such as Forced Marriage Protection Orders and Female Genital Mutilation Protection Orders may also be used in CSE cases, although practices such as forced marriage and female genital mutilation are not thought to be prevalent in Northern Ireland.

The law in other jurisdictions

3.15 Given the similarities in the nature of CSE in Northern Ireland and elsewhere, we have examined the legislation relevant to CSE and sexual offences against children in England and Wales, Scotland and Ireland to identify any differences and to consider whether any recent changes should be adopted in Northern Ireland to strengthen the law.

3.16 In general, the law in these jurisdictions is very similar to that of Northern Ireland and recent changes have been aimed primarily at consolidating and strengthening existing provisions.

3.17 While the overall framework of legislation is similar, there are some differences in the legislative approach adopted elsewhere and, where that is the case, we have referenced these differences in this consultation, including: the various approaches to accommodating a defence of reasonable belief in the age of a victim; the law on up-skirting; the inclusion of live streamed images in offences of sexual exploitation; legislative references to child prostitution and pornography; and police powers.
**Overall assessment**

3.18 Most of the sexual offences relevant in cases in CSE are contained in the 2008 Order, which followed a comprehensive and wide ranging review of the law on sexual offences in Northern Ireland. More recently, the law has been supplemented with additional offences aimed at protecting both adults and children from sexual abuse.

3.19 In 2014, the Marshall Report found that, in general, the legislation provided adequate protection for children and that most of the issues with the law were about awareness and training.

3.20 The Report of the Parliamentary Inquiry into the effectiveness of legislation for tackling child sexual exploitation and trafficking within the UK found that the law in England and Wales was sufficiently robust to tackle CSE\(^{17}\). The law on sexual offences in England and Wales is very similar to the law in Northern Ireland, and many of the offences are identical. It would therefore seem reasonable to conclude that this assessment could extend to the Northern Ireland legislative framework.

3.21 However, the Report of the Parliamentary Inquiry did find that the application of the law in England and Wales was inconsistent, although this was mostly in respect of its application across the 43 different police forces, in contrast to Northern Ireland where there is only one police service.

3.22 Overall, the Department considers that the law relating to sexual exploitation and sexual offences to be generally robust and up to date. The review did not identify any significant gaps where the law could be considered inadequate or inappropriate. However, there are some areas in which the law could be further strengthened to protect children from CSE and sexual abuse. These issues are analysed in the next section along with proposals for legislative change where these may be necessary and appropriate.

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\(^{17}\) Barnardo’s (2014) *Report of the Parliamentary inquiry into the effectiveness of legislation for tackling child sexual exploitation and trafficking within the UK* (Chaired by Sarah Champion MP)
Section 4: Analysis of issues and proposed changes to the law

Introduction

4.1 This section sets out the Department’s analysis of issues relating to the law on CSE and sexual offences against children. It makes a number of proposals for changes to the law which may be necessary to address identified ‘gaps’ and to strengthen protection for children and young people from sexual exploitation and abuse.

1. Legislative references to ‘child prostitution’ and ‘child pornography’

4.2 Children who have been sexually exploited or involved in prostitution or pornography should be considered as victims of abuse. It is important to ensure that the rights of child victims are protected, that they are treated as victims rather than criminals and that they are not held responsible for their abuse.

4.3 Offences under Articles 38-40 of the 2008 Order use the terms ‘child prostitute’, ‘child prostitution’ and ‘child pornography’. The use of these terms is now considered outdated and minimises the abuse suffered by children through these forms of exploitation. Such terms imply that child victims are somehow responsible or willing participants in their own abuse, which has the effect of stigmatising and ‘blaming’ victims for what has happened to them.

4.4 The Department proposes that these terms should be removed from the legislative framework and replaced with the term ‘sexual exploitation of children’. This will help to raise awareness of the status of children as victims of exploitation rather than as willing participants or complicit in the abuse perpetrated by others. This reflects a recommendation of the Marshall Report as well as recent legislative changes in England and Wales under Section 68 of the Serious Crime Act 2015.
4.5 Under this proposal, Articles 37-40 of the 2008 Order would be amended to remove references to child prostitution and child pornography and replace these with references to causing, inciting, controlling, arranging or facilitating the sexual exploitation of children. It seems sensible to adopt the same terminology and definitions as used in England and Wales in the equivalent provisions under sections 47-51 of the Sexual Offences Act 2003.

4.6 The proposed definition is: ‘a person (B) is sexually exploited if on at least one occasion and whether or not compelled to do so, B offers or provides sexual services to another person in return for payment or a promise of payment to B or a third person, or an indecent image of B is recorded or streamed or otherwise transmitted’. In this context ‘payment’ means any financial advantage, including the discharge of an obligation to pay or the provision of goods or services (including sexual services) gratuitously or at a discount. The term ‘sexual exploitation’ would be interpreted according to this definition.

4.7 These proposed changes to the terminology will not affect the operation of the law. Other legislative provisions that refer to these offences will require consequential amendment.

QUESTION 1(a): Do you agree or disagree with the proposal to remove legislative references to ‘child prostitute’, ‘child prostitution’ and ‘child pornography’ and replace these with the term ‘sexual exploitation of children’? If you disagree, please explain why.

QUESTION 1(b): Do you agree or disagree with the proposed definition of ‘sexual exploitation of children’ as set out above? If you disagree, please explain why.

2. Inclusion of live streamed images in child sexual exploitation offences

4.8 Article 41 of the Sexual Offences (Northern Ireland) Order 2008 (‘the 2008 Order’) makes provision for the interpretation of terms in the current child prostitution and pornography offences at Articles 37-40 of the 2008 Order.
Recently, the equivalent provision in England and Wales, Section 51(2) of the Sexual Offences Act 2003 (‘the 2003 Act’), has been amended to make it explicit that the definition of child sexual exploitation (previously known as the child prostitution and pornography offences) covers images that are live streamed or otherwise transmitted as well as images which are recorded.

4.9 This amendment was a direct response to a case in England and Wales where child sexual abuse involving the live streaming of images was not successfully prosecuted due to it being unclear that such behaviour was covered by the relevant offences in the 2003 Act.

4.10 In order to clarify that images that are streamed or otherwise transmitted are included for the purposes of the child prostitution and pornography offences, it is considered that a similar amendment should be made to Article 41 of the 2008 Order.

4.11 There is a clear rationale for ensuring that images that are streamed or otherwise transmitted are included within the definitions of the prostitution and pornography offences, particularly given the changing nature of sexual abuse and the rise in the use of technology and digital devices by perpetrators in the sexual exploitation of children.

4.12 This proposal would require a minor amendment to the law. The Department has not identified any unintended or adverse consequences that would result from this change to the law.

**QUESTION 2(a):** Do you agree or disagree with the proposal to amend the law to ensure that images that are streamed or otherwise transmitted are included for the purposes of the child prostitution and pornography offences? If you disagree, please explain why.

### 3. Adequacy of the existing grooming offence

4.13 The Marshall Report recommended that the grooming offence under Article 22 of the Sexual Offences (Northern Ireland) Order 2008 (‘the 2008 Order’) should
be extended to include situations where an individual ‘entices’ a child under the age of 16.

4.14 This recommendation was intended to target the common ‘scatter gun approach’, used by perpetrators online to target a large number of potential victims with messages intending to solicit a sexual response, or indicate some degree of openness to becoming involved in such communication. The recommendation reflected concerns that the existing offence was not adequate to address this type of behaviour and did not allow the police to act or intervene at an earlier stage to prevent and stop abuse.

4.15 Since the publication of the Marshall Report in 2014, the offence of meeting a child following sexual grooming under Article 22 of the 2008 Order has been amended to lower the threshold. A perpetrator would now commit the offence if, for the purposes of sexual gratification, a person (aged 18 or over): met or communicated with a child (under 16, and who the adult does not believe to be 16 or over) on at least one occasion (previously two occasions); and intentionally met, travelled to meet, arranged to meet or travelled with the intention to meet the child; and did so with the intention of committing a sexual offence as defined in the 2008 Order. There is also now a new offence of communicating sexually with a child under Article 22A of the 2008 Order.

4.16 These changes were intended to allow for earlier intervention by police where they believe a child to be at risk of grooming but where elements of the grooming offence (prior to amendment) had not been met. These changes have the same rationale and have had a similar effect to what was intended in the Marshall recommendation.

4.17 There is evidence that these offences are working as intended, for example, between 1 April 2015 and 31 March 2018, the PPS made 70 prosecution decisions in relation to these two offences, of which 29 were for prosecution, three were for diversion and 38 were for no prosecution.

4.18 As a result of these recent changes to the law, the legislative ‘gap’ identified in the Marshall Report has been closed and the law now provides adequate measures to combat grooming and allow police to intervene earlier to prevent
children coming to harm. No further legislative gaps have been identified and therefore no further legislative changes are proposed.

QUESTION 3(a): Do you agree or disagree that the offence of grooming is adequate and appropriate? If you disagree, please explain why.

QUESTION 3(b): Do you agree or disagree that no changes to this offence are required? If you disagree, please explain why.

4. Defence of ‘reasonable belief’ in relation to sexual offences against children

4.19 The Sexual Offences (Northern Ireland) Order 2008 (‘the 2008 Order’) currently provides for a number of sexual offences against children which are defined according to the age of the child. For sexual offences against children aged over 13 but either under 16 or under 18, the law provides that a defendant does not commit the offence if he or she reasonably believes that the child is either 16 or over, or 18 or over. The offences that this applies to are:

- Sexual offences against under 16s (Articles 16-22A of the 2008 Order);
- Abuse of position of trust offences against under 18s (Articles 23-26 of the 2008 Order);
- Familial sexual offences against under 18s (Articles 32-33 of the 2008 Order); and
- Offences against children under 18 though prostitution and pornography (Articles 37-40 of the 2008 Order).

4.20 Under the current law, a defendant charged with one of these offences can state that he or she believed that the child was over the relevant age and it is then up to the prosecution to prove beyond all reasonable doubt that the defendant’s belief regarding the age of the child was not reasonable.

4.21 The Marshall Report recommended that this burden of proof should be changed so that, if the defendant wishes to rely on a defence of reasonable
belief, it should be for the defendant to prove that his or her belief was reasonable.

4.22 This recommendation arises from the fact that it is for the prosecution to disprove reasonable belief, which effectively allows perpetrators to avoid liability for their actions, and therefore falls short of an absolute prohibition on the sexual exploitation and abuse of children. The UN Committee on the Rights of the Child and the Northern Ireland Human Rights Commission have expressed the view that this aspect of the current law is not compliant with human rights standards.

4.23 Section 39 of the Sexual Offences (Scotland) Act 2009 (‘the 2009 Act’) introduced the defence of reasonable belief so that, in Scotland, the onus is now on the defence to prove the defendant’s reasonable belief with regards to the age of the child, if the defendant wishes to avail of that defence.

4.24 The Supreme Court recently considered the law in Scotland and concluded that the defence of reasonable belief under Section 39(2)(a)(i) of the 2009 Act is lawful and does not breach the right to a fair trial under Article 6 of the European Convention on Human Rights (ECHR)\(^\text{18}\).

4.25 Changing the law so that it would be up to a defendant to prove his reasonable belief in relation to a child’s age for the sexual offences listed at paragraph 4.19 above could be considered proportionate and justifiable as part of a general responsibility to protect children from sexual exploitation and abuse. This proposal is also consistent with international human rights standards and would ensure that the law is clear that it is an individual’s responsibility to be sure of the age of a young person before engaging in any sexual activity with them.

4.26 If this change to the burden of proof is made, it would still be up to the prosecution to prove each element of the relevant offence to the criminal standard, including the age of the victim.

**QUESTION 4(a):** Do you agree or disagree with the proposal to change the burden of proof so that, if a defendant wishes to rely on a

\(^{18}\) AB v HM’s Advocate (Scotland) 2017 UKSC 25
defence of reasonable belief, the onus would be on the defendant to prove that he or she reasonably believed that the child was over the age specified in the offence? If you disagree, please explain why.

4.27 The Department has also considered whether there may be circumstances where a defendant should not be able to use such a defence of reasonable belief.

4.28 The 2009 Act provides for three circumstances in which the defence of reasonable belief cannot be used. These exceptions are designed to prevent individuals who are already known or suspected of being a risk to children from being able to use such a defence:

- if the defendant has previously been charged by the police with a relevant sexual offence;
- if the defendant has a previous conviction for a relevant foreign offence committed against a person under the age of 16; or
- if a risk of sexual harm order is in force in respect of the defendant.

4.29 However, the Supreme Court has found the first of these exceptions to be in breach of a defendant’s right to privacy under Article 8 ECHR because prior charges can relate to offences in which the age of the victim is not an essential component and do not therefore provide a sufficiently clear official warning or notice that consensual sexual activity with children between the ages of 13 and 16 is an offence.

4.30 The prior charges would therefore fail to alert the person charged to the importance of a young person’s age in relation to sexual behaviour, and so could not justify depriving that person, if later charged with a sexual offence against a child, of the ability to use the reasonable belief defence.\(^\text{19}\) The Scottish Government has not yet formally responded to this finding.

\(^\text{19}\) AB v Her Majesty’s Advocate (Scotland) [2017] UKSC 25
4.31 Since this has been found to be a breach of Article 8 ECHR it would not be appropriate to include this exception in any proposed legislative change. It could be considered reasonable and desirable to provide an exception where the defendant has a previous conviction (as opposed to a charge) for a relevant sexual offence.

4.32 It is arguable that a conviction constitutes sufficient warning to the defendant in relation to the law on sexual activity with children, and therefore depriving the defendant of the right to use a defence of reasonable belief would be reasonable and proportionate.

4.33 It may be necessary to restrict the list of offences considered ‘relevant’ for the purposes of this defence to those offences to which the defence itself would apply to ensure that the law does not breach ECHR.

**QUESTION 4(b):** Do you agree or disagree with the proposal that an individual with a previous conviction for a sexual offence against a child should **not** be allowed to use a defence of reasonable belief? If you disagree, please explain why.

4.34 Although the Supreme Court did not consider the second and third exceptions under the 2009 Act, it could reasonably be argued that either a previous conviction for a relevant foreign offence or a risk of sexual harm order (which, although it does not require a previous conviction, applies specifically where the individual is considered a risk to children) would constitute sufficient warning that sexual activity with children under the age of 16 is unlawful. The Department is therefore of the view that these exceptions would be compliant with Article 8 ECHR.

4.35 On balance, it would seem appropriate to follow the Scottish model and provide exceptions so that individuals who are demonstrably a risk to children, either because they have been convicted of sexual offences against children abroad or because they are subject to a Risk of Sexual Harm Order, are not able to avail of a defence of reasonable belief. This would help to prevent people who
deliberately and repeatedly target children from being able to avoid responsibility for their crimes and continue to abuse children.

**QUESTION 4(c):** Do you agree or disagree with the proposal that an individual with a previous conviction for a relevant foreign offence against a child should not be allowed to use a defence of reasonable belief? If you disagree, please explain why.

**QUESTION 4(d):** Do you agree or disagree with the proposal that an individual who is subject to a Risk of Sexual Harm Order should not be allowed to use a defence of reasonable belief? If you disagree, please explain why.

**QUESTION 4(e):** Are there any other circumstances where you think individuals should not be able to use a defence of reasonable belief in relation to sexual offences against children? Please provide details.

5. **Abuse of trust offences**

4.36 Articles 23-26 of the Sexual Offences (Northern Ireland) Order 2008 (‘the 2008 Order’) provide for offences of sexual activity with a child through abuse of positions of trust which apply to all children under the age of 18. The offences currently only apply where the position of trust is in the context of a statutory responsibility such as education, state care and criminal justice.

4.37 The positions of trust do not include parental responsibility and other family relationships which are covered by Articles 32-33 of the 2008 Order (familial sexual offences).
4.38 The Department is aware of calls to change the law in relation to the abuse of trust offences to include sports coaches and other groups of people working with children and young people such as church groups and youth groups.

4.39 It has been argued that those in authority in sport have substantial influence and power over young people (particularly in relation to competitive sports) and that there have been a number of serious cases where this position of trust has been abused and resulted in the grooming of, and sexual relationships with, children and young people in sport.

4.40 While the law makes provision for sexual offences against children under 16, it has been argued that an otherwise consensual relationship between a 16 or 17 year old and a person in a position of authority over them is inappropriate on the grounds that it is open to exploitation and abuse. Some argue that there is therefore a legislative gap which needs to be addressed.

4.41 The issue of extending the position of trust offences to include sports coaches was previously considered in 2010, when consultation was carried out with sports bodies and the Department for Culture, Arts and Leisure. Following that work, it was decided that no changes would be made to the existing position of trust offences for the following reasons:

- the original policy intention underpinning these offences was not designed to include positions of trust outside of the strictly formal definition in the current legislation, which focuses on positions of trust governed by the state, for example in education, state care and the criminal justice system;
- adding sports coaches as a single group would be outside the scope originally envisaged;
- the opposition of sports organisations to being singled out in this way;
- the unclear evidence surrounding whether there is a real problem to be addressed; and
- the difficulties in defining a sports coach in legislation.
4.42 Since then, there has been a policy shift towards more administrative ways of addressing child protection issues in sport as well as other activities.

4.43 The Department has considered this issue again and concluded that there has not been any significant change or new evidence presented since the 2010 review clearly indicating a significant issue relating to abuse and exploitation of 16 and 17 year old children by sports coaches in Northern Ireland that would require a legislative response. There is also no clear evidence of problems relating to abuse of these older children involved in other activities, such as church groups, Scouts/Guides or other social clubs. There does not seem to be an established need to change the law to further expand the scope of abuse of trust offences.

4.44 The policy basis for establishing position of trust offences was to provide additional protection for 16 and 17 year olds, who could otherwise legally consent to sexual activity, in circumstances of state care. This is a reflection of the need for the state to adopt the highest level of safeguards towards children in its care. The evidence suggests that it may not be appropriate to extend this protection in relation to 16 and 17 year olds taking part in normal recreational activity. Children under the age of 16 are already protected, as any sexual activity with a child under 16 is prohibited by the law on consent.

4.45 We are aware that this issue is currently being considered by the Department for Digital, Culture, Media and Sport, the Ministry of Justice and the Home Office in relation to England and Wales. While we do not think a change to the law is appropriate at this stage, we would propose to keep this issue under review, taking account of experience and developments elsewhere as necessary and appropriate.

**QUESTION 5(a):** Do you agree or disagree that the abuse of trust offences should not be extended to include sports coaches and other groups outside of the state sector? If you disagree, please explain why.
6. Indecent ‘self’ images of children under 18

4.46 Article 3 of the Protection of Children (Northern Ireland) Order 1978 (‘the 1978 Order’) provides that a person who takes, allows to be taken, distributes, shows, possesses with a view to distribute or show, or publishes or causes to be published an indecent photograph or pseudo-photograph of a child under the age of 18 is guilty of an offence.

4.47 Justice in the 21st Century suggested an exception to the current law to provide that a person under 18 who takes etc. an indecent image of themselves would not commit a criminal offence. The report also suggested that someone under 18 who takes or shares an indecent image of another person under the age of 18 would only commit a criminal offence if it was done with malicious intent.

4.48 This recommendation arose from concerns that children who have shared images of themselves, often online, and are scared about what someone else might do with that image, may be reluctant or afraid to ask for help for fear of getting into trouble. This makes these children more vulnerable to further exploitation and harm.

4.49 This issue relates to activity commonly known as ‘sexting’ which involves making and sending sexually explicit texts, images and videos via mobile phones, tablets, computers and other digital devices.

4.50 The rationale underpinning this recommendation is that the law should protect rather than criminalise children, particularly in situations where they have taken or shared indecent images of themselves, because they lack maturity and judgement rather than through any intention to commit an offence or cause harm to others. In these circumstances, the knowledge that they have actually committed an offence can compound the trauma they experience around fears about the image being shared further than they intended.

4.51 The Department recognises these concerns and would similarly want to ensure that the law does not criminalise young people unnecessarily. As a result, the review looked carefully at whether the current offence, in practice, created outcomes of this nature. On the face of it, the suggested exception to the
current law for children under 18 who take etc. an indecent image of
themselves might seem to offer a sensible way to ensure that young people are
not subject to criminal sanction for an act of immature folly, and those who find
themselves caught up in such behaviour can access help if their actions
escalate beyond their control.

4.52 On the other hand, it is also important to consider that changing the law to allow
young people to share indecent images of themselves could potentially create a
‘gap’ where these young people could distribute indecent images of themselves
unsolicited to others which could be distressing for the recipient and, in the
event that the images are shared with other children, could actually amount to
abusive behaviour in itself. There is also the risk that indecent images of
children under 18, even if taken legally by the young person themselves, could
be acquired, shared and distributed by adults who pose a risk to children.

4.53 During the review, criminal justice agencies indicated that, in practice,
situations where a child under 18 takes or shares indecent images of
themselves are approached with a focus on safeguarding children rather than
commencing unnecessary criminal proceedings.

4.54 PSNI guidance on ‘Sexting and the Law’ clearly states that, while it is an
offence for a child to make and possess an indecent image of themselves,
these cases will be dealt with sensitively and considered individually and with
regard to all the circumstances, including issues such as any disparity in age
between the young people involved, how many people the image was shared
with, the nature of the images, and the response of parents, school and social
services to the incident.

4.55 The PSNI will often discuss a case with the PPS at an early stage, without
formally opening an investigation, in order to prevent young people being
brought unnecessarily into the criminal justice system. PSNI will however
record details of referrals even where cases are not progressed so that
concerning patterns of behaviour and repeat offending can be identified.

4.56 In the event that a case is progressed, the application of the public interest test
by the PPS provides further protection against the unnecessary and
inappropriate criminalisation of a young person for distributing a self-image. In practice, these cases are unlikely to result in a decision to prosecute the child involved. For example of 113 prosecution decisions for suspects under the age of 18 relating to indecent images offences made between 1 April 2015 and 31 March 2018, only six were directed for prosecution. A further 22 decisions were for non-court diversions such as youth conferences or cautions and 85 were decisions of no prosecution, either on an evidential basis or in the public interest. There is therefore no evidence to suggest that children are being unnecessarily criminalised for taking indecent images of themselves.

4.57 The second part of the Justice Committee’s proposal suggests that someone under 18 who takes or shares an indecent image of another person under the age of 18 would only commit a criminal offence if it was done with malicious intent.

4.58 The PSNI and PPS have previously expressed concerns about the term ‘malicious intent’. The requirement on the PPS to prove this element of an offence would present an evidential burden that could be difficult to overcome.

4.59 The concern is that the inclusion, for under 18s, of a ‘malicious intent’ requirement in the offence of distributing etc. an image of another young person, would add a difficult subjective test where a prosecution was considered to be in the public interest. The level of difficulty involved in proving malicious intent, particularly in the case of an immature young person, is likely to be extremely high. This could have the unintended consequence of making those few cases, where a decision to prosecute is considered to be in the public interest, more difficult to prosecute.

4.60 The evidence suggests that the current law, as applied by criminal justice agencies, provides a satisfactory balance between protecting children from exploitation through the taking and sharing of indecent images, while also protecting them from unnecessary criminalisation where they have not intended to cause harm. Overall, the law seems to work well at present and there does not appear to be sufficient justification to change it.
**QUESTION 6(a):** Do you agree or disagree that the current law in relation to indecent images of children is appropriate? If you disagree, do you think that the law should not apply to children under 18 who share indecent images of themselves, or who share images of others unless done with malicious intent?

7. **Using online anonymity to harass**

4.61 Justice in the 21st Century proposed an amendment to the Protection from Harassment (Northern Ireland) Order 1997 (‘the 1997 Order’) to deal with situations where an individual uses anonymity provided by the internet and/or the ability to create multiple online accounts to harass another person.

4.62 This recommendation stems from concerns based on the perceived low number of prosecutions. It has been suggested to us that a change in the law would allow for longer sentences for aggravated harassment offences.

4.63 This recommendation has been considered in light of how the current law on harassment is working and how the law takes account of the use of anonymity to commit harassment.

4.64 Articles 3 and 4 of the 1997 Order provide for the offence of harassment. Sentencing guidelines on offences within the 1997 Order provide scope for the courts to deal with aggravating factors that include issues such as anonymity. For example, the guidelines already recognise both ‘creating email/website accounts purporting to be the victim’ and ‘offender using social media to target victim and/or commit the offence (e.g. cyber-bullying)’ as aggravating factors when passing sentence.

4.65 This type of behaviour may also be captured under the offence of improper use of public electronic communications network under Section 127 of the Communications Act 2003 (‘the 2003 Act’).

4.66 The sentencing guidelines for offences under the 2003 Act recognise the use of social media to target the victim and/or commit the offence as an aggravating
factor. Both the PSNI and PPS have indicated that the existing offences and sentencing guidelines work well and that no changes to the law are necessary,

4.67 Also, statistics do not indicate low levels of prosecution and convictions that would suggest that there are any significant problems with the current law. In 2016 there were 349 prosecutions for harassment under Article 3 of the 1997 Order, resulting in 156 convictions. There were 197 prosecutions for offences under Section 127 of the 2003 Act in the same year, resulting in 105 convictions.

4.68 On balance, the current law on harassment appears to be working as intended and there does not appear to be a legislative gap where individuals are able to harass other people online without committing an existing offence. The existing sentencing guidelines appear adequate to address situations where a case involves aggravating factors such as anonymity so that this type of behaviour is taken into account by the courts.

QUESTION 7(a): Do you agree or disagree that there is no need to create a new law on harassment to deal with the aggravated impact where an individual uses anonymity provided by the internet and/or the ability to create multiple online accounts to harass another person? If you disagree, please explain why.

8. Adults masquerading as children online

4.69 Justice in the 21st Century proposed a new law to prohibit an individual of 18 or above, who masquerades as someone below that age, from engaging online with an individual they know or believe to be under the age of 18. This would mean that an adult masquerading as someone under 18 would commit an offence unless they could prove that they did so with reasonable cause or lawful authority.

4.70 This proposal stems from concerns that some individuals are repeatedly pretending to be children online as a precursor to grooming or other offences
and that this behaviour is an indicator that these individuals present a risk to children. The act of simply pretending to be a child online does not meet the elements of the existing grooming offences under the Sexual Offences (Northern Ireland) Order 2008 ('the 2008 Order'), and it has therefore been argued that there is a legislative ‘gap’ that should be addressed.

4.71 This proposal has been considered only in the context of CSE and sexual offences against children. There may be innocent reasons why some adults might pretend to be children online for the purposes of non-sexual activity, for example, where an adult with an immature or childish hobby pretends to be under 18 when engaging in online discussion about that interest to prevent embarrassment, or to participate in online gaming.

4.72 There does not appear to be any clear reason why the law should seek to criminalise individuals in such circumstances where they have no intention of committing an offence and where they pose no risk to children.

4.73 Where an adult pretends to be a child online, and where that adult’s intention is to commit, or try to commit, a sexual offence against a child, it is likely that related activities carried out by the adult would be covered by existing grooming offences in the 2008 Order.

4.74 For example, the adult’s communications with a child online may fall within the offence of ‘sexual communication with a child’ (Article 22A of the 2008 Order) or the offence of ‘arranging or facilitating commission of a sex offence against a child’ (Article 21 of the 2008 Order) or, in the event that the adult intends or has travelled to meet the child, ‘meeting a child following sexual grooming’ (Article 22 of the 2008 Order).

4.75 While the Department recognises the need to intervene early to prevent abuse, it is difficult to see how an offence could be constructed to capture the act of an adult masquerading as a child online but where they have not said or done anything to suggest an intention to commit an existing sexual offence against a child. To do so would create a blanket offence which an individual could commit even if they have no intention of committing a sexual offence against a
child, where they are not a risk to children, and where no harm has been caused to a child.

4.76 Changing the law in this way could result in unnecessary criminalisation of individuals which would be a serious adverse consequence of expanding the grooming offences to include adults masquerading as children online.

4.77 There are other tools available to the PSNI to stop individuals who are a risk to children before the commission of a criminal offence, such as Police Information Notices (PIN) and Child Abduction Warning Notices (CAWN), although the latter can only be used in relation to a specific child and with the knowledge of the child’s parents or carers. Where an individual has a previous conviction for a sexual offence, or where they are believed to have committed prior sexual offences against children but do not have a conviction, that individual could also be made subject to a civil prevention order which could place restrictions on them such as use of internet and mobile devices, or a prohibition on contact with children.

4.78 On balance, the Department is of the view that the existing grooming offences and other measures are adequate to protect children from harm in the circumstances which this proposal seeks to address. On this basis the Department does not propose to make any changes to the existing grooming offences.

**QUESTION 8(a):** Do you agree or disagree that there is no need to create a new offence of an adult masquerading as a child online? If you disagree, please explain why.

9. **Up-skirting**

4.79 ‘Up-skirting’ is a term used to describe a situation where an individual covertly films or takes photographs directed up a female’s skirt in order to obtain images of their underwear, genitals or upper-thigh area. There have been a number of recent cases involving up-skirting in Northern Ireland as well as in England and
Wales but there is currently no specific offence in Northern Ireland which covers this type of behaviour.

4.80 This type of behaviour falls within the scope of the voyeurism offence in Scotland under Section 9(4A) and (4B) of the Sexual Offences (Scotland) Act 2009 (‘the 2009 Act’). Earlier this year the Voyeurism (Offences) Act 2019 (‘the 2019 Act) amended the voyeurism offence under section 67 of the Sexual Offences Act 2003 to criminalise up-skirting in England and Wales. The 2019 Act will come into force on 12 April 2019.

4.81 While up-skirting can be committed against people of all ages, there is evidence that children have been the victims of this type of behaviour and this type of behaviour is related to concerns about the use of digital and technological advancements to exploit and abuse children and the taking and sharing of indecent images. For these reasons, it is appropriate to consider this issue within the context of this consultation.

4.82 Since there is currently no specific offence of up-skirting, if this behaviour is reported to the PSNI it is likely to be captured under non-sexual offences such as breach of the peace, disorderly behaviour or outraging public decency. These offences can only be prosecuted if the behaviour occurred in a public place and therefore may not cover, for example, instances where a teacher or pupil was up-skirted in a school.

4.83 These offences are not sexual offences and they do not capture the sexual element of the behaviour. Consequently, victims do not have automatic entitlement to anonymity and perpetrators are not considered to have committed a ‘qualifying offence’ for the purposes of obtaining a Sexual Offences Prevention Order or other civil prevention order which could place restrictions on them to protect people from sexual harm.

4.84 It could therefore be argued that there is no way of challenging or changing the offending behaviour, which makes it more likely to reoccur, and the fact that the only available offences are non-sexual may minimise the seriousness of the offending and the impact it can have on victims.
4.85 There are also limitations with the existing offences themselves which arguably create a ‘gap’ where behaviour that would constitute up-skirting would not be an offence. For example the offence of voyeurism only applies to filming of actions that take place in private, whereas up-skirting usually occurs where the victim is in a public place. The offence of outraging public decency usually requires someone to have witnessed the action but up-skirting is often unobserved and the victim may not even be aware that it is taking place.

4.86 Data on the prevalence of this type of behaviour is not available as up-skirting is not a separate criminal offence but we do believe that it occurs. In Scotland there were 13 prosecutions in total for up-skirting type behaviour under Section 9(4A) and (4B) of the 2009 Act between 2011/12 and 2015/16.

4.87 There appears to be a clear rationale to make up-skirting unlawful to protect people, including children, from this type of sexual crime. It is also clear that this type of behaviour may not be caught by other offences and, even if it is caught, the nature of those offences does not capture the sexual nature of the behaviour and may minimise the impact on victims. There is therefore a legislative ‘gap’ that needs to be addressed.

**QUESTION 9(a):** Do you agree or disagree that there is a need to change the law to make up-skirting a criminal offence? If you disagree, please explain why.

4.88 The Department proposes to amend the existing voyeurism offence under Article 71 of the Sexual Offences (Northern Ireland) Order 2008 (‘the 2008 Order’) to include up-skirting behaviour. This approach mirrors that in Scotland and in England and Wales, where up-skirting falls within the voyeurism offences. It also seems sensible to consider the precise legislative definitions of up-skirting in those jurisdictions.

4.89 The provisions in Scotland and in England and Wales provide that a person commits the offence of voyeurism if, without consent, they operate equipment, or record an image beneath an individual’s clothing with the intention of enabling themselves or a third party to observe that individual’s genitals or
buttocks (whether exposed or covered with underwear) in circumstances where they would not otherwise be visible, and where it may reasonably be inferred that the person acted for the purposes of obtaining sexual gratification or humiliating, distressing or alarming the individual. It is also an offence to install equipment, or construct or adapt a structure for the purposes of committing such an act.

4.90 The Department proposes to make upskirting a criminal offence by amending the existing voyeurism offence in line with the definition of upskirting used in Scotland, and England and Wales. This seems to be a sensible approach as it would use an existing legislative definition which appears to be working well and it would also ensure consistency across the jurisdictions.

**QUESTION 9(b):** If you agree that up-skirting should be a criminal offence, do you agree or disagree with our proposal to achieve this by amending the existing voyeurism offence as per the law in Scotland and expected changes to the law in England and Wales? If you disagree, please explain why.

10. Child sex dolls

4.91 There have been a number of recent cases involving individuals in possession of child sex dolls in England and Wales. Child sex dolls are often manufactured to look like a child, are of lifelike weight, anatomically correct, have moving parts and may have functions such as warming up and vibration. They are often purchased via common trading sites such as Amazon and eBay and the main issue at present seems to involve individuals importing these dolls from countries such as Hong Kong and China.

4.92 The National Crime Agency believes that the purchase of child sex dolls can indicate other offences against children and the NSPCC argues that child sex dolls normalise sexual abuse against children and can lead to offending. For example, in recent cases in England and Wales defendants have also been convicted of possession of indecent images of children.
Under the Customs Consolidation Act 1876, which applies in all UK jurisdictions, it is an offence to import obscene or indecent items. This legislation has been used to prosecute people for importing child sex dolls in England and Wales. It is possible that other legislation could be used to deal with this type of behaviour, such as the Obscene Publications Act 1959 and Indecent Displays (Control) Act 1981 in England and Wales, or the common law offence of publishing, exhibiting or selling indecent or obscene things in Northern Ireland, but there have been no prosecutions to date for any offences relating to child sex dolls other than importation.

The Department is aware of only one case to date involving what was believed to be a child sex doll in Northern Ireland. The item was intercepted at a port, so therefore would have been covered under existing legislation, but the case did not proceed due to evidential difficulties.

The recent cases in England and Wales have highlighted a potential ‘gap’ in the law where the possession, manufacturing and distribution of child sex dolls is not a criminal offence, even though the possession of such a doll may suggest that an individual is a risk to children. There have been calls for the manufacturing, distribution and possession of child sex dolls to be criminalised in line with the laws on indecent images.

The NSPCC has also expressed concern that the existing offence of importing indecent or obscene items creates an unsatisfactory situation where it is up to Border Force officers to ‘police’ this issue by identifying and seizing items if they are deemed to be indecent or obscene. This process is arguably not sufficiently robust and there is a risk that dolls will be able to slip through the importation process to be used by individuals who are a risk to children.

This is a UK wide issue and the Home Office, National Crime Agency and police in England and Wales are currently undertaking work to improve understanding of the nature and extent of this behaviour involving child sex dolls, and consider whether any future legislative or non-legislative change might be necessary.
4.98 While there may be a gap in the law in relation to the possession and manufacture of these dolls, the Department believes it would be of benefit to await the conclusion of the work currently underway elsewhere, which may impact on matters which are not devolved such as online regulations and importation, before considering any future changes to the law in Northern Ireland. There is no evidence of a pressing need to change the law, given that only one case has been identified to date which was covered by existing offences in any case.

4.99 The Department intends to stay abreast of developments and keep this issue under review. Subject to the outcome of any developments, specific proposals may be brought forward at a later date.

**QUESTION 10(a):** Do you agree or disagree with this proposed approach to keep the issue of child sex dolls under review, informed by learning emerging from England and Wales, and to consider specific proposals at a later date? If you disagree, please explain why.

11. **Sexual offences against children: compliance with international standards**

4.100 The Marshall Report recommended that the Department should ensure compliance with international standards by extending protection to children up to the age of 18, specifically the Child Abduction (Northern Ireland) Order 1985 (this is discussed separately under Issue 2 below) and the Sexual Offences (Northern Ireland) Order 2008 (‘the 2008 Order’). This recommendation reflects concerns that some legal protections for children stop at the age of 16 whereas the definition of a child under international law is under 18.

4.101 The Department is aware of concerns regarding the current law in relation to the burden of proof for sexual offences against children. This issue has been addressed separately above.

4.102 These concerns have been considered particularly in relation to compliance with the Optional Protocol to the UN Convention on the Rights of the Child on
the sale of children, child prostitution and child pornography. The Optional Protocol requires that domestic law should protect all children under 18 from offences relating to child prostitution and child pornography.

4.103 The Department considers that the relevant provisions (Articles 37-40 of the 2008 Order) are compliant with the Optional Protocol because they apply to all children under the age of 18. The Department is not aware of any other areas of law relating to sexual offences against children where there could potentially be non-compliance with the Optional Protocol.

4.104 Alternatively, this recommendation may relate to concerns that some sexual offences only apply where a child is under the age of 16. These offences are contained in Articles 16-22 of the 2008 Order and, in essence, provide that sexual activity with a person under the age of 16 is unlawful, regardless of consent.

4.105 The effect of these provisions is that, although not explicitly expressed in such terms, the age of consent for sexual activity in Northern Ireland is 16.

4.106 The Department does not consider that there is a policy justification to raise the age of consent or that there would be widespread public support to do so. The current legal framework recognises the rights of young people aged 16 and 17 to engage in consensual sexual relationships, reflective of their increasing maturity and independence.

4.107 The law also provides for a number of categories of sexual offences which apply where a child is aged under 18 in situations where they are particularly vulnerable to abuse. These situations include child prostitution and pornography, abuse where the perpetrator is in a position of trust, and familial sexual offences.

4.108 The Department is of the view that the current law strikes the right balance between protecting children from abuse while also allowing young people aged 16 and 17 to have consensual sexual relationships.

4.109 No gaps in the law have been identified in relation to this recommendation and therefore the Department does not propose any changes to the law.
QUESTION 11(a): Do you agree or disagree that our legislative framework relating to CSE and sexual offences against children is compliant with international standards and that no legislative change is required? If you disagree, please identify which provisions are not compliant and explain why.

12. Inclusion of all children under 18 in scope of abduction offences

4.110 The Marshall Report recommended that the Department should ensure compliance with international standards by extending protection to children up to the age of 18, specifically in relation to the Child Abduction (Northern Ireland) Order 1985 (‘the 1985 Order’).

4.111 The PSNI has indicated that it would support this recommendation because children aged 16 and 17 are still vulnerable to CSE and the extension of the child abduction offences would provide the PSNI with additional tools to protect these older children from abuse.

4.112 Articles 3 and 4 of the 1985 Order provide for offences of abduction of a child by a parent and by other persons, where the child is aged under 16. This is in contrast to Article 68 of the Children (Northern Ireland) Order 1995 (‘the 1995 Order’) which provides for the offence of abduction of a child in care which applies to children under the age of 18. This different treatment of children in care and children not in care has led to concerns that the law creates a ‘gap’ where children aged 16 and 17 years old who live at home, but who are vulnerable to CSE and abuse, are not protected from the offence of child abduction.

4.113 The Article 68 offence under the 1995 Order applies to children where they are in the care of the state and where the state is effectively in loco parentis. This offence includes all under 18s, reflecting the need to ensure more stringent controls on the state’s care of these particularly vulnerable children up until the age of 18 when the state relinquishes this duty of care.
4.114 In general, it is important to consider this issue in light of the context of the wider legal rights of 16 and 17 year olds to live independently and make their own decisions about where they live, reflecting their increasing maturity and move towards adulthood. The law needs to strike the right balance between providing the necessary provisions to protect these older children from abuse and exploitation while also allowing for an increasing level of personal autonomy and choice appropriate to their age.

**The Article 3 offence of abduction by parents**

4.115 The Article 3 offence of abduction relates to situations where a parent takes or sends a child outside of the UK for a period of more than 28 days without appropriate consent. This offence is very unlikely to feature in cases involving CSE, where it would be highly unusual for the perpetrator to be a parent.

4.116 The Department is not aware of any specific concerns relating to the Article 3 offence and there does not appear to be any need to extend the scope of this offence to children aged 16 and 17.

4.117 Cases of this type would also fall under the 1980 Hague Convention, which provides for civil aspects of child abduction cases\(^{20}\). In practice, the legal decision to return a child is a matter for the court in the country dealing with the Hague proceedings. This ceases to apply once a child turns 16 years old.

4.118 Any extension of Article 3 to include children up to the age of 18 is likely to present jurisdictional and practical issues in enforcement for 16 and 17 year olds who have been abducted and taken abroad, as the foreign country may not recognise this as a case of abduction since the circumstances fall outside the Hague Convention.

4.119 The offences of kidnapping or unlawful imprisonment already cover situations where a child aged 16 or 17, to whom the existing abduction offence does not apply, is taken or detained without their consent. There are other tools to prevent children up to the age of 18 from being taken out of the country, such

\(^{20}\) The Hague Convention regulates which country has jurisdiction in cases of child abduction, provides for the return of the child to the country where they are habitually resident and requires countries to cooperate with each other.
as Female Genital Mutilation protection orders and forced marriage protection orders, which may also be appropriate, depending on the individual circumstances of a case.

4.120 On balance, it does not appear necessary to extend the scope of the Article 3 child abduction offence to include 16 and 17 year olds and therefore the Department does not propose any changes to the law.

**QUESTION 12(a):** Do you agree or disagree that there is no need to extend the offence of child abduction by a parent under Article 3 of the Child Abduction (Northern Ireland) Order 1985 to include children aged 16 and 17? If you disagree, please explain why.

**The Article 4 offence of abduction by others**

4.121 The Article 4 offence of abduction applies where a person who is not a child’s parent or guardian takes or detains a child under the age of 16 so as to remove or keep the child from a person entitled to have lawful control of the child. Of the two abduction offences in the 1985 Order, this one is more likely to feature in cases of CSE.

4.122 The extension of this offence to include all children under 18 would provide police with an additional tool to protect older children in situations where they are still vulnerable to exploitation and abuse.

4.123 On the other hand, this could also potentially criminalise the partners of 16 and 17 year olds in an otherwise legal and consensual relationship. This could happen where, for example, a 16 or 17 year old is living with a partner (who could be another 16 or 17 year old themselves) and the parents of the child do not approve of the relationship. The parents could make a complaint to police that the partner had committed an offence under Article 4, in that the child was being ‘detained’ and kept away from their parents who are ‘entitled to lawful control of the child’. Such a complaint could be made even where the child had
consented and chosen their living circumstances and where the parents had made a malicious complaint about the individual in question.

4.124 This would run contrary to the current law which allows 16 or 17 year olds to make their own decisions about relationships and where they live, unless they are at risk of harm, or where the child is in a situation where they are particularly vulnerable, such as prostitution and pornography, or where the partner is in a position of trust.

4.125 The Department has also looked at ways to extend the Article 4 offence to include children aged 16 and 17, but with a number of exceptions, such as a defence for marriage and other relationships and minimum age of 18 in relation to the defendant. However, our analysis is that these exceptions would not appear to provide adequate protection for the rights of 16 and 17 year olds to engage in otherwise consensual relationships.

4.126 On balance, there does not appear to be sufficient evidence to justify extending the protection offered by this offence to 16 and 17 year olds.

**QUESTION 12(b):** Do you agree or disagree that there is insufficient justification to extend the offence of child abduction by persons other than parents under Article 4 of the Child Abduction (Northern Ireland) Order 1985 to include children aged 16 and 17? If you disagree, please explain why.

**13. Recovery orders for children not in care**

4.127 The Marshall Report recommended that the Department should consider introducing recovery orders under the Child Abduction (Northern Ireland) Order 1985 (‘the 1985 Order’) for children who are living at home or independently who have been abducted, along the lines of the current recovery order available for children in care.

4.128 Article 68 of the Children (Northern Ireland) Order 1995 (‘the 1995 Order’) defines an offence of ‘abduction of children in care etc.’ while Article 69 makes
provision for a recovery order (a court order) to provide police with specific powers to recover a child who has been abducted.

4.129 This recovery order only applies to children in care, under emergency protection orders or in police protection, and can be made where a court believes that a child under 18 has been taken away, kept away, has run away, or is staying away from a responsible person or is missing.

4.130 The child abduction offences under Articles 3 and 4 of the 1985 Order (child abduction by a parent and child abduction by a person other than a parent) relate only to children under the age of 16. There is no provision for a recovery order to be made in respect of these offences. There is no provision for equivalent recovery orders for children not in care in England and Wales. Similar powers to apply for an order to recover children in care exist under the Children Act 1989 in England and Wales.

4.131 The rationale for this proposal is that it would enhance existing police powers to deal with cases of child abduction. The powers currently available to police include:

- Article 65 of the 1995 Order, which allows a child under 18 to be taken into police protection where police believe the child is at risk of ‘significant harm’. However, the definition of significant harm can create a high threshold that may not be met in circumstances such as party houses\(^\text{21}\) where a person under 16 has absconded willingly with an older person;

- Child Abduction Warning Notices which do not provide police with formal powers and may not remove the child from immediate danger, but can be used as an administrative tool to assist in future prosecutions; and

- Section 19 of the Police and Criminal Evidence (Northern Ireland) Order 1989 which allows police to enter premises to arrest an individual for an indictable offence. However, it is likely that a child has already come to

\(^{21}\) The party house scenario is described as involving the availability of drugs and alcohol, and exploitation of a young person by more than one other person. See Marshall, K. (2014) Child Sexual Exploitation in Northern Ireland: the Report of the Independent Inquiry at pp. 37-39
significant harm (since an indictable offence has been committed) by the
time this threshold is met.

4.132 While the Department recognises these limitations in relation to the existing
police powers to intervene where a child may have been abducted, it is not
clear that a recovery order would necessarily be an appropriate tool in relation
to children who are not in care.

4.133 It is important to recognise the difference between state responsibilities and
parental care. Recovery orders are needed in respect of children in care to
ensure that the state can discharge its duty of care to these children until the
age of 18, in circumstances which are very different from ordinary parental
responsibility.

4.134 It is also necessary to consider the elements of the existing recovery order for
children in care and how it might work in practice if it were to be available in
respect of children who are not in care.

4.135 One issue is whether it would be appropriate for a recovery order to be
available in respect of both Article 3 and Article 4 child abduction offences. The
Article 3 offence of parental child abduction is not a feature of CSE cases in
Northern Ireland and the current arrangements under the Hague Convention
1980\(^\text{22}\) to recover children who are victims of the Article 3 offence are
considered to be adequate. In addition, there are likely to be issues enforcing
such a Recovery Order in foreign jurisdictions.

4.136 There does not appear to be any clear need for a recovery order for children
not in care in relation to the Article 3 offence of child abduction.

4.137 The Article 4 offence of child abduction, where a child is abducted by a person
other than their parents, is more likely to feature in cases of CSE. It is
necessary to consider how a recovery order might apply in situations covered
by the Article 4 offence, including issues such as who would be able to apply to
the court for such an order and how any associated costs would be met.

\(^\text{22}\) The Hague Convention 1980, \textit{inter alia}, regulates which country has jurisdiction in cases of
international child abduction, provides for the return of the child to the country where they are
habitually resident and requires countries to cooperate with each other in abduction cases.
4.138 At present, an application to the courts for a recovery order for a child in care is made by a representative of a statutory body such as a police officer or social worker. It would seem sensible that applications for recovery orders for children not in care could also be made by PSNI and social services, as these agencies would likely be involved where a child is at risk.

4.139 However, there is a risk that the use of recovery orders for children not in care could be open to abuse through malicious or vexatious applications where there is no real risk of harm to a child. This could happen where a parent makes a malicious report of child abduction or where the PSNI or social services are asked to seek a recovery order in circumstances where there are other ways for parents to intervene and make sure that a child is safe and where police or court intervention is unnecessary.

4.140 Making recovery orders available in respect of all children could therefore result in unnecessary increased costs and inappropriate use of police, social services and court time.

4.141 There may also be difficulties in how recovery orders could be enforced in the rest of the UK, particularly given that these are not currently used in relation to children not in care in the other jurisdictions. The Department does not have the means to make these enforceable in other jurisdictions and to do so would require separate legislation in England and Wales, and in Scotland, or UK wide legislation. The effectiveness of such orders would clearly be significantly reduced if they could not be enforced in the other jurisdictions.

4.142 On balance, the Department is not of the view that a recovery order would be an appropriate tool for children who are not in care. While there is a rationale for the existing recovery orders for children in the care of the state, the evidence does not appear to indicate a clear need in relation to children who are not in care.

4.143 There are also a number of practical concerns in relation to how such a recovery order for children not in care would work in practice, the possibility of misuse and the legal enforceability of such orders.
QUESTION 13(a): Do you agree or disagree that recovery orders would not be an appropriate tool in relation to children not in care who may have been abducted? If you disagree, please explain why.

14. Police powers to request information on guests in hotel-type accommodation

4.144 The Marshall Report recommended the creation of new powers to allow the PSNI to request information on guests staying at hotels, bed and breakfasts etc. where it is suspected that the accommodation is or will be used for the purposes of CSE. These would be similar to powers recently made available in England and Wales under Sections 116-118 of the Anti-Social Behaviour, Crime and Policing Act 2014.

4.145 The powers available in England and Wales include provision that police can issue a notice in writing to the owner, manager etc. of a hotel or similar establishment to require that person to provide the name and address of any guests staying at that establishment, where the police reasonably believe that the premises has been or will be used for the purposes of CSE. A person who has been issued with a notice can appeal against it to a Magistrate’s Court. It would also provide that a person who, without reasonable excuse, fails to comply with a notice or provides incorrect information would commit an offence, punishable by a fine.

4.146 Additional police powers to request information on guests at hotels could be a useful tool to help the PSNI stop and disrupt CSE, since perpetrators of CSE may use hotel type accommodation to groom and abuse children. The introduction of such powers may also help to raise awareness of CSE among those working in the hotel industry and encourage good practices such as checking the identity of guests.

4.147 There is a risk that the effectiveness of such powers may be reduced in circumstances where perpetrators seek to conceal their identity by checking in
under a false name or paying with cash where the hotel does not require proof of identity or a credit card to guarantee a booking.

4.148 However, on balance, these powers are likely to provide useful additional tools for police to disrupt CSE. The Department has not identified any adverse consequences that would result from introducing these new powers.

4.149 On this basis the Department proposes the introduction of new powers along the lines of the powers available in England and Wales.

**QUESTION 14(a):** Do you agree or disagree with this proposal to introduce new powers to allow police to request information on guests staying in hotel type accommodation? If you disagree, please explain why.
Section 5: Summary and next steps

Summary

5.1 In summary, the Department welcomes all views and suggestions in relation to the following issues and proposals:

1. Legislative references to ‘child prostitution’ and ‘child pornography’

The consultation seeks views on a proposal that legislative references to child prostitution and child pornography should be changed to ‘sexual exploitation of a child’ to ensure that the law clearly recognises children as victims rather than participants in their abuse, reflecting current best practice.

2. Inclusion of live streamed images in child sexual exploitation offences

The consultation seeks views on a proposal to amend the law to make sure that it is clear that child sexual exploitation offences include images that are live streamed as well as recorded.

3. Adequacy of the existing grooming offences

The consultation seeks views on the adequacy of the existing grooming offences. The consultation proposes no changes to the law on the basis that recent additions and changes to the grooming offences have already addressed the concerns in relation to the adequacy of the offences.

4. Defence of ‘reasonable belief’ in relation to sexual offences against children

The consultation seeks views on the issue of reversing the burden of proof in relation to sexual offences defined by the age of the child. The consultation proposes a change to the law so that it would be for the defence to prove reasonable belief, if they wished to rely on this defence, rather than the current position where it is for the prosecution to disprove reasonable belief. The consultation also proposes a number of exceptions where this defence could not be used, designed to prevent people who are a known and repeated risk to children from using such a defence to avoid liability.
5. Abuse of trust offences

The consultation seeks views on the scope of the existing abuse of trust offences and whether or not these should be extended to include sports coaches and other people working with children. The consultation proposes no changes to the law on the basis that there is insufficient evidence to support a change to the law and that the original policy rationale for these offences (to provide additional protection for 16 and 17 year olds in circumstances of state care) remains valid.

6. Indecent ‘self’ images of children under 18

The consultation seeks views on whether or not the law should be changed to allow children under 18 to take and share indecent images of themselves (relates to activity known as ‘sexting’). The consultation proposes no changes to the law on the grounds that there are legitimate child protection reasons to maintain the current offence, and there is no evidence that children under 18 are being unnecessarily criminalised for sharing indecent images of themselves.

7. Using online anonymity to harass

The consultation seeks views on whether or not new provisions should be introduced to address situations where individuals use online anonymity to harass others. The consultation proposes no changes to the law on the grounds that the existing law and sentencing guidelines in relation to harassment are considered appropriate.

8. Adults masquerading as children online

The consultation seeks views on whether or not a new offence should be created to deal with situations where adults masquerade as children online. The consultation proposes no changes to the law on the basis that existing grooming offences already cover situations where children are harmed or may come to harm as a result of the adult’s behaviour.

9. Up-skirting
The consultation seeks views on a proposal to change the law to criminalise ‘up-skirting’, where an individual covertly takes or records images of a person’s genitals underneath their clothing.

### 10. Child sex dolls

The consultation seeks views on potential gaps in the law in relation to the possession and manufacturing of ‘child sex dolls’. The consultation proposes no changes to the law at present, but that this issue should be kept under review and be informed by ongoing work across the UK on this issue.

### 11. Sexual offences against children: compliance with international standards

The consultation seeks views on the extent to which the law on sexual offences against children complies with international human rights standards. The consultation proposes no changes to the law on the basis that the law is compliant with the relevant EU and international instruments.

### 12. Inclusion of all children under 18 in scope of abduction offences

The consultation seeks views on whether or not the scope of child abduction offences should be extended to include all children under 18. The consultation proposes no changes to the law on the basis that the current law strikes a good balance between protecting children from abuse while also respecting the rights of older children (aged 16 and 17) to live independently and engage in consensual relationships.

### 13. Recovery orders for children not in care

The consultation seeks views on the use of recovery orders (currently used by police to ‘recover’ children in care who have been abducted) in respect of children who are not in care. The consultation proposes that recovery orders should not be introduced for children who are not in care, on the basis that the current law balances the need to protect older children whilst allowing independence, and that the additional protections for children in care reflect the
particular duties and responsibilities arising from state care, distinct from normal parental responsibility.

14. Police powers

The consultation seeks views on additional police powers to request information on guests in hotel type accommodation where it is suspected that the accommodation has been or will be used for CSE. The consultation proposes the introduction of such powers as a useful additional tool for police to help disrupt CSE.

Next steps

5.2 The Department will consider all responses to this consultation and publish a summary of those responses on the Department’s website. This consultation will ensure that all of your views are taken into account in the development of refined policy and draft legislative proposals, to be considered by Ministers once the Executive and Assembly are restored.

5.3 Any proposed changes to the law will be subject to the decisions of an incoming Justice Minister. As they would require primary legislation, any such changes cannot be taken forward in the absence of the Executive and the Assembly.

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<thead>
<tr>
<th>Recommendation</th>
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<tr>
<td><strong>K1</strong></td>
<td>In response to the reality of CSE identified in this report, the Department of Health, Social Services and Public Safety (DOH) should direct the Public Health Agency to undertake a public health campaign on CSE-related issues. This should complement the work undertaken by SBNI.</td>
<td>SBNI</td>
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<tr>
<td><strong>K2</strong></td>
<td>The inquiry encourages the PSNI to pursue its commitment to strengthening relationships with communities and with young people as a priority in the context of the current climate of austerity.</td>
<td>PSNI</td>
</tr>
<tr>
<td><strong>K3</strong></td>
<td>The DOH in conjunction with DOJ should develop guidance for parents and carers, including foster carers and residential workers, on how best to capture information and/or evidence when a child returns from a period of being missing or is otherwise considered to be at risk of CSE.</td>
<td>HSCB</td>
</tr>
<tr>
<td><strong>K4</strong></td>
<td>SBNI’s developing plan for data collection should include a commitment to collation and analysis of the data in a way that will facilitate a strategic response to CSE.</td>
<td>SBNI</td>
</tr>
<tr>
<td><strong>K5</strong></td>
<td>The DOH should explore the benefits of amending or adding to standards for inspection of children’s homes to ensure that they: a) promote a culture conducive to respect for the best interests of the child; and b) take account of the specific needs of separated and trafficked children and those affected by CSE. The DOH should</td>
<td>DOH</td>
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<td>Recommendation</td>
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<td>issue a circular and associated guidance stating how these issues should be taken forward.</td>
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<td><strong>K6</strong> The DOH, along with the HSC Board and HSC Trusts, should consider how “safe spaces” could be developed for children and young people at risk of, subject to, or recovering from CSE. This development should take account of models of best practice and the views of young people, and should respect international human rights standards.</td>
<td><strong>DOH</strong></td>
<td><strong>Ongoing</strong></td>
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<tr>
<td>VOYPIC’s report, ‘Safe as Houses’ was presented to the Child Protection Senior Official’s Group in January 2019. The findings of this report will be considered in conjunction with the findings of the evaluation which the SBNI has commissioned, which will consider the strategic and operational responses to CSE by member agencies of the SBNI and will take account of the views of young people.</td>
<td></td>
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<tr>
<td><strong>K7</strong> The Northern Ireland Assembly, through the Office of the First Minister and Deputy First Minister, should re-affirm its commitment to strategic, long-term and sustained funding of services for prevention and early intervention.</td>
<td><strong>TEO</strong></td>
<td><strong>Completed</strong></td>
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<td><strong>K8</strong> The Department of Education should conduct a review of youth services that takes account of the views of young people and aims to ensure that such provision is attractive and appropriate.</td>
<td><strong>DE</strong></td>
<td><strong>Completed</strong></td>
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<td><strong>K9</strong> The DOJ should establish an inter-agency forum drawn from across the criminal justice sector and third sector stakeholders to examine how changes to the criminal justice system can achieve more successful</td>
<td><strong>DOJ</strong></td>
<td><strong>Ongoing</strong></td>
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<td>In March 2016, the Department held a workshop involving a wide range of</td>
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<td>prosecutions of the perpetrators of CSE. This must be informed by the experiences and needs of child victims.</td>
<td>practitioners from the Criminal Justice and Health sectors as well as community and voluntary sector organisations that provide support to child victims. Following the workshop, and subsequent workshop report, a response paper and action plan to address the outstanding issues has been prepared by the Department’s Marshall Delivery Group and is due for publication.</td>
<td></td>
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<tr>
<td>K10 The DOH should ensure that the forthcoming, planned review of SBNI should consider streamlining joint working arrangements to make them more realistic, efficient and effective.</td>
<td>DOH</td>
<td>Completed</td>
</tr>
<tr>
<td>K11 The DOH should ensure that there are clear reporting pathways 24 hours a day, seven days a week, for reporting concerns about children and young people, including CSE, with appropriate feedback provided to the individual or agency making the report.</td>
<td>HSCB</td>
<td>Completed</td>
</tr>
<tr>
<td>K12 The protocol for sharing information amongst agencies being developed by SBNI should be concluded as a matter of priority.</td>
<td>SBNI</td>
<td>Ongoing</td>
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The SBNI has developed an information sharing agreement. This will be published to coincide with the publication of the revision to the Department of Health’s guidance, HSS CC 3/96 - Sharing to safeguard -
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<tr>
<td><strong>K13</strong></td>
<td>SNNI</td>
<td>Completed</td>
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<tr>
<td>SNNI and its member agencies should seek to ensure that there is delivery of professional training, both multi-agency and profession-specific, and that this is based upon a clear, agreed and shared definition of CSE.</td>
<td>SNNI</td>
<td>Completed</td>
</tr>
<tr>
<td><strong>K14</strong></td>
<td>DOJ</td>
<td>Ongoing</td>
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</table>
| The DOJ should lead on a project to examine legislative issues highlighted in this report and bring forward proposals for change. These include:  
  a) Ensuring compliance with international standards by extending protection to children up to the age of 18, specifically, the Child Abduction (Northern Ireland) Order 1985 and the Sexual Offences (Northern Ireland) Order 2008.  
  c) Replacing all references to child “prostitution” with “child sexual exploitation”.  
  d) Extending the offence of “grooming” to include “enticing”.  
  e) Reversing the rebuttable presumption | DOJ | Ongoing |
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<th>Recommendation</th>
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<tr>
<td>in the Sexual Offences (Northern Ireland) Order 2008 in relation to</td>
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<td>“reasonable belief” as regards the age of a child.</td>
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<td>f) Whether recent legislation in England and Wales relating to hotels, guest</td>
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<td>houses and bed and breakfast accommodation would be helpful in addressing</td>
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<tr>
<td>CSE in Northern Ireland. These are contained in the Anti-Social Behaviour,</td>
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| K15 The DOH should lead the development of a regional strategy to prevent,   |
| identify, disrupt and tackle CSE. It should involve DOJ and DE and should:  |
| a) be informed by the experiences and views of children, parents and carers;|
| b) recognise parents and carers as partners in preventing and tackling CSE,  |
| unless there are strong indications that they are involved or complicit; c)  |
| recognise the support and training needs of frontline workers in all agencies|
| in relation to CSE; d) reflect the particular role of schools in raising     |
| awareness and identifying concerns about CSE; e) acknowledge the role of    |
| health workers in early intervention, prevention and in reporting CSE, which  |
| should be made more explicit in policies, guidance and training; f) recognise |
| agencies operating in the voluntary (non-statutory) sector as equal and valued |
| partners; g) equip communities with the information, support and confidence   |
| to identify and report concerns about CSE; h) link into and build upon,      |
| existing work in relation to child trafficking as well as strategies tackling |
| known vulnerabilities for CSE, such as alcohol, drugs (including legal highs),|

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<td>DOH</td>
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The SBNI has commissioned an evaluation of CSE which will be carried out in 2019. This will evaluate the strategic and operational response to CSE by SBNI member agencies, taking account of the findings of the Marshall Inquiry and SBNI Thematic review. Once completed, the evaluation will be used to inform decision-making in relation to a future CSE strategy.
<table>
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<tr>
<td>sexual health and domestic violence; i) explore the potential contribution to this issue of strengthening a statutory duty to co-operate among stakeholder agencies; and j) establish a process for promoting and monitoring the implementation of the recommendations of this report.</td>
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<tr>
<td><strong>K16</strong> The HSC Board should adopt a strategic approach to the provision of support services for those who have been subject to CSE, to ensure equality of access. This should build on current, good practice examples.</td>
<td>HSCB</td>
<td>Completed</td>
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<tr>
<td><strong>K17</strong> The HSC Board should ensure that accessible and appropriate support services are made available for adults who were abused as children.</td>
<td>HSCB</td>
<td>Completed</td>
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ITEM 14.15.1.

Ards and North Down Borough Council

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<tbody>
<tr>
<td>Council/Committee</td>
<td>Council</td>
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<tr>
<td>Date of Meeting</td>
<td>27 February 2019</td>
</tr>
<tr>
<td>Responsible Director</td>
<td>Chief Executive</td>
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<tr>
<td>Responsible Head of Service</td>
<td></td>
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<tr>
<td>Date of Report</td>
<td>20 February 2019</td>
</tr>
<tr>
<td>File Reference</td>
<td>CX173</td>
</tr>
<tr>
<td>Legislation</td>
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<tr>
<td>Section 75 Compliant</td>
<td>Yes ☒  No ☐ Not Applicable ☐</td>
</tr>
<tr>
<td>Subject</td>
<td>Freedom of the Borough</td>
</tr>
<tr>
<td>Attachments</td>
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This report should be read in association with the Notice of Motion before the Council at its meeting on 27 February 2019.

The policy of the Council with regard to the conferment of the Freedom of the Borough requires firstly the compliance with an eligibility criteria check. The policy states as follows:

“…To be eligible for the Freedom of the Borough Award, a person, group, or organisation must be either a current or former resident of the Borough or have an established connection to the Borough. Serving Councillors and Officers of Ards and North Down Borough Council are not eligible to be nominated.

Candidates should be persons of distinction, or persons or organisations who had rendered eminent service by way of an exceptional contribution to the Borough, or whose achievements bring additional recognition to the Borough.

The following criteria apply:

- A lifetime of service to the Borough, that being a minimum of 25 years through their work in the community or business and/or
• Having achieved sustained international recognition in the Arts, Sport or Business and/or
• Working as a civic figure whose unique and outstanding record would act as a role model and command the widespread respect of the Ards and North Down Community.”

The pre-nomination submission process is that it be served on the Chief Executive to ensure compliance with the regulations prior to the formal submission of a Notice of Motion. The Notice of Motion should also bear the signatures of six Elected Members. The eligibility criteria will then be checked prior to the Motion being considered by Council. If the Freedom of the Borough is approved, then Officers will bring back a report to a future Corporate Services Committee outlining the arrangements and timescales for the event.

It was subsequently agreed that the Council, unless in exceptional circumstances, would confer Freedom of the Borough on two occasions during a Council term. Members will be aware that the Council did confer its first Freedom of the Borough in July 2018.

RECOMMENDATION

It is recommended that the Council considers the Motion to confer the Freedom of the Borough upon the Irish Guards in that they meet the eligibility criteria and the policy of the Council in this regard.
Ards and North Down Borough Council

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<tr>
<td>Responsible Director</td>
<td>Director of Organisational Development and Administration</td>
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<td>Head of Administration</td>
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<td>20 February 2019</td>
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<td>File Reference</td>
<td>CG 12172</td>
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<tr>
<td>Legislation</td>
<td>Local Government Act (NI) 2014</td>
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<tr>
<td>Section 75 Compliant</td>
<td>Yes ☒ No ☐ Not Applicable ☒</td>
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<tr>
<td>Subject</td>
<td>Notices of Motion</td>
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<td>Attachments</td>
<td>Notices of Motion - Status Report</td>
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</table>

Please find attached a Status Report in respect of Notices of Motion.

This is a standing item on the Council agenda each month and its aim is to keep members updated on the outcome of motions. Please note that as each motion is dealt with it will be removed from the report.

**RECOMMENDATION**

It is recommended that the Council notes the report.
## NOTICE OF MOTIONS UPDATE – FEBRUARY 2019

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<tr>
<th>DATE RECEIVED</th>
<th>NOTICE</th>
<th>SUBMITTED BY</th>
<th>COUNCIL MEETING DATE</th>
<th>COMMITTEE REFERRED TO</th>
<th>OUTCOME OF COMMITTEE WHERE NOM DEBATED</th>
<th>MONTH IT WILL BE REPORTED BACK TO COMMITTEE</th>
<th>OTHER ACTION TO BE TAKEN</th>
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<tbody>
<tr>
<td>31/05/15</td>
<td>Permanent recognition of Rory McIlroy in Holywood</td>
<td>Councillor Muir</td>
<td>24/06/15</td>
<td>Corporate Services 13.10.15</td>
<td>Agreed</td>
<td>Ongoing</td>
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<td>28/2/17</td>
<td>War Memorial – Conlig</td>
<td>Councillors Barry and Woods</td>
<td>Council March 2017</td>
<td>Corporate Services Committee April 2017</td>
<td>Agreed in principle pending report</td>
<td>Ongoing</td>
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<td>10/1/18</td>
<td>Consultation with Millisle and Ballycopeland Presbyterian Church about memorial to missionary Amy Carmichael</td>
<td>Councillor Thompson</td>
<td>Council – January 2018</td>
<td>Environment Committee – February 2018</td>
<td>Agreed to bring back report to C&amp;W</td>
<td>January 2019</td>
<td>Further report March 2019</td>
</tr>
<tr>
<td>15/1/18</td>
<td>‘Refill Ards and North Down’ – reusable water bottles</td>
<td>Councillor Woods, Barry and Robinson</td>
<td>Council – January 2018</td>
<td>Environment Committee – February 2018</td>
<td>Agreed to bring back report</td>
<td>March 2019</td>
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<tr>
<td>2/3/18</td>
<td>Online community directory</td>
<td>Councillor Douglas</td>
<td>Council – March 2018</td>
<td>Community &amp; Wellbeing – April 2018 - deferred</td>
<td></td>
<td>June 2019</td>
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<td>21/3/18</td>
<td>Accessible green space – Town Park in Newtownards</td>
<td>Councillor Smart &amp; Councillor Kennedy</td>
<td>Council – April 2018</td>
<td>Community &amp; Wellbeing – May 2018</td>
<td>TBD</td>
<td>Reporting to Corporate March 2019 regarding Ards FC first</td>
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<tr>
<td>30/5/18</td>
<td>Groomsport tennis courts improvements</td>
<td>Councillor Chambers</td>
<td>Council – May 2018</td>
<td>Community and Wellbeing Committee – June 2018</td>
<td>March 2019</td>
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<td>30/5/18</td>
<td>Annual Multi Denominational Service of Thanksgiving for the work of the Emergency Services and First Responders</td>
<td>Councillor Muir</td>
<td>Council – May 2018</td>
<td>Corporate Services Committee – June 2018</td>
<td>December 2018</td>
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<td>20/6/18</td>
<td>Investment at Seapark Tennis Courts, Holywood</td>
<td>Councillor Dunne</td>
<td>Council – July 2018</td>
<td>Community &amp; Wellbeing Committee – September 18</td>
<td>March 2019</td>
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<tr>
<td>19/7/18</td>
<td>How the Council can facilitate the opening of The Priory in Newtownards during peak tourist periods.</td>
<td>Councillor McIlveen</td>
<td>Council – August 2018</td>
<td>Regeneration - Sept 18</td>
<td>Deferred</td>
<td>Further report January 2019</td>
<td></td>
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<tr>
<td>19/7/18</td>
<td>Appropriate signage at Movilla Cemetery</td>
<td>Councillor McIlveen</td>
<td>Council – August 2018</td>
<td>Community &amp; Wellbeing - Sept 18</td>
<td>Deferred to October 2018</td>
<td>Further report to follow</td>
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<td>15/8/18</td>
<td>Allotments at Bryansburn Road</td>
<td>Alderman Smith &amp; Councillor McClean</td>
<td>Council – August 2018</td>
<td>Community &amp; Wellbeing - Sept 18</td>
<td></td>
<td>October 2019</td>
<td>Further report February 2019</td>
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<tr>
<td>21/8/18</td>
<td>Hanging baskets – roundabout at Main Street, Bangor</td>
<td>Alderman M Smith &amp; Alderman W Irvine</td>
<td>Council – August 2018</td>
<td>Community &amp; Wellbeing- Sept 18</td>
<td></td>
<td>February 2019</td>
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<tr>
<td>21/8/18</td>
<td>Contact Secretary of State re: hate crimes</td>
<td>Councillor T Smith &amp; Councillor C Kennedy</td>
<td>Council – August 2018</td>
<td>Corporate – October 2018</td>
<td></td>
<td>Deferred to November 2018</td>
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<tr>
<td>21/8/18</td>
<td>Memorial to 8 people killed at 1936 TT Race</td>
<td>Councillor Kennedy</td>
<td>Council – August 2018</td>
<td>Corporate - Oct 18 Deferred to November 2018</td>
<td>Agreed</td>
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<tr>
<td>26/9/18</td>
<td>Suicide Rate</td>
<td>Alderman Henry and Councillor Smart</td>
<td>Council – September 2018</td>
<td>Corporate Committee October 18</td>
<td></td>
<td>Deferred to November 2018</td>
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<tr>
<td>27/9/18</td>
<td>Free sanitary products in Council facilities</td>
<td>Councillor Douglas</td>
<td>Council – October 2018</td>
<td>Corporate Committee November 18</td>
<td>Agreed</td>
<td>February 2019</td>
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<td>27/9/18</td>
<td>Litter traps in gullies and overflow pipes</td>
<td>Councillor Douglas</td>
<td>Council – October 2018</td>
<td>Environment Committee November 18</td>
<td>Agreed</td>
<td>March 2019</td>
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<tr>
<td>12/10/18</td>
<td>Climate change</td>
<td>Councillor Muir</td>
<td>Council – October 2018</td>
<td>Corporate Committee November 18</td>
<td>Agreed</td>
<td>March 2019</td>
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<tr>
<td>25/10/18</td>
<td>Development of Forest Schools in the Borough</td>
<td>Councillor Douglas</td>
<td>Council – November 2018</td>
<td>Community and Wellbeing Committee December 18</td>
<td>To Environment</td>
<td></td>
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<tr>
<td>21/11/18</td>
<td>Establishment of a High Street Fund in NI</td>
<td>Alderman Irvine</td>
<td>Council – November 2018</td>
<td>Regeneration and Development Committee December 18</td>
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<tr>
<td>21/11/18</td>
<td>Social media presence for the PCSP</td>
<td>Councillor Woods and Alderman Henry</td>
<td>Council – November 2018</td>
<td>Community and Wellbeing Committee December 18</td>
<td></td>
<td>February 2019</td>
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<tr>
<td>07/12/18</td>
<td>Council estate not to be used in any way to compromise welfare of animals</td>
<td>Councillor Robinson</td>
<td>Council – December 2018</td>
<td>Corporate Committee</td>
<td></td>
<td>June 2019</td>
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<tr>
<td>07/12/18</td>
<td>SPORTS INITIATIVE (suicide prevention offering recovery through sport)</td>
<td>Alderman Irvine</td>
<td>Council – December 2018</td>
<td>Community and Wellbeing Committee</td>
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<td>June 2109</td>
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<td>10/12/18</td>
<td>TerraCycle Crisp Packet Recycling Scheme</td>
<td>Councillor Woods and Councillor Boyle</td>
<td>Council – December 2018</td>
<td>Environment Committee</td>
<td></td>
<td>March 2019</td>
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<tr>
<td>12/12/18</td>
<td>NI Water – Community houses water charges</td>
<td>Councillor Cathcart</td>
<td>Council – January 2019</td>
<td>Community and Wellbeing</td>
<td>GB to write Letter to NI Water</td>
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<td>12/12/18</td>
<td>Campaign to build the UK’s first national memorial dedicated to emergency service personnel</td>
<td>Councillor Chambers and Alderman Henry</td>
<td>Council – January 2019</td>
<td>Corporate Services</td>
<td></td>
<td>To be ratified Council February 2019</td>
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<tr>
<td>04/1/19</td>
<td>Gambling addiction</td>
<td>Councillor Martin</td>
<td>Council – January 2019</td>
<td>Corporate Services</td>
<td></td>
<td>To be ratified Council February 2019</td>
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<tr>
<td>10/1/19</td>
<td>Disabled access to Cloughhey beach</td>
<td>Councillors Adair, Edmund and Thompson</td>
<td>Council – January 2019</td>
<td>Environment Committee</td>
<td></td>
<td>To be ratified Council February 2019</td>
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<tr>
<td>17/1/19</td>
<td>Usefulness of mobile phone apps</td>
<td>Councillor Martin and Councillor McIlveen</td>
<td>Council – January 2019</td>
<td>Environment Committee</td>
<td></td>
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<td>21/1/19</td>
<td>Shelter at slipway in Donaghadee</td>
<td>Councillor Brooks and Councillor Smith</td>
<td>Council – January 2019</td>
<td>Environment Committee</td>
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<td>To be ratified Council February 2019</td>
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<tr>
<td>22/1/19</td>
<td>Climate breakdown</td>
<td>Councillor Woods and Councillor McKee</td>
<td>Council – January 2019</td>
<td>Environment Committee</td>
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<td>To be ratified Council February 2019</td>
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</table>
The Council has received a request from Gordon Pennock on behalf of the Northern Community Leisure Trust (The Trust) to use Castle Park for an obstacle course on Saturday 18th May 2019. The Trust will require the land from 9am on Friday 17th May until 12pm on Sunday 19th May (includes set up and de-rig). The event will take place from 9am to 4pm on Saturday 18th May. They are aiming to attract 1,000 participants (a combination of adults and children) and will run 2 separate courses. The course for adults is marked on the site map at appendix 1 and the course for children is marked on the map at appendix 2.

The Trust has advised that they will avoid the football pitches and minimise the crossing of major public walkways. They will also keep the course from being too close to the Town Hall and will be sensitive to the trees and shrubbery in the park. The course will be marked with tape as late as possible on Friday to avoid disturbance to members of the public using the park. The major paths will be kept free from course tape to allow public access throughout and the tape will be removed the afternoon after the event so that the park is clear before the evening. The key points of the course will be marshalled to ensure both participant and public safety.

The Trust has apologised for the semi-permanent markings which were used on the trees at the last Warrior Assault event in October 2018. These have now been
removed and the organiser will use temporary signage for this event (if approved) which must be removed within 48 hours of the event taking place.

Permission will therefore be subject to the following:

1. The organisers meeting with Council officers to agree the course and to confirm further details regarding the directional markings, and

2. Agreeing to the following conditions:

   I. Paying no fee as per the Council’s policy
   II. Provide a risk assessment and event management plan.
   III. Directional markings must be temporary and are not permitted on any tree stock. They must be removed within 48 hours of the event taking place.
   IV. Display public notices for at least two weeks before the event to notify the public that said event is due to take place in the area. Signage to be agreed in advance with appropriate Council officer.
   V. Public notices must be removed after the event within seven days.
   VI. Provide appropriate welfare facilities at own cost. Number to be agreed with appropriate Council officer in advance.
   VII. Provide evidence of relevant insurances and fully indemnifying Council against all risks associated with the use of land or property.
   VIII. Make good any damage caused during the to the satisfaction of Council officers. Should the Council have to undertake remedial works the costs will be recovered from the organiser.
   IX. Put in place protective measures for areas where important natural heritage is present.
   X. Arrange for the collection and subsequent removal of all litter and other debris from the main event and adjacent areas during the event, as well as once the event had concluded, however, should the Council have to do any additional cleaning the costs will be recovered from the organiser.
   XI. Arrange for the prompt removal of any items used in connection with the event.
   XII. Put in place plans to limit any negative impact on the public using the land at the same time as the event.
   XIII. Obtain and provide evidence of permits/licences/registrations and approvals.
   XIV. Indemnify the Council against all claims which may result from the event or use of the area, and to provide the Council with a copy of the relevant insurance policy.
   XV. Ensure that only the designated area, or areas specified by Council officers are used for the event.
   XVI. Ensure that adequate marshals are placed throughout the designated area to ensure that members of the public are not endangered by the event.
   XVII. Where electrical supplies are being used, this must be agreed in advance with Council officers. Additional costs may apply depending on the services required.
XVIII. No petrol generators are to be used.
XIX. Provide the Council with a list of any suppliers/food providers for the event at least six weeks in advance of the event taking place.

RECOMMENDATION

It is recommended that the Council accedes to the request, subject to the organisers agreeing to the conditions detailed above.
Ards and North Down Borough Council has been involved in working with the East Border Region Group (EBR) during the last three rounds of European Structural Funds. Ards Borough Council joined EBR in 2003 and North Down Borough Council joined in 2006.

Since the opening of the latest round of funding, EBR has applied for, or contributed to the applications of a number of large and small projects on behalf of the region and continues to seek opportunities which will bring benefit to the East Border Region.

Representatives of EBR have requested to present to the March Regeneration and Development Committee to support their request for Council to continue its membership for the year 2019-20.

**RECOMMENDATION**

It is recommended that Council approves the deputation to the March Regeneration and Development Committee by East Border Region.
Ards and North Down Borough Council

Report Classification | Unclassified
---|---
Council/Committee | Council
Date of Meeting | 27 February 2019
Responsible Director | Director of Regeneration, Development and Planning
Responsible Head of Service | Head of Planning
Date of Report | 07 February 2019
File Reference | 
Legislation | 
Section 75 Compliant | Yes ☒ No ☐ Other ☐
If other, please add comment below.
Subject | Special Planning Committee for Local Development Plan
Attachments | 

Members are aware of the timetabling for the production of the Local Development Plan (LDP) and Council agreed to call special meetings of Planning Committee to progress this.

In order to review the report on the Employment Land Review with consultants and discuss the Sustainability Appraisal to be published in parallel with the Preferred Options Paper, it is recommended that the following Special Planning Committee is convened:

- 21 March 2019

Recommendation: It is recommended that Council approve the scheduling of the above Special Planning Committee for the purposes of hearing matters related to the production of the Local Development Plan as outlined.
At its meeting in January 2019, Council agreed to the request from a non-constituted community group known as “Dash and Splash” to undertake works at the old Bangor outdoor bathing pool. Council had agreed to grant a Licence for 3 months to enable the group to complete the work and the Licence was subject to a number of conditions.

After the report was ratified, Council officers met with members from the group and they have requested that they are permitted to “gift back” the improvement items to Council once the work has been completed. The Director of Environment has confirmed that his department will take on the maintenance and upkeep of these items. Additionally, the term of the Licence agreement will be amended to “3 months or on completion of the works, whichever is sooner” to ensure that the group’s liability is limited to the period that the works are being carried out on site.

It is also proposed that the legal fees to draw up the Licence are covered by Council as this is a community group and also to maximise the ‘Live Here Love Here’ grant investment in the project.

The funding from “Live Here Love Here” must be drawdown in mid-March to start the work so time is therefore of the essence.
RECOMMENDATION

It is recommended that Council notes the variations to the terms of the Licence for Dash and Splash to enable improvement works at the old Bangor outdoor bathing pool.