



March 25th, 2024

**TO: The Right Worshipful the Mayor and Members  
of Lisburn & Castlereagh City Council**

A meeting **of Lisburn & Castlereagh City Council** will be held on **Tuesday, 26th March 2024** at **7:00 pm** in the Council Chamber for the transaction of the business on the undernoted agenda.

A hot buffet will be available in the Members' Suite from 5.45 pm for those Members who have confirmed in advance.

**DAVID BURNS**  
**CHIEF EXECUTIVE**  
**LISBURN & CASTLEREAGH CITY COUNCIL**

# Agenda

## 1.0 BUSINESS OF THE RIGHT WORSHIPFUL THE MAYOR

📄 *Mayor and Deputy Mayor Engagements for Council Meeting March 2024.pdf*

Page 1

## 2.0 APOLOGIES

## 3.0 DECLARATIONS OF MEMBERS' INTERESTS

- (i) conflict of interest on any matter before the meeting (Members to confirm the specific item)
- (ii) pecuniary or non-pecuniary interest (Member to complete disclosure of interest form)

## 4.0 COUNCIL MINUTES

### 4.1 Council Meeting - 27 February, 2024

*For Approval*

📄 *MM 27.02.2024 Draft Minutes for Adoption.pdf*

Page 3

## 5.0 MATTERS ARISING

## 6.0 DEPUTATIONS

None

## 7.0 BUSINESS REQUIRED BY STATUTE

### 1.0 Signing of Legal Documents

- Lisburn and Castlereagh City Council Profile Tree Web Design and Digital Marketing, 31 Henry Place, Belfast BT15 2AY – Award Letter to deliver the Digital Academy (T23/24-019)
- Lisburn and Castlereagh City Council and DFPP Ltd t/a People 1st, Rosemont, 89 Malone Road, Belfast BT9 6SP – Award Letter to deliver the Into Employment Programme (T23/24-014)
- Lisburn and Castlereagh City Council and Skillgate Ltd, Gabem House, Heyshott, West Sussex GU29 0DP – Contract for Learning Management System (T23/24-013)
- Lisburn and Castlereagh City Council and Marston (Holdings) Limited, Rutland House, 8th Floor 148 Edmund Street, Birmingham B3 2JR – Contract for the provision of car park management/off street parking enforcement and penalty charge processing service for a consortium of 8 councils in NI

## 8.0 ADOPTION OF MINUTES OF COMMITTEES

- 8.1 Communities and Wellbeing Committee - 5 March, 2024**  
*For Approval*  
 📄 *CW 0503 Draft Minutes for Adoption .pdf* *Page 9*
- 8.2 Environment and Sustainability Committee - 6 March, 2024**  
*For Approval*  
 📄 *ESC 06.03.2024 Draft Minutes for Adoption.pdf* *Page 13*
- 8.3 Regeneration and Growth Committee - 7 March, 2024**  
*For Approval*  
 📄 *RGC 07 03 2024 Draft Minutes for Adoption.pdf* *Page 20*
- 8.4 Corporate Services Committee - 13 March, 2024**  
*For Approval*  
 📄 *CSC 13 03 2024 DRAFT Minute for Adoption.pdf* *Page 31*
- 8.5 Governance and Audit Committee - 20 March, 2024**  
*For Approval*  
 📄 *G A 20.03.2024 Draft Minutes for Adoption.pdf* *Page 42*
- 8.6 Planning Committee - 5 February, 2024**  
*For Noting*  
 📄 *PC 05.02.2024 - Ratified Minutes (FOR NOTING).pdf* *Page 48*

## **9.0 REPORT FROM CHIEF EXECUTIVE**

- 9.1 Department for the Economy Adverse Weather Financial Package**  
*For Decision*  
 📄 *9.1 - Adverse Weather Financial Scheme - March 2024.pdf* *Page 64*
- 9.2 Council Remote/Hybrid Meetings**  
*For Decision*  
 📄 *Council March 24 - Remote Mtgs Regs.pdf* *Page 66*
- 📄 *Appendix 1 - Standing Orders.pdf* *Page 69*

## **10.0 REPORTS FROM MEMBERS ON BOARDS**

None

## 11.0 REPORTS ON DECISIONS SUBJECT TO THE RECONSIDERATION PROCEDURE

None

## 12.0 NOTICES OF MOTION

- 12.1 **No. 1 on the subject of Anti Poverty Strategy in the name of Councillor C Kemp**

*For Decision*

📎 *NOM1 Anti Poverty Strategy.pdf*

*Page 140*

- 12.2 **No. 2 on the subject of Abolitionist Frederick Douglass**

*For Decision*

📎 *NOM2 Abolitionist Frederick Douglass.pdf*

*Page 141*

## 13.0 CONFIDENTIAL BUSINESS

- 13.1 **Requirement to Enter into a Section 76 Planning Agreement for Planning Application LA05/2023/0292/F**

*Page 146*

*For Decision*

Confidential due to containing information relating to the financial or business affairs of any particular person (including the Council holding that information)

- 13.2 **Requirement to Enter into a Section 76 Planning Agreement for Planning Application LA05/2023/0662/F**

*Page 165*

*For Decision*

Confidential due to containing information relating to the financial or business affairs of any particular person (including the Council holding that information)

## 14.0 ANY OTHER BUSINESS

## **MAYOR'S ENGAGEMENTS FOR FULL COUNCIL MEETING**

### **Wednesday 21<sup>st</sup> February**

Mayor to attend Ribbon Cutting Ceremony to officially open Mary Brown's Chicken, Lisburn

### **Thursday 22<sup>nd</sup> February**

Mayor to visit Canal Boxing Club, Lisburn

### **Friday 23<sup>rd</sup> February**

Mayor to meet with Trustees of Cargycroy Primary School

### **Monday 26<sup>th</sup> February**

Mayor to meet with Connected Minds Youth to receive donation for mayoral charity following the recent Lisburn's Got Talent event

### **Tuesday 27<sup>th</sup> February**

Mayor and Chief Executive to host new High Sheriff for Co Antrim Mrs Patricia Perry and her husband Mr James Perry

### **Friday 1<sup>st</sup> March**

Mayor to attend Mayor's Charity Gala Fundraising Dinner for Cancer Fund for Children, Larchfield Estate

### **Saturday 2<sup>nd</sup> March**

Mayor to attend Annual Orange Community Awards Ceremony, Lagan Valley Island

### **Monday 4<sup>th</sup> March**

Mayor to speak at Loughaghery Presbyterian Church Women's Group

### **Friday 8<sup>th</sup> March**

Mayor to attend closing of International Women's Day, Lagan Valley Island

### **Monday 11<sup>th</sup> March**

Mayor to host Flag Raising Ceremony for Commonwealth Day, Lagan Valley Island

### **Tuesday 12<sup>th</sup> March**

Mayor to host reception for the deaf community with Lisburn and Castlereagh City Council, Lagan Valley Island

**Wednesday 13<sup>th</sup> March**

Mayor to attend lunch organised by Drumbo Community Group in aid of mayoral charity, Drumbo Church Hall

**Thursday 14<sup>th</sup> March**

Mayor to attend Drumbo Area Action Committee for cheque presentation to 'B Positive', Drumbo Orange Hall

Mayor to attend event to mark Irish Language Week, Island Arts Centre

**Friday 15<sup>th</sup> March**

Mayor to visit the re-opening of the new exclusive ladies clothing boutique 'Dear Anna', Ashvale Farm

**Saturday 16<sup>th</sup> March**

Mayor to attend Larchfield Community Association Big Breakfast in aid of mayoral charity, Legacurry Orange Hall

Mayor to host reception for the 'Porsche Car Club' to receive funds raised for the mayoral charity, Lagan Valley Island

**DEPUTY MAYOR'S ENGAGEMENTS FOR FULL COUNCIL MEETING****Thursday 14<sup>th</sup> March**

Deputy Mayor to attend event to mark Irish Language Week, Island Arts Centre

MM 27.02.2024

3

**LISBURN & CASTLEREAGH CITY COUNCIL****Minutes of the Meeting of Council held in the Council Chamber and remote locations on Tuesday 27 February, 2024 at 7:00 pm****PRESENT IN CHAMBER:**

Deputy Mayor  
Councillor G McCleave

Aldermen A G Ewart MBE, O Gawith, A Grehan, M Guy,  
H Legge, S P Porter and J Tinsley

Councillors R T Beckett, P Burke, S Burns,  
P Catney, D J Craig, K Dickson, N Eaton, A P Ewing,  
J Gallen, A Givan, B Higginson, G Hynds, C Kemp,  
P Kennedy, J Lavery BEM, S Lowry, C McCready,  
A McIntyre, M McKeever, U Mackin, A Martin, T Mitchell,  
N Parker, G Thompson and N Trimble

**PRESENT IN REMOTE LOCATION:**

Aldermen J Baird, M Gregg and S Skillen  
Councillors D Bassett, R Carlin and R McLernon

**IN ATTENDANCE:**

Lisburn & Castlereagh City Council

Chief Executive  
Director of Leisure and Community Wellbeing  
Director of Organisation Development and Innovation  
Director of Regeneration and Growth  
Acting Director of Environmental Services  
Head of Human Resources and Organisation Development  
Member Services Officers (BS, EW)  
Technician  
IT Officer

**Commencement of the Meeting**

At the commencement of the meeting, the Deputy Mayor, Councillor G McCleave, welcomed those present to the meeting of Council which was being live streamed to enable members of the public to hear and see the proceedings. He pointed out that, should the meeting go into committee to consider confidential business, any members of the press and the public in attendance would be required to leave the Council Chamber for the duration of those matters.

The Member Services Officer read out the names of the Elected Members and Officers in attendance at the meeting.

The Chief Executive outlined the evacuation procedures in the case of an emergency. The Right Worshipful the Mayor requested that all mobile phones be put on silent or switched off for the duration of the meeting and pointed out that, in accordance with the Council's Standing Orders, whilst the meeting was being live-streamed, unauthorised recording was not permitted.

MM 27.02.2024

4

## Prayers

The Deputy Mayor advised of the undernoted bereavements since the last meeting of Council:

- passing of Nigel Dougherty, father of our friend and colleague Tim Dougherty, Arts Technician, Island Arts Centre
- passing of Aileen Graham, mother of Alderman Sharon Skillen. Mrs Graham was also a former Councillor in Belfast City Council.
- passing of Joanne Galbraith, Council employee who had been based at Dundonald International Ice Bowl and worked for Council for 25 years

In the absence of the Mayor's Chaplain, the Deputy Mayor, Councillor G McCleave, invited Councillor A Martin to open the meeting with devotions. During prayer Councillor Martin remembered the families of the above-mentioned bereavements.

### 1. Business of The Right Worshipful the Mayor

#### 1.1 Mayor's Engagements

The Council noted a number of engagements attended by The Right Worshipful the Mayor, Councillor A Gowan, and the Deputy Mayor, Councillor G McCleave, since the last meeting of Council.

### 2. Apologies

It was agreed to accept apologies for non-attendance at the meeting on behalf of The Right Worshipful the Mayor, Councillor A Gowan and the Director of Finance & Corporate Services.

### 3. Declarations of Interest

During the meeting Councillor D J Craig declared an interest in item 7.1 (Signing of Legal Document) Lisburn and Castlereagh City Council and The Education Authority, 40 Academy Street, Belfast BT1 2NQ – Contract for Development Agreement and Licence for Works at Laurelhill Community College in view of his chairmanship of the Board of Governors of Laurelhill Community College and being the chairman of the Sports Zone Committee.

### 4. Council Minutes

#### 4.1 Meeting of Council – 23 January 2024

It was proposed by Alderman J Tinsley, seconded by Councillor S Lowry, and agreed that the minutes of the meeting of Council held on 23 January 2024 be confirmed and signed.

MM 27.02.2024

5

#### 4.2 Special Meeting of Council (NI Water) – 29 January 2024

It was proposed by Councillor G Hynds, seconded by Councillor B Higginson, and agreed that the minutes of the special meeting of Council held on 29 January 2024 be confirmed and signed.

#### 4.3 Special Meeting of Council (to Strike the Rate) – 8 February 2024

It was proposed by Alderman O Gawith, seconded by Councillor A P Ewing, and agreed that the minutes of the special meeting of Council held on 8 February 2024 be confirmed and signed.

#### 4.4 Special Meeting of Council (Confidential Matter) – 8 February 2024

It was proposed by Councillor A Givan, seconded by Alderman J Tinsley, and agreed that the minutes of the special meeting of Council held on 8 February 2024 be confirmed and signed.

#### 4.5 Special Meeting of Council (Confidential Matter) – 14 February 2024

It was proposed by Councillor D J Craig, seconded by Alderman H Legge, and agreed that the minutes of the special meeting of Council held on 14 February 2024 be confirmed and signed.

### 5. Matters Arising

There were no matters arising from the above minutes.

### 6. Deputations

There were no deputations.

### 7. Business Required by Statute

#### (i) Signing of Legal Documents

It was proposed by Councillor T Mitchell, seconded by Councillor A Giva, and agreed that the following legal documents be signed at the meeting:

- Lisburn and Castlereagh City Council and Workforce Training Services, 465 Antrim Road, Belfast BT15 3BP – F23/24-012 – Award Letter to deliver the Transport Academy
- Lisburn and Castlereagh City Council and R&M Greenkeeper Limited, Unit C1, Kilcronagh Business Park, Cookstown, Co Tyrone BT80 9HG – Contract for Provision of a Haulage Service for Residual and Green Wastes from Council Household Recycling Centres (Ref: STA23/24-023)

MM 27.02.2024

6

(i) Signing of Legal Documents (Cont'd)

- Lisburn and Castlereagh City Council and Chemical Treatment Services (Ireland) Ltd, 40 Railway Street, Lisburn BT28 1XP – T23/24-011 PMM 24 – Contract for Planned Preventive Maintenance for Water Features
- Lisburn and Castlereagh City Council and The Education Authority, 40 Academy Street, Belfast BT1 2NQ – Contract for Development Agreement and Licence for Works at Laurelhill Community College

8. Adoption of Minutes of Committees**Regeneration and Growth Committee****1 February, 2024**

Proposed by Councillor J Laverty

Seconded by Councillor T Mitchell

**Communities and Wellbeing Committee****6 February, 2024**

Proposed by Councillor R T Beckett

Seconded by Councillor J Gallen

Adopted subject to the following decisions being referred back to Committee for further consideration and decisions thereon, at the request of Alderman A Grehan.

Item 4.1 (Page 74)Community Support Grants 2024/2025 – Outcome of Assessments

and

Item 4.2 (Pages 74/75)Communities Festivals Fund

The Chief Executive responded and provided clarification thereon to the issues raised by Alderman A Grehan.

The Chairman of the Communities & Wellbeing Committee, Councillor R T Beckett, indicated that he was in agreement to the above two items being referred back to Committee.

**Environment and Sustainability Committee****7 February, 2024**

Proposed by Councillor C McCready

Seconded by Councillor R Carlin

**Corporate Services Committee****14 February, 2024**

Proposed by Alderman O Gawith

Seconded by Councillor A P Ewing

MM 27.02.2024

7

## Matters Arising

### Page 103 Item 7.6

#### VAT Claim relating to Leisure Activities

Alderman J Tinsley put on record the sterling work of the then Director of Finance of the former Castlereagh Borough Council, Mr Edward Patterson, in relation to the above matter. Mr Patterson's efforts had been significant at that time.

It was agreed, at the request of Alderman J Tinsley, that the Council writes to Mr Patterson to advise that the Council had been apprised of the most recent outcome on this matter and to convey the Council's sincere for his sterling work on this matter.

Alderman Tinsley also acknowledged the continued efforts by Officers of this Council in ensuring the rewards continue to be benefited by the ratepayers across the Council area.

## **Planning Committee**

**8 January, 2024**

The minutes of the Planning Committee meeting of 8 January, 2024 had been circulated for noting as these minutes had been agreed at the subsequent meeting of the Planning Committee on 5 February, 2024. It was proposed by Alderman M Gregg, seconded by Councillor U Mackin and agreed that their contents be noted.

9. Report from Chief Executive

There were no reports for consideration.

10. Reports from Members on Boards

There were no reports from Members on Boards.

11. Reports on Decisions Subject to the Reconsideration Procedure

There were no reports on decisions subject to the reconsideration procedure.

12. Notices of Motion

There were no Notices of Motion for consideration.

13. Confidential Business

There was no confidential business.

MM 27.02.2024

8

14. Any Other Business14.1 Crewe United Football Club - 60<sup>th</sup> Anniversary  
Alderman S P Porter

Alderman S P Porter having advised the Council that Crewe United Football Club were celebrating their 60<sup>th</sup> anniversary put on record the worthy achievements of the Club both on and off the pitch over the years. Alderman Porter commended the Club for their support to the Mayoral Charities and also their fundraising activities in support of other charities.

It was agreed at the request of Alderman S P Porter that a letter from the Council be sent to Crewe United Football Club to commend the Club on their worthy achievements both on and off the pitch and to congratulate the Club on their 60<sup>th</sup> anniversary.

14.2 Review of Roles and Responsibilities of Councillors  
Alderman H Legge

Alderman H Legge drew the Council's attention to a number of recent email correspondence from NILGA and NAC in relation to the independently-led review on the roles and responsibilities of Councillors by the Department for Communities. Alderman Legge advised that the emails contained a web link to the review survey and encouraged all Members to respond as the purpose of the survey was to add quantitative information to support any engagement that would take place with the Minister for Communities. It was noted that the survey would close at 6.00 pm on Friday, 15<sup>th</sup> March 2024.

Alderman Legge also advised that Councillor Joe Boyle, Secretary of the NAC NI Region, had been appointed to the review panel and that he was reporting back to NAC's Executive Committee regularly. The Executive Committee had met with the Independent Chairperson of the review panel, Mr Maynard Mawhinney. Mr Mawhinney would be meeting with the local government spokesperson for each party in the near future in order to seek very relevant input into the review. Furthermore, the review panel would be meeting with SOLACE and other elected member groups in due course.

Alderman Legge emphasised that it was important that there is as high a number of returns by elected members as possible to this important review exercise.

The Chief Executive undertook to circulate the web-link for the survey to Members for their completion.

At the conclusion of the meeting, the Deputy Mayor, Councillor G McCleave, thanked those present for their attendance.

There being no further business for consideration, the meeting was terminated at 7.26 pm.

---

Mayor

## LISBURN & CASTLEREAGH CITY COUNCIL

### Minutes of the Leisure and Community Development Committee held in the Island Civic Centre, Lisburn, and remotely, on Tuesday 5th March 2024 at 1800

- PRESENT:** Councillor R T Beckett (Chairperson)
- The Right Worshipful the Mayor, Councillor A Gowan
- Deputy Mayor Councillor G McCleave
- Aldermen A Grehan and H Legge; and  
Councillors D Bassett, D J Craig, N Eaton, B  
Higginson, A McIntyre and T Mitchell.
- PRESENT IN A  
REMOTE LOCATION:** Aldermen M Guy, S P Porter and S Skillen; and  
Councillors R Carlin, J Gallen and S Lowry.
- OTHER MEMBERS IN  
ATTENDANCE:** Councillors G Hynds and A Martin.
- IN ATTENDANCE:** Director of Leisure and Community Wellbeing  
Head of Communities  
Acting Head of Parks and Amenities Head  
of Sports Services  
Acting Member Services/PCSP Manager Member  
Services Officer (BF)

1. Apology

An apology was received on behalf of Councillor G Thompson.

2. Declarations of Interest

There were no declarations of interest.

3.0 Director of Leisure and Community Wellbeing

(Aldermen A Grehan and M Guy joined the meeting at 1804).

3.1 DEA Investment Programme (Community Support Grant & Communities Festivals' Fund)

At its meeting on 14th February, the Corporate Services Committee had referred consideration of the DEA Investment Programme to the Committee for its approval. In addition, that Committee had approved a financial resilience paper to support the delivery of the programme in 2024/25. The Director outlined the principal aspects of the report and indicated that the 'Community Conversations' initiative, which sought to develop thematic plans within each electoral area

through engagement with residents, businesses, and community groups, would be extended to the Lisburn South and Downshire West DEAs during 2024/25.

Furthermore, the Director reminded Members that the Council, at its meeting on 27th February, in considering the Committee's minutes of 6th February, had requested that the shortfall in budget, as reported for the Community Support Grant (£13,859) and the Communities Festivals' Fund (£7,873.18), be considered as part of the DEA Local Investment Programme.

A Member pointed out that the that the 2011 census figures had been used to inform the equality assessment for the DEA Programme, as opposed to the 2021 figures. In response, the Director undertook to have the document re-issued to reflect the most up to date figures and re-circulated to Members.

Accordingly, it was moved by Councillor A McIntyre, seconded by Alderman H Legge, and agreed that the Committee:

1. approve the DEA Programme for 2024/25;
2. agree that the shortfall in the Community Support Grants and Community Festivals' Fund be allocated from within the DEA Budget; and
3. agree further that any impact on the DEA Programme (in approving point 2) would be considered by the Committee in line with any identified departmental underspend.

It was agreed also that a workshop be held to examine the overall options available in the delivery of the several grants' schemes administered by the Council.

#### 4.0 Acting Head of Parks and Amenities

##### 4.1 Hosting of Green Flag Awards

The Acting Head of Parks and Amenities reported that a request had been received from Keep Northern Ireland Beautiful seeking the Council's support in the hosting of the Green Flag for Parks and Open Spaces Awards on 31st July 2024.

It was moved by The Right Worshipful the Mayor, Councillor A Gowan, seconded by Councillor T Mitchell, and agreed that the Committee approve the hosting of the 2024 awards in Lagan Valley Island. It was noted that cost of the venue hire, together with the provision of hospitality would be approximately £756.00.

##### 4.2 Outdoor Recreation NI – 'Walking for All'

The Committee was informed that Outdoor Recreation Northern Ireland (ORNI) would be seeking PEACEPLUS funding to deliver the above-mentioned project. The Acting Head of Parks and Amenities reported that the application, if successful, would enable the delivery of a project worth £6.5 million over a three-year-period, and create positions for 16 local coordinators, one of which would be based in the Council area.

Given the scale of the project, it had not been possible for ORNI to act as a designated employing body. Accordingly, the Council had been requested to consider sponsoring a coordinator's post, which would be fully funded for the three-year term of the project. As part of the project's terms,

a formal agreement would be required between ORNI as lead partner and the Council to oversee any arrangement.

It was moved by Councillor T Mitchell, seconded by Councillor D Bassett, and agreed, in principle, that, for the purposes outlined within the report, the Council be designated a named partner in respect of the application for PEACEPLUS funding by ORNI.

It was noted that a further report would be submitted for consideration regarding the final terms and conditions, should the application be successful.

#### 4.3 Lady Mary Peters – Woodland Walk and Running Trail

The Committee was informed that Forthill Primary School had requested the Council's support in the establishment of a walk and running trail to be named after Lady Mary Peters. This was part of a project which pupils were conducting on well-known personalities from the Council area. Accordingly, the Countryside and Biodiversity officers had identified a 10-kilometre existing walkway at Aberdelghy Golf Course which linked to Conway Lane which could be renamed for the purpose outlined.

It was moved by Councillor T Mitchell, seconded by Alderman H Legge, and agreed that the Committee approve the undertaking of the work as outlined within the report and that the walkway be renamed in honour of Lady Mary Peters.

#### 5.0 Any Other Business – Non-Confidential Matter

##### 5.1 Caravan Park at Dundonald International Ice Bowl.

The Director undertook to address a matter relating to the removal of graffiti at the underpass to the caravan park at the Dundonald International Ice Bowl.

#### 6.0 Confidential Report of the Director

The Chairperson advised that the reasons for confidentiality for the following matters were by virtue of the Section 6, Part 1, of the Local Government Act (2014) Northern Ireland, namely, in that they contained information relating to the financial or business affairs of any person (including the Council holding that information).

It was moved by Councillor D Bassett, seconded by Councillor T Mitchell, and agreed that the confidential report of the Director be considered 'in committee'.

(The Right Worshipful the Mayor left the meeting at 1820 and returned at 1827).

##### 6.1 PEACEPLUS Action Plan

(Ms N O'Carolan, Peace Manager, and Ms L McCourt, the Council's consultant for the programme, attended remotely in connection with this matter).

The Committee considered a report in the above-mentioned matter in accordance with the power delegated to it by the Council at its meeting on 27th February.

It was moved by Councillor D J Craig, seconded by Councillor B Higginson, and agreed that the Committee approve the PEACEPLUS Action Plan for submission to SEUPB by 28th March 2024.

## 6.2 Macmillan Move More Programme

The Head of Sports Services presented this report and answered Members' questions in this regard.

It was moved by Councillor R Carlin, seconded by Councillor A McIntyre, and agreed that the Committee accept the Letter of Offer in respect of the above-mentioned programme on the terms outlined within the report.

(Alderman M Guy left the meeting at 1825).

## 5.3 Contracted Service – Verbal Update

The Committee noted the comments of the Director in relation to a future delivery of a contracted service and noted that updates in relation thereto would be provided to the Committee in due course.

## 6.0 Resumption of Normal Business

It was moved by Councillor D Bassett, seconded by Deputy Mayor Councillor G McCleave, and agreed that normal business be resumed.

There being no further business, the meeting ended at 1845.

---

Chairperson

ESC 06 03 2024

13

**LISBURN & CASTLEREAGH CITY COUNCIL****Minutes of the Environment and Sustainability Committee held in the Council Chamber, Island Civic Centre, and remotely, on Wednesday 6 March 2024 at 6pm****PRESENT IN CHAMBER:**

Councillor C McCreedy (Chairperson)

Alderman J Tinsley

Councillors S Burns, G Hynds, P Kennedy, J Lavery BEM, A McIntyre, M McKeever, R McLernon and N Parker

**PRESENT IN REMOTE LOCATION:**

Councillor R Carlin (Vice-Chairperson)

Deputy Mayor, Councillor G McCleave

Aldermen J Baird, M Gregg and S Skillen

Councillor P Catney

**OTHER MEMBERS:**

Alderman O Gawith

**IN ATTENDANCE:****In Chamber:**

Acting Director of Environmental Services (RH)

Head of Service (Building Control and Sustainability) (CD)

Acting Head of Service (Waste Management and Operational Services) (JK)

Acting Head of Service (Environmental Health, Risk and Emergency Planning) (SC)

Member Services Officers (CH, RN)

**Commencement of the Meeting**

At the commencement of the meeting, the Chairperson, Councillor C McCreedy, welcomed those present to the meeting of the Environment and Sustainability Committee. The Chairperson advised that the meeting would be audio recorded unless the item on the agenda was to be considered under confidential business.

At this point, the Member Services Officer read out the names of the Elected Members and Officers in attendance at the meeting. The Chairperson, Councillor C McCreedy, stated that, whilst the meeting was being recorded, unauthorised recording was not permitted, as per the Council's Standing Orders. He asked that mobile phones be put on silent or switched off for the duration of the meeting.

In accordance with the Protocol for Remote Meetings, the Chairperson asked that those attending via zoom to ensure that the meeting could not be seen or heard by any other person at their remote location when confidential business was being considered.

The Acting Director of Environmental Services proceeded to outline the evacuation procedures in the case of an emergency.

1. Apologies

It was agreed to accept apologies for non-attendance at the meeting on behalf of The Right Worshipful the Mayor, Councillor A Gowan.

2. Declarations of Interest

There were no Declarations of Interest.

3. Report by the Acting Head of Service (Waste Management and Operational Services)

3.1 Consultation on Call for Evidence on Reforming the Producer Responsibility System for Waste Electrical and Electronic Equipment (WEEE)

The Committee considered a report which provided information in connection with a consultation and Call for Evidence on reforming the Producer Responsibility System for Waste Electrical and Electronic Equipment (WEEE), which had been issued by the Department of Agriculture, Environment and Rural Affairs (DAERA) on 28 December 2023.

Copies of the proposed Lisburn and Castlereagh City Council draft responses for both the Consultation and the Call for Evidence were circulated to Members for Consideration. The Committee noted that the March Environment and Sustainability Committee had been granted delegated authority to approve the draft responses for submission by the consultation closing date of 7 March 2024.

Officers responded to a number of questions in relation to the draft response to the reforming the producer responsibility system for waste electrical and electronic equipment consultation. Following discussion in relation to the responses provided at question twenty-five and twenty-six, Councillor G Hynds requested that an expanded explanation be given in the question twenty-six response, to include Council support for small business. The Acting Head of Service for Waste Management and Operational Services agreed to include additional detail at question twenty-six of the consultation response.

It was proposed by Councillor G Hynds, seconded by Alderman J Tinsley, and agreed that:

- the Lisburn and Castlereagh City Council draft response to the 'Consultation on reforming the producer responsibility system for waste electrical and electronic equipment' be approved for submission, subject to the inclusion of additional information at Question 26; and
- the Lisburn and Castlereagh City Council draft response to the 'Call for evidence on reforming the producer responsibility system for waste electrical and electronic equipment' be approved for submission.

4. Report by the Acting Head of Service (Environmental Health, Risk and Emergency Planning)

4.1 LCCC – Updated Air Quality Action Plan

The Acting Head of Service for Environmental Health, Risk and Emergency Planning, set out in her report, the background and key information in relation to the updated Air Quality Action Plan (2024).

Members were reminded that an Air Quality Management Area (AQMA) was declared in January 2011 for Normandy Count in Dundonald, which then required the preparation and submission of an Air Quality Action Plan (AQAP) to the Department for Agriculture, Environment and Rural Affairs. The Committee were informed that following annual reviews, air quality had demonstrated a decrease of NO<sub>2</sub> below the Air Quality Standard objective. The next steps toward revoking the AQMA in Dundonald were outlined to the Committee.

A copy of the updated Air Quality Action Plan had been circulated to Members for information. The Committee agreed that the updated Air Quality Action Plan (2024) be noted.

The Chairperson, Councillor C McCready, advised that Any Other Business would be considered at this point in the meeting.

5. Any Other Business (Agenda item 6.0 refers)

5.1 Litter Issue  
Councillor G Hynds

Councillor G Hynds put on record his appreciation on the excellent service provided by Mr J Knox and the Street Cleansing Team for their recent work in an area of the Belsize Road which was heavily littered. It was reported that the Council are currently investigating long term solutions to the litter issues in the area.

5.2 Toy Recycling Scheme  
Councillor G Hynds

Responding to a request by Councillor G Hynds in relation to expanding the successful Christmas Toy Recycling Scheme; the Acting Head of Service for Waste Management and Operational Services confirmed that plans were being developed to increase the ability for recycling at Council owned HRC sites and would include an element of reuse facilities. It was reported that the plans would be tabled at a future Environment and Sustainability Committee for Members consideration.

5.3 Condolences – Colin Craig  
Alderman J Tinsley

Alderman J Tinsley expressed his condolences on behalf of the Environment and Sustainability Committee to family, friends, and colleagues, on the sad passing of Colin Craig who was a LGV driver based at Altona Depot. Alderman J Tinsley requested that colleagues be advised of any available support for those who worked alongside Colin over the last twenty- six years and who were deeply impacted by his passing.

The Acting Head of Services for Waste Management and Operational Services thanked Alderman Tinsley for his kind words and agreed to pass on the Committees condolences, he further reported that arrangements had been put in place to ensure colleagues could attend the funeral to pay their respects.

5.4 Hybrid Meetings  
Councillor A McIntyre

Councillor A McIntyre noted that section 78 of the Coronavirus Act 2020 which allowed Council to hold remote/hybrid meetings under the Local Government (Coronavirus) (Flexibility of District Council Meetings) Regulations (NI) 2020 expired at midnight, and that Councils had been informed that the Minister for Communities would not be extending this provision further. Councillor A McIntyre proposed that a letter be written from the Chief Executives Office to the Department for Communities Minister requesting he reconsider this decision.

Councillor A McIntyre highlighted the short notice received by Council and outlined a number of benefits that hybrid meetings had created which included: flexibility for those with caring responsibilities and those commuting from rural areas, reduction of carbon footprint, reduction of mileage claims and flexibility during adverse weather conditions. He also stated that public funds had been spent installing the necessary equipment for hybrid meetings which would now not be utilised for statutory purposes.

The proposal was seconded by Alderman J Baird and a number of Members spoke in support and one in opposition to the proposal. Responding to a query raised by a Member, the Acting Director clarified that a report on the matter was tabled at the upcoming Corporate Services Committee on Wednesday 13 March 2024. In light of this information Councillor A McIntyre agreed to withdraw his proposal.

5.5 DEARA Consultation – Rethinking Our Resources, Measures for Climate  
Action and Circular Economy Northern Ireland  
Acting Head of Service (Waste and Operational Services)

Alderman S Skillen left the meeting remotely (6.36 pm).

The Acting Head of Service advised Members of an upcoming twelve-week consultation due to be launched by the Department of Agriculture, Environment and Rural Affairs (DEARA) at 1 pm on the 7 March 2024. He further advised that information on workshops for Members would be issued in due course.

5.6 Welcome Back - Wilfie Muldrew  
Chairman, Councillor C McCready

The Chairman, Councillor C McCready welcomed Mr Wilfie Muldrew (Head of Waste Management and Operational Services) back to work on behalf of the Committee after an extended period of absence.

5.7 Environmental Youth Speak Event  
Chairman, Councillor C McCready

The Deputy Mayor, Councillor G McCleave left the meeting remotely (6.37 pm).

The Chairman, Councillor C McCready passed on his appreciation on behalf of the Committee to Mr John Kelly for all his work in ensuring a very successful event. He congratulated both Dundonald Primary School and Laurelhill Community College on winning the event.

6. Confidential Report by the Acting Director of Environmental Services (Agenda item 5.0 refers)

The Chairperson, Councillor C McCready advised that the confidential report items would be dealt with "In Committee" due to containing information relating to the financial or business affairs of any particular person (including the Council holding that information).

"In Committee"

It was proposed by Councillor J Lavery, seconded by Councillor M McKeever, and agreed that the following matters be considered "in committee", in the absence of members of the press and public being present.

The member of the press seated in the public gallery left the meeting (6.38 pm).

6.1 Arc21 Provision of Services for the Receipt, Storage and Transfer of Municipal Waste Tender (Agenda item 5.1 refers)  
(Redacted Report will be made available following Contract Commencement)

Alderman S Skillen rejoined the meeting at 6.40 pm and left remotely (6.46 pm).

The Acting Head of Service for Waste Management and Operational Services presented this item of business. Members noted that the March Environment and Sustainability Committee had been granted delegated authority to consider and approve recommendations relating to this procurement. Officers responded to a number of questions in relation to the report.

### 6.1 Arc21 Provision of Services for the Receipt, Storage and Transfer of Municipal Waste Tender Cont'd

Following discussion, it was proposed by Alderman J Baird, seconded by Alderman J Tinsley, and agreed that:

- the award of the contract for the provision of services for the receipt, storage, and transfer of municipal waste for use by Lisburn & Castlereagh City Council as detailed in the report be approved, for an initial period of 3 months, subject to the completion of arc21 governance and NWP satisfying the pre award conditions; and
- following the award of the contract and subject to the services being performed satisfactorily the contract may be extended for a period of up to 12 months after the initial term as per operational need.

The Committee noted that in agreeing with the recommendation, that the indexation mechanism included within the contract would be managed as detailed within the contract.

### 6.2 Tender for the Provision of a Haulage Service for Residual and Green Wastes from Council Household Recycling Centres (Ref STA23/24-040) (Agenda item 5.2 refers) (Redacted Report will be made available following ratification at 26 March Council Meeting)

The Acting Head of Service for Waste Management and Operational Services presented this item of business. In response to a Member who sought clarification on tenders received, the Acting Head of Service agreed to forward information directly to the Member.

It was proposed by Councillor P Kennedy, seconded by Councillor G Hynds, and agreed to recommend that the award of the tender, as detailed in the report be approved, for the period 1<sup>st</sup> April 2024 to 30<sup>th</sup> September 2024.

## 7. Confidential Any Other Business

### 7.1 Department for Infrastructure – Flooding Support Schemes

The Acting Director of Environmental Services provided a verbal update to Members in relation to two support schemes by the Department for Infrastructure to assist businesses that were affected by the flooding caused by significant rainfall in late 2023.

### Resumption of Normal Business

It was proposed by Councillor R McLernon, seconded by Councillor A McIntyre, and agreed to come out of committee and normal business was resumed.

There being no further business, the meeting concluded at 6.57 pm.

---

Chairperson

DRAFT

**LISBURN & CASTLEREAGH CITY COUNCIL****Minutes of Meeting of the Regeneration & Growth Committee held in the Council Chamber, Island Civic Centre, The Island, Lisburn on Thursday 7<sup>th</sup> March, 2024 at 6.00 pm****PRESENT IN THE CHAMBER:**

Councillor J Laverty BEM (Chairperson)  
 The Right Worshipful the Mayor, Councillor A Gowan  
 Deputy Mayor, Councillor G McCleave  
 Aldermen A G Ewart MBE and M Guy  
 Councillors P Burke, K Dickson, U Mackin, A Martin,  
 C McCreedy and N Parker

**OTHER MEMBERS:**

Councillor G Hynds

**IN ATTENDANCE**

Director of Regeneration & Growth  
 Head of Economic Development  
 Head of Planning & Capital Development  
 Head of Assets  
 Member Services Officers (BS and CR)  
 IT Officer

**Commencement of Meeting**

The Chairperson, Councillor J Laverty, extended a welcome to all present at the March meeting of the Committee and reminded those present that the meeting was being audio recorded unless the item was being considered under confidential business.

At this point in proceedings, the Member Services Officer read out the names of the Elected Members in attendance at the meeting.

The Chairperson asked that any Member entering or leaving the meeting advise the Member Services Officer accordingly so that this might be accurately reflected in the minutes.

The Director of Regeneration & Growth outlined the evacuation procedures in the case of an emergency.

**1. Apologies**

Apologies for non-attendance at the meeting were accepted and recorded on behalf of the Vice Chairperson, Councillor T Mitchell, Aldermen J Baird, A Grehan, M Gregg and S P Porter and Councillor J Gallen.

## 2. Declarations of Interest

There were no Declarations of Interest made at this point in the meeting.

## 3. Report of Head of Economic Development

### 3.1 NI Enterprise Support Service (ESS) – ‘Go Succeed’ – Business Support Small Grant

Councillor U Mackin entered the meeting at 6.05 pm.

The Head of Economic Development’s report outlined the background and key issues in connection with the new NI Enterprise Support Service, branded as ‘Go-Succeed’ for which funding had been received through the UK Shared Prosperity Fund (UKSPF) with match-funding from the 11 Councils and led by Belfast City Council (BCC).

An appended paper outlined a detailed overview of the ‘Go Succeed’ Grant Support Programme and included the criteria for applying and the allocation of funding along with the number of grants available for Lisburn and Castlereagh businesses.

The Head of Economic Development responded to questions from two Members in connection with the Officer’s recommendation that grants be paid in retrospect based on evidence of vouched expenditure, and also the estimated turnaround time for the issue of grants to businesses.

The Director of Regeneration & Growth also addressed the Committee in regard to the issues raised. He also highlighted current resource issues within the Economic Development Unit.

It was proposed by Councillor U Mackin, seconded by Councillor C McCready, and agreed to recommend that:

- a) the update on the new Enterprise Support Service be noted,
- b) the post receipt grant award approach be approved, and
- c) further reports on the roll-out of ‘Go Succeed’ be brought forward to Committee in due course.

### 3.2 Car Park Strategy Refresh

The Head of Economic Development’s report outlined the background and key issues in connection with the proposed refresh of the Car Park Strategy and Action Plan which had been agreed in June 2019 following a period of public consultation. A copy of the final document had been appended to the report. The Head of Economic Development

### 3.2 Car Park Strategy Refresh (Cont'd)

highlighted the significance of the change in the wider economic context and the plans of third-party stakeholders having been updated in view of the overall potential reduction in the requirement for parking across the working week.

The Head of Economic Development and the Director of Regeneration & Growth responded to a number of questions and concerns from the Committee in connection with issues that were referenced in the report, including:

- a) the cost of the refresh of the car park strategy
- b) timeframe for the refresh exercise particularly in view of the length of time taken to progress the initial strategy, and
- c) the specific data that would be gathered by consultants over and above any data already gathered by the Environmental Services Unit. The Director referred to the likely work patterns by the consultants in gathering the required information and also highlighted again the resource issues within the Economic Development Unit.

During the above discussion the Head of Planning & Capital Development also addressed the Committee in relation to the synergies between the Council's Car Park strategy and the Department for Infrastructure's (DfI) Eastern Transport Plan 2035, it being noted that the refresh of the Council's Car Park Strategy was timely in view of DfI's Transport Plan.

It was proposed by Councillor N Parker, seconded by Councillor K Dickson, and agreed to recommend that a refresh of the Car Park Strategy and Action Plan as outlined in the report be agreed.

Councillor K Dickson left the meeting at 6.36 pm.

### 3.3 Notice of Motion on EV Charging

The Head of Planning & Capital Development led on this item of business.

The undernoted Notice of Motion in relation to EV charging, in the name of Alderman M Gregg, had been referred to Committee at the meeting of Council held on 23 January 2024.

"That this Council recognises the problem with Electric Vehicle car charging specific to Northern Ireland, both for homeowners restricted to on-street parking and also with the limited availability of our public charging network; and that this council write to the Department for Infrastructure separately on both issues:

### 3.3 Notice of Motion on EV Charging (Cont'd)

1. to ask the Department for Infrastructure to initiate a trial of gully channel and/or overhead street solutions to enable safe cable crossing of a public footpath, and to ask for a consultation with disability sectors on this; and
2. to ask the Department for Infrastructure to investigate extending permitted development planning laws to include Electric Vehicle infrastructure under permitted development and standard Utility street licences.”

The Head of Planning & Capital Development provided clarification on the issue of development that was permitted under Parts 13 and 28 of the Planning (General Permitted Development) Order (2015) for Councils and the Crown to install electric Charging Points, a copy of the Order having been circulated to the Committee. It was noted that Part 3 of the Order, which deals with minor operations, had been subsequently amended in 2020 to permit the installation of off-street and on-street electrical outlets mounted on wall and/or in upstands for recharging electric vehicles, a copy of which had also been circulated. The Head of Planning & Capital Development maintained that there was sufficient scope within the Order as amended in 2020 to allow for the majority of new installations but that it was still appropriate to exercise control in relation to the size of the equipment used for recharging in sensitive locations.

Councillors G Hynds and C McCready left the meeting at 6.36 pm and 6.39 pm respectively.

In the absence of Alderman M Gregg, Councillor N Parker wished to formally propose the Notice of Motion on EV Charging.

The Head of Planning & Capital Development responded to a related question from a Member.

It was proposed by Councillor N Parker, seconded by the Deputy Mayor, Councillor G McCleave, and agreed to recommend that:

- a) the Notice of Motion on the subject of EV Charging be agreed and that Officers write to the Department for Infrastructure to ask that they consider and provide a response to the issues highlighted in the Notice of Motion, and in addition and in light of the clarification provided by the Head of Planning & Capital Development, Officers also ask the Department that they engage with the market to understand any perceived impediments in applying the requirements of the Order to ensure that the installation of more charging points can be sped up, and
- b) a letter be issued to Derry City and Strabane District Council to ask if the points raised could be considered for inclusion in the On-Street Residential Chargepoint Scheme (ORCS) as a variation or if there was a requirement for a separate procurement for

### 3.3 Notice of Motion on EV Charging (Cont'd)

additional facilities. It was understood that the invitation to tender (ITT) documents for the ORCS had been prepared for the market.

Councillors G Hynds and C McCready returned to the meeting at 6.42 pm.

### 3.4 Labour Market Partnership (LMP) Action Plan 2023/2024 Update

The Head of Economic Development outlined the background and key issues in relation to an update on the Labour Market Partnership Action Plan 2023/2024. The report detailed the success and costs associated with the undernoted programmes, including changes to

- Repeat of Female Returners Programme – Classroom Assistants (Strand 1)
- Digital Academy
- Transport Academy
- SIA Academy (Security Industry Authority)

In response to a question from a Member the Head of Economic Development provided clarification in relation to the budget for the SIA Academy.

The Chairperson, Councillor J Laverty, paid tribute to the team of Officers in the Economic Development Unit for the work that they were undertaking on the LMP initiative. He also referred to the LMP questionnaire that had been issued to Committee Members by one of the Project Officers and advised that although the survey had closed the team would appreciate any further feedback received from Members.

It was agreed that the changes to the LMP programme budget as a result of identified underspends within the Programme and the successful achievement of additional grant income from DfC, as outlined, be noted.

The Deputy Mayor, Councillor G McCleave, left the meeting at 6.49 pm

## 4. Report of Head of Planning & Capital Development

### 4.1 Department for Infrastructure (Dfi) A Call for Evidence of the Strategic Planning Policy Statement (SPPS) on the Issue of Climate Change

The Head of Planning & Capital Development outlined the background and key issues in connection with the above call for evidence which was part of the process of gathering the necessary information to inform a focussed review of the SPPS in relation to Climate Change and the options and scope for such a review. It was noted that the deadline for responses was 5.00 pm on Thursday 28 March 2024.

#### 4.1 Department for Infrastructure (DfI) A Call for Evidence of the Strategic Planning Policy Statement (SPPS) on the Issue of Climate Change (Cont'd)

The Head of Planning & Capital Development's report detailed a number of key work streams that the Department had high-lighted as being of relevance in the context of climate change, namely;

- Water (Flood Risk Management)
- Transport
- Planning
- LCCC Plan Strategy 2023 - Strategic Policy 01 – Sustainable Development

The Committee had been furnished with a copy of questions posed by DfI in the call for evidence which included the proposed responses that had been prepared by Officers.

It was proposed by Alderman M Guy, seconded by Councillor U Mackin, and agreed to recommend that:

- (a) the draft responses to the seven questions put forward by DfI in relation to the call for evidence for climate change and the SPPS be approved, and
- (b) delegated authority be granted to Officers to allow the response to issue within the specified timescale based on the appended draft responses.

The Deputy Mayor, Councillor G McCleave, returned to the meeting at 6.52 pm.

#### 4.2 Local Development Plan 2032 Revised Timetable

The Head of Planning & Capital Development outlined the background and key issues in connection with a revised timetable in respect of the Council's Local Development Plan 2032.

The Committee had been furnished with a copy of the revised Local Development Plan timetable which set out the key stages and the indicative timeframe for the production of the Lisburn & Castlereagh City Council's new Local Development Plan 2032.

The Report detailed a number of issues that may affect production of the Plan in accordance with the timetable.

The Head of Planning & Capital Development and the Director of Regeneration & Growth responded to comments from two Members in connection with the Council's LDP process.

Councillor P Burke left the meeting at 6.59 pm and returned at 7.03 pm.

Councillor C McCready left the meeting at 7.03 pm.

#### 4.2 Local Development Plan 2032 Revised Timetable (Cont'd)

It was proposed by the Deputy Mayor, Councillor G McCleave, seconded by Councillor A Martin, and agreed to recommend that in order to allow consultation with the Planning Appeals Commission (PAC) and the other consultation bodies with an interest in the Plan making process, in advance of seeking approval from DfI, the revised timetable, including indicative dates for publication and adoption of the Local Policies Plan (LPP), be agreed.

### 5. Any Other Business

#### 5.1 Council's Tourism Strategy Councillor U Mackin

In response to an enquiry from Councillor U Mackin, the Head of Economic Development advised that a report on the Council's Tourism Strategy would be brought to Committee at the April meeting of the Committee, or the May meeting latest.

#### 5.2 LCCC Jobs Fair Chairperson, Councillor J Lavery

The Chairperson, Councillor J Lavery, highlighted the success of the recent jobs fair which had taken place in Lagan Valley LeisurePlex the previous week. He detailed a number of positive statistics arising from the event. The Chairperson welcomed the positive feedback from employers.

The Chairperson acknowledged the tremendous amount of work by Council Officers to ensure a successful outcome and stated that it was important that this success story was promoted. The Chairperson asked that the Committee's thanks be conveyed to all who had been involved.

#### 5.3 Celebration Event for the Self Employment Support Programme Chairperson, Councillor J Lavery

The Chairperson, Councillor J Lavery, referred to the celebration event that had taken place recently to acknowledge the success of the Self Employment Support Programme which had recruited a total of 40 businesses. Having welcomed the success of this programme, the Chairperson highlighted a number of positive outcomes and achievements of those businesses that had taken part.

The Right Worshipful the Mayor, Councillor A Gowan, left the meeting at 7.09 pm.

The Chairperson commended the Officers from the Economic Development Unit for their work on this celebration event and encouraged the Committee to go along and support the team of Officers at such events in the future.

### 5.3 Celebration Event for the Self Employment Support Programme (Cont'd)

The Director of Regeneration & Growth thanked the Chairperson, Councillor Lavery, for his comments and also for his continued support. He assured the Committee that a comprehensive report on this programme would come forward in due course.

The Head of Planning & Capital Development left the meeting at 7.12 pm.

### 5.4 Flooding Hardship Grants Update Head of Economic Development

The Head of Economic Development updated the Committee on flooding hardship grants following severe flooding in September and October 2023. The first element of the flooding hardship grant scheme for grants up to £100,000 had been announced the previous week with a further element for smaller hardship grants to be released shortly. Whilst the applications for the £100,000 grants were via Newry, Mourne & Down District Council's digital portal, assessments of applications from local businesses would be carried out by Officers of this Council. Closing date for applications was 22 March 2024.

The Head of Economic Development also advised the Committee of the two smaller hardship flooding grants, namely; (a) a grant in the region of £5,000 for those businesses that had failed to meet the criteria of the above-mentioned grants, and (b) a grant in the region of £2,500 for those businesses not affected by flooding directly but which had suffered detriment as a result of access issues as a result of flooding.

The Head of Economic Development encouraged Members to refer any affected business that they were aware of, to his team in Economic Development.

The Director of Regeneration & Growth also addressed the Committee on this matter and advised that a report detailing the outcome of the above grant schemes would come forward to the Committee in due course.

### 5.5 Filming by Channel 5 at Hillsborough Forest Director of Regeneration & Growth

The Director of Regeneration & Growth drew the Committee's attention to the proposals from Channel 5 on the filming of a detective drama series to be staged in Hillsborough Forest, the relevant DEA Members having been advised previously.

## 6. Confidential Report from Director of Regeneration & Growth

The Chairperson advised that the Confidential report items were confidential due to containing information relating to the financial or business affairs of any particular person (including the Council holding that information).

## In Committee

It was proposed by Councillor P Burke, seconded by the Deputy Mayor, Councillor G McCleave, and agreed that the Confidential Reports be considered “in Committee” in the absence of press or members of the public. The audio recording was paused at this stage in proceedings (7.18 pm).

The Chairperson, Councillor J Lavery, extended a welcome to the Head of Assets who was in attendance at her first meeting for the purpose of presenting to the Committee.

### 6.1 Acquisitions and Disposal and Estates Update (Redacted report to be published following sealing of all documents at Council)

The Head of Assets outlined the background and key issues in regard to acquisitions and disposals of land interests and also provided an update on estate matters.

The Committee had been furnished with respective draft leases in connection with the facilities concerned.

It was proposed by Alderman A G Ewart, seconded by Councillor P Burke, and agreed to recommend that:

- (a) Hilden Primary School - the draft Lease and Development Agreement associated with the redevelopment of this facility be agreed and that the completed agreements be brought forward for signing at the meeting of Council on 26 March 2024.
- (b) Manor Park - the draft lease with NIE be agreed and the completed agreement be brought forward for signing at the meeting of Council on 26 March 2024.
- (c) Ashmount Gardens - this area of land be approved as surplus to requirements and the matter be progressed in line with the relevant policy for consideration of a community asset transfer.
- (d) Laurelhill – the update as outlined be noted.

Further to the decision of the Committee at its meeting in February 2024 the Director provided an update in regard to the lease of the sports pitch at Saintfield Road, Carryduff.

Councillor G Hynds left the meeting at 7.30 pm.

## 6.2 Regeneration and Economic Reserve Fund

(Redacted report to be published following the launch of the programme)

The Director of Regeneration & Growth outlined the background and key issues in connection with proposals for a Regeneration and Economic Reserve Fund.

A detailed paper on the rationale and proposals for such a Fund had been appended to the Director's report.

The Director responded to questions from the Committee on issues arising from the report.

Alderman A G Ewart left the meeting at 7.37 pm.

It was proposed by Councillor U Mackin, seconded by Councillor A Martin, and agreed that the recommendations as outlined in the report on the establishment of Regeneration and Economic Reserve Fund be agreed.

## 6.3 Refurbishment of the Light Floor in Lisburn City Centre

(Redacted report to be published on completion of the project)

The Head of Economic Development outlined the background and key issues in connection with proposals for the refurbishment of the Light Floor in Lisburn City Centre.

It was proposed by Councillor N Parker, seconded by Councillor U Mackin, and agreed to recommend that the Business Case as circulated be approved and that the project be progressed as a revenue project.

## 6.4 Funding available from the Department for Communities

(Redacted report to be published in August 2024)

The Head of Economic Development outlined the background and key issues in connection with funding from the Department for Communities.

Two Business Cases had been appended to the report circulated.

It was proposed by Councillor U Mackin, seconded by the Deputy Mayor, Councillor G McCleave, and agreed to recommend that:

- (a) the funding offered through the Department for Communities as detailed in the report be accepted,
- (b) the costs as outlined in the appended Business Case for the DfC linked proposals be approved, and

#### 6.4 Funding available from the Department for Communities (Cont'd)

- (c) the essential repairs within the Business Case for the decorative lighting within the city centre be approved.

#### 7. Any Other Confidential Business

##### 7.1 Destination Royal Hillsborough – BRCD Funding Director of Regeneration & Growth

The Director having provided a verbal update in regard to the above BRCD project advised that an update report would be brought to the next meeting of the Committee.

##### Resumption of Normal Business

It was proposed by the Deputy Mayor, Councillor G McCleave, seconded by Councillor P Burke, and agreed to come out of Committee and normal business was resumed.

##### Conclusion of Meeting

The Chairperson thanked everyone for their attendance and there being no further business for consideration the meeting was concluded at 8.02 pm.

---

Chairperson

CSC 13.03.2024

31

**LISBURN & CASTLEREAGH CITY COUNCIL****Minutes of Meeting of the Corporate Services Committee held in the Council Chamber, Island Civic Centre, The Island, Lisburn on Wednesday 13<sup>th</sup> March 2024 at 7.00 pm.**

**PRESENT:** Alderman O Gawith (Chair)

Councillor A Ewing (Vice-Chair)

Deputy Mayor  
Councillor G McCleave

Aldermen A Ewart MBE, M Guy and H Legge

Councillors P Burke, R Carlin, K Dickson, N Eaton, A Givan, C Kemp, U Mackin and The Hon N Trimble

**OTHER MEMBERS:** Councillors G Hynds and C McCready

**IN ATTENDANCE:** Chief Executive  
Director of Finance & Corporate Services  
Director of Organisation Development & Innovation  
Director of Regeneration & Growth  
Acting Director of Environmental Services  
Head of Corporate Communications & Administration  
Head of Finance  
Head of Human Resources & Organisation Development  
Member Services Officers (RN & BS)

**Commencement of Meeting**

The Chair welcomed those present to the meeting and advised that it would be audio recorded unless the item on the agenda was to be considered under confidential business.

The names of those Elected Members in attendance at the meeting were read out by the Member Services Officer.

The Chair stated that unauthorised recording was not permitted, as per 8.5 of the Council's Standing Orders. The Chair also reminded everyone to ensure that mobile phones were turned off or on silent mode for the duration of the meeting.

The Director of Finance & Corporate Services proceeded to outline the evacuation procedures in the case of an emergency. Finally, the Chair asked that any Member entering or leaving the meeting alert the Member Services Officer accordingly so that this might be accurately reflected in the minutes.

1. Apologies

Apologies for non-attendance at the meeting were accepted and recorded on behalf of Councillors T Beckett and B Higginson; and the Head of Assets.

2. Declarations of Interest

The Chair invited Members to declare any interests they might have in relation to the business of the meeting and reminded them of the requirement that they complete Declaration of Interest forms in this regard which had been provided with the papers for the meeting and which were also available in the Chamber.

The following Declaration of Interest was made:-

- Alderman H Legge - Item 3.1 of Report of Director of Finance & Corporate Services – “NILGA response to Revenue Raising”. (An office-bearer in NILGA and as such was a signatory to both items of correspondence contained in the report.)

3. Report of Director of Finance & Corporate Services

3.1 Northern Ireland Local Government Association (NILGA)  
Response to Revenue Raising

Consultations from the Department of Finance on the subject of Revenue Raising had been reported to a previous meeting of the Committee.

It was proposed by Councillor K Dickson, seconded by Councillor A Givan and agreed to recommend that the content of the undernoted items of correspondence which NILGA had submitted by way of responses to the Revenue Raising consultations be noted:-

- letter dated the 17<sup>th</sup> January 2024 to the Permanent Secretary at the Department of Finance;
- letter dated the 29<sup>th</sup> January 2024 to the Chief Executive of Land & Property Services.

4. Report of Head of Corporate Communications & Administration

4.1 Council Remote/Hybrid Meetings

Presented by the Chief Executive.

#### 4.1.1 Legislation and Consultative Exercise

The legislation which allowed for the holding of meetings on a remote basis had expired on the 6<sup>th</sup> March 2024, thereby reverting on the 7<sup>th</sup> March 2024 to the situation pre-coronavirus.

In addition to the narrative report which explained this matter further, Members noted the following:-

- letter dated the 1<sup>st</sup> March 2024 from the Director of Local Government & Housing Regulation at the Department for Communities;
- the Council's standing orders as at the 7<sup>th</sup> March 2024 highlighting the changes as occasioned by the termination of the remote meeting legislation.

A report to formally amend the Council's standing orders would be presented to the Council at its meeting to be held on the 26<sup>th</sup> March 2024.

The Chief Executive referred to the undernoted items of correspondence which had been received on the 12<sup>th</sup> March 2024 and which had been provided to Members in advance of the meeting by way of an updated meeting pack:-

- letter dated the 12<sup>th</sup> March 2024 from the Director of Local Government & Housing Regulation at the Department for Communities advising of the Minister's commitment to give councils the flexibility to hold meetings by remote/hybrid means, and the consultative steps being put in place so as to achieve this;
- draft Local Government (Remote Meetings) Regulations (NI) 2024 on which comments are sought by the 26<sup>th</sup> March 2024.

The Chief Executive gave a verbal update on this matter advising that:-

- there was no timescale for the new regulations being put in place so as to allow for remote/hybrid attendance, therefore attendance at meetings would continue on a physical basis in the Council offices;
- the provision of reasonable adjustments within the Chamber for those Members with specific requirements was being explored. Such provisions would be notified to Members in due course. Members were asked to notify the Chief Executive of any other specific provisions they might wish to have considered.

A number of Members offered comment on the general ethos of remote/hybrid meetings.

#### 4.1.1 Legislation and Consultative Exercise Cont'd

In regard to the consultation process which had a closing date of the 26<sup>th</sup> March 2024, the Chair was aware that a number of representations had been made to the Minister urging an early decision on the way forward regarding hybrid/remote meetings. The Chief Executive stated that the timescale for the closure of the consultation coupled with the seeking of legal advice would indicate that the Minister was giving this matter urgent attention. A letter to the Minister on the Council's behalf asking that the matter be expedited was not therefore considered necessary at this point in time. It was likely that political parties were making representations in this regard also.

#### 4.1.2 Commencement time for Meetings

Given that the option to attend meetings on a remote basis did not exist at present, the Chief Executive suggested that Members might wish to have meetings commencing at a later time. To progress this matter, the Chairmen of the Committees could consult with their memberships and agree a revised commencement time if this was deemed necessary. Revised times would be on a Committee-specific basis, rather than the same time for all Committees.

In regard to the commencement time for meetings of the Corporate Services Committee, the Chair took an initial assessment of Members' preferences but advised that he would undertake further consultation and consideration in this regard.

#### 4.1.3 Viewing meetings on a remote basis but without participation

The Chief Executive stated that – under the current governance – meetings are not available on a remote basis. What is less clear is the availability to listen and view a meeting but with absolutely no participation. The Chief Executive would explore this matter further.

#### 4.1.4 Report to Council on 26<sup>th</sup> March 2024

A report on the subject of hybrid/remote meetings would be presented to the Council on the 26<sup>th</sup> March 2024.

#### 4.2 Review of Policy on Invitations to Civic Functions, Visits & Council Events

In addition to the narrative report, the following items had been provided:-

- the Policy on Invitations to Civic Functions, Visits & Council Events as of January 2020;
- the draft Terms of Reference for a Members' Focus Group to inform on the development of a new policy regarding the above matter and also on the standard programme of annual civic events.

#### 4.2 Review of Policy on Invitations to Civic Functions, Visits & Council Events Cont'd

The Head of Service reported that – as part of the review - equality screening of the proposed policy would be carried out. The 2020 policy had not originally been equality screened but screening had been carried out retrospectively and mitigations identified.

It was proposed by Alderman A Ewart and seconded by Councillor A Ewing that – subject to the replacement of the words “Her Majesty” by “His Majesty”, the 2020 Policy on Invitations to Civic Functions, Visits & Council Events be accepted as the new policy going forward, the involvement of a Members Focus Group not being required.

The Director of Finance & Corporate Services summarised views that the Officers could review the policy and carry out equality screening on it. The revised policy and attendant equality screening could then be presented to the Committee for final review and approval. In light of this, Alderman Ewart withdrew his Proposal and supported the Director's summarised views. Alderman Ewart proposed, and Councillor Ewing seconded that:-

- the Policy on Invitations to Civic Functions, Visits & Council events be reviewed and revised by Officers;
- the revised policy be equality screened;
- the revised policy together with its attendant equality screening, be presented to the Committee for final review and approval.

The proposal in the name of Alderman Ewart and seconded by Councillor Ewing was put to the meeting and – on a show of hands, the voting being five in favour and eight against – was declared “lost”.

The recommendations of the report were put to the meeting on a Proposal made by Alderman M Guy and seconded by Alderman H Legge. On a show of hands – the voting being 10 in favour and two against – the recommendations of the report were accepted, ie that:-

- the planned review of the Policy on Invitations to Civic Functions, Visits & Council Events be noted;
- an Elected Member Focus Group in line with draft Terms of Reference as provided in the report be agreed;
- Party nominations to the Elected Member Focus Group be provided to the Acting Member Services/PCSP Manager by the 27<sup>th</sup> March 2024, such membership being on the basis of one Member per party including Independent Members.

#### 4.3 D-Day 80: 6 June 2024

In addition to the narrative report, copies of the undernoted items had been provided and were duly noted on a Proposal made by Alderman H Legge and seconded by Councillor A Givan:-

- minutes of meeting of the D-Day Working Group held on the 21<sup>st</sup> February 2024;
- the rolling D-Day Programme and required budgets (as provided on 6<sup>th</sup> March 2024).

Alderman H Legge, Chair of the D-Day Working Group, thanked the Officers for their work on this matter.

#### 4.4 Review of Roles and Responsibilities of Councillors

In addition to the narrative report, Members had been provided with the Terms of Reference for the Review of the Roles and Responsibilities of Councillors as provided by the Department for Communities.

It was proposed by Councillor N Eaton, seconded by Councillor C Kemp and agreed to recommend that any Member who might wish to engage in the Department's review process, should pass their contact details to the Acting Member Services/PCSP Manager by the 20<sup>th</sup> March 2024 for onward transmission to the Review Panel. The Panel would then contact the Member direct.

### 5. Report of Head of Finance

#### 5.1 Treasury Out-Turn for Quarter 3 of 2023/2024

In addition to the narrative report, Members had been provided with the following reports in regard to Quarter 3 of 2023/2024:-

- Treasury Out-Turn;
- Prudential Indicators.

It was proposed by the Deputy Mayor, Councillor G McCleave, seconded by Councillor K Dickson and agreed to recommend that the content of the above reports be noted.

### 6. Report of Head of Human Resources & Organisation Development

## 6.1 Workforce Reports

In addition to the narrative report, reports on the undernoted topics in relation to Council staff across all Departments had been provided and their contents duly noted on a Proposal made by Councillor A Givan and seconded by Alderman H Legge:-

- Attendance Management Report for period ended 31<sup>st</sup> December 2023;
- Recruitment reports – (i) Advert & Selection; and (ii) Appointments;
- Workforce Profile.

A lengthy discussion took place on a number of issues related to sickness absence. The Head of Service advised that the policy on absenteeism was being reviewed and that it would be presented to the Committee in due course. Those employees with low levels of absenteeism were to be commended.

The Head of Service also explained the reasons as to why the advertising and selection processes for some posts were “on hold”.

## 7. Any Other Business – Non-Confidential

There were no items of a non-confidential nature raised.

## 8. Confidential Report from Director of Finance & Corporate Services

The reasons for confidentiality were as set out in the agenda, ie:-

### 8.1 Report on Tender Awards

(Confidential for reason of information relating to the financial or business affairs of any particular person (including the Council holding that information).

Redacted report to be available following ratification and signing of contracts.

### 8.2 Bad Debt Write-Off Request

(Confidential for reason of information relating to the financial or business affairs of any particular person (including the Council holding that information).

Redacted report to be available after full Council meeting on 26<sup>th</sup> March 2024.

### 8.3 National Living Wage (NLW) Increase Requests

(Confidential for reason of information relating to the financial or business affairs of any particular person (including the Council holding that information).

Redacted report to be available on the 1<sup>st</sup> April 2024.

8.4 Provision of Catering and Bar Services at Lagan Valley Island  
(Confidential for reason of information relating to the financial or business affairs of any particular person (including the Council holding that information)).

Redacted report to be available in March 2025.

8.5 Efficiency Review Steering Group (ERSG) Meetings  
(Confidential for reason of information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Council or a Government Department and employees of, or office holders under, the Council.

Redacted report to be available after full Council meeting on 26<sup>th</sup> March 2024.

### In Committee

It was proposed by Councillor R Carlin, seconded by Alderman H Legge and agreed that the Confidential Report of the Director be considered “in Committee”. (Recording was paused at this stage in proceedings and the member of the press left the Chamber.)

### 8.1 Report on Tender Awards

Presented by the Director of Regeneration & Growth.

It was proposed by Alderman A Ewart, seconded by Councillor A Givan and agreed to recommend that the tenders awarded in regard to the following contracts, together with the attendant tender reports, be noted:-

- T23/24-018 – New meeting room and offices at the Irish Linen Centre and Lisburn Museum, Lisburn;
- T23/24-025 – Provision of Contract for Welding and Fabrication Services;
- T23/24-013 – Learning Management System;
- T22/23-051 – Framework of Trainers for the Local Government Training Group (LGTG);
- T23/24-026 – Labour Market Partnership 3-Year Strategic Assessment and Annual Action Plan 2024/27.

It was further agreed to recommend that the signing and sealing of the Tender documents be approved.

By way of information, the Director advised that the toilet provision in the Irish Linen Centre/Lisburn Museum was not part of Tender T23/24-018. That issue would be addressed in a report being presented to the appropriate committee in due course.

### 8.1 Report on Tender Awards Cont'd

The Director also gave an assurance that where only one tender is submitted for a contract, those tenders are – like all other tenders – subjected to detailed scrutiny for Value for Money assessments. What was presented was not a Single Tender Action but was a single return.

### 8.2 Bad Debt Write-Off Request

Presented by the Head of Finance.

It was proposed by Alderman H Legge, seconded by Councillor R Carlin and agreed to recommend that the debt as set out in the Head of Finance's report be written off.

The Director of Regeneration & Growth left the meeting. (7.05 pm)  
Councillor K Dickson left the meeting. (7.06 pm)

### 8.3 National Living Wage (NLW) Increase Requests

Presented by the Head of Corporate Communications & Administration.

The Head of Service had provided a comprehensive report on this matter, and she also responded to a number of questions thereon.

It was proposed by Councillor N Trimble, seconded by Councillor C Kemp and agreed to recommend that – in order to allow for the continuity of service to be delivered - the requests for increased tender costs for the following contracts be approved as detailed in the Head of Service's report:-

- Provision of Cleaning Services at Designated Council Premises;
- Provision of Caretaker/Receptionist Services at Bradford Court;
- Provision of CCTV/Security/Concierge Provision at Lagan Valley Island.

The Head of Organisation Development & Innovation explained the difference between National Living Wage and Minimum Wage.

### 8.4 Provision of Catering and Bar Services at Lagan Valley Island

Presented by the Head of Corporate Communications & Administration.

In addition to the narrative report, a revised Financial Appraisal/Business Case for Catering Services had been provided.

The Head of Service clarified an error in the Business Case and confirmed that tenderers could tender for one or both lots.

It was proposed by Councillor K Dickson, seconded by Councillor U Mackin and agreed to recommend that:-

#### 8.4 Provision of Catering and Bar Services at Lagan Valley Island Cont'd

- the revised Financial Appraisal/Business Case for Catering Services at Lagan Valley Island be approved;
- the commencement of a tender process to allow for the provision of catering and bar services at Lagan Valley Island as from the 1<sup>st</sup> November 2024 be approved.

Councillor K Dickson returned to the meeting during discussion of this matter and prior to any decision. (7.20 pm)

#### 8.5 Efficiency Review Steering Group (ERSG) Meetings

In addition to the narrative report, the minutes of the undernoted meetings of the Efficiency Review Steering Group (ERSG) had been provided:-

- meeting held on the 1<sup>st</sup> February 2024;
- meeting held on the 5<sup>th</sup> March 2024.

It was proposed by Councillor U Mackin, seconded by Councillor N Trimble and agreed to recommend that:-

- the minutes of the meetings of the Efficiency Review Steering Group held on the 1<sup>st</sup> February and 5<sup>th</sup> March 2024 be noted;
- the recommendation of the Efficiency Review Steering Group in regard to the proposed staffing structure as detailed in the Director's report be approved.

#### 9. Any Other Business – Confidential

There was no other confidential business raised.

#### Resumption of Normal Business

It was proposed by Councillor N Trimble, seconded by Councillor C Kemp and agreed to come "out of Committee". Normal business and audio recording were resumed.

10. Any Other Business

There were no further items raised.

The meeting concluded at 7.26 pm.

---

MAYOR/CHAIR

DRAFT

GAC 20.03.2024

42

**LISBURN & CASTLEREAGH CITY COUNCIL****Minutes of the Meeting of the Governance and Audit Committee held on Wednesday, 20th March, 2024 at 6:00 pm**

**MEMBERS PRESENT:** Councillor R McLernon (Chairperson)  
Mr E Jardine (Independent Member and Vice-Chairperson)

Aldermen O Gawith and S P Porter; and

Councillors D Bassett, S Burns, D J Craig,  
A P Ewing, J Gallen, A Givan, C Kemp,  
P Kennedy, S Lowry, M McKeever and A Martin.

**OTHER MEMBERS PRESENT:** Alderman J Tinsley and Councillor G Hynds.

**IN ATTENDANCE:** Chief Executive (remote)  
Director of Organisation Development and Innovation  
Acting Director of Environmental Services  
Head of Communities  
Head of Economic Development  
Head of Finance  
Head of Human Resources and Organisation Development  
Acting Head of Parks and Amenities  
Internal Audit Manager (remote)  
Acting Emergency Planning, Corporate H&S, Risk & Business  
Continuity Manager  
Member Services Officers

Northern Ireland Audit Office  
Mr R Ross

Ross Boyd Accountants  
Mr B Stewart

**Commencement of the Meeting**

The Chairperson welcomed everybody to the meeting.

1. **Apologies**

An apology was reported on behalf of Deputy Mayor Councillor G McCleave and Councillor P Burke.

2. **Declarations of Interest**

There were no declarations of interest.

### 3. Report by Performance Improvement Officer

(In the absence of the Performance Improvement Officer, the Head of Human Resources and Organisation Development presented reports 3.1 to 3.5.)

#### 3.1 Comments, Complaints & Compliments Report – Quarter 3 2023/24

(Alderman S P Porter and Councillors A Ewing and A Martin entered the Chamber at 6.03pm.)

The Committee was provided with a copy of a comparative report which detailed the comments, complaints and compliments received in Quarter 3 (October – December inclusive) of 2023/24.

The Head of Human Resources and Organisation Development undertook to provide further information on a query which had been raised regarding the number of complaints received in respect of the Regeneration and Growth directorate.

The Committee agreed to note the contents of the report.

In addition, it was proposed by Alderman O Gawith, seconded by Alderman S P Porter, and agreed that the dashboard (appendix 1) and the full comparative report (appendix 2) would continue to be presented at each meeting.

#### 3.2 Service KPIs - Quarter 3 2023/24 (all directorates)

The Committee considered a report, together with several appendices, which gave an overview of each department's performance against the key performance indicators (KPIs) for the period October to December 2023 (inclusive).

The Acting Director of Environmental Services and the Head of Human Resources and Organisation Development clarified several queries which had been raised by Members.

The Head of Finance responded to queries regarding the figures reported for the payment of invoices within the 10-day target. The Committee was given an overview of the challenges that existed in this regard in advance of the introduction of a new finance system. It was added that officers continued to work with suppliers to streamline processes and that the reported figure was subject to constant review.

The Committee agreed to note the information provided.

#### 3.3 Performance Improvement Objectives, Case Studies & Associated KPIs – 3rd Quarter Review

The Committee considered the following:

- (a) a quarterly monitoring document (covering 1st October to 31st December 2023) on the projects which had demonstrated improvement against the 2023/24

GAC 20.03.2024

44

Performance Improvement Objectives, including the relevant Performance Improvement KPI. An additional section was included detailing case studies and customer feedback that had demonstrated improvement during Quarter 3; and

- (b) a report generated by the 'Performance Management System' detailing the Performance Improvement Key Performance Indicators (KPIs) outcomes for the Council from 1st October to 31st December 2023 inclusive.

It was noted that eleven of the Council's sixteen Performance Improvement Objectives had been met by the end of December 2023, and that four of the five remaining objectives were anticipated to be met by the end of the financial year.

The Committee agreed to note the information which had been provided.

Arising from discussion, Councillor S Lowry, expressed her gratitude to those Council officers who had been involved in the delivery of the 'Grand Choice' participatory budget event, which had taken place in St Mary's Church of Ireland Hall, Ballybeen, on Saturday 9th March, an event which, she added, had been an excellent example of corporate leadership and community engagement. The Chairperson, on behalf of the Committee, endorsed the comments of Councillor Lowry and added that the initiative, which was overseen by the Policing and Community Safety Partnership, had proved to be most successful across all the Council's District Electoral Areas.

### 3.4 Draft Performance Improvement Objectives & Projects 2024/25

The Committee considered a report which had identified several Draft Performance Improvement Objectives and Projects for 2024/25. It was reported that the objectives had been identified in accordance with an observation of the Northern Ireland Audit Office suggesting that the Council should enhance its processes by undertaking additional comparison with previous years' performance. It was reported that public consultation exercises in relation to the draft objectives would be undertaken early in the financial year, with a view to presenting a final report to the Committee in June 2024.

It was proposed by Councillor D J Craig, seconded by Councillor M McKeever, and agreed that the Committee approve the Draft Performance Improvement Objectives & Projects for 2024/25.

### 3.5 NI Public Service Ombudsman (NIPSO) Model Complaints Handling Procedure

The Committee was informed that a review of the Council's Customer Care Procedure had been undertaken to ensure that it was compliant with the Model Complaints Handling Procedure, which had been introduced by the NI Public Service Ombudsman (NIPSO) in 2023. That procedure had recommended that a standardised two-stage complaints procedure be introduced across the public sector, a measure which the Council had been applying since 2021. In accordance with the revised procedure, it was recommended that the Council adopt the revised templates and the two-step procedure as recommended by NIPSO, copies of which had been appended to the report.

GAC 20.03.2024

45

The Head of Human Resources and Organisation Development clarified a matter raised regarding the recording of service requests, as opposed to complaints, and the data used within the associated screening document, together with the steps that would be implemented in making the associated information more accessible to residents across the Council area.

It was proposed by Councillor S Lowry, seconded by Councillor D Bassett, and agreed that the Committee adopt the revised templates and the two-step procedure as recommended by NIPSO.

#### 4.0 Report from the Acting Emergency Planning, Corporate H & S, Risk & Business Continuity

##### 4.1 Corporate Risk Register

The Acting Emergency Planning, Corporate H & S, Risk & Business Continuity Manager, outlined the principal aspects of a report which provided an update in respect of the quarterly review of the Corporate Risk Register.

Members noted the contents of the report and the Corporate Risk Dashboard.

In addition, it was proposed by Alderman O Gawith, seconded by Councillor D Bassett, and agreed that Cyber Security and the redevelopment of Dundonald International Ice Bowl be the subject of in-depth reviews as part of the management of the Corporate Risk Register in 2024/25.

Arising from discussion, the Acting Director of Environmental Health addressed a matter regarding the steps undertaken to meet targets associated with landfill disposal capacity.

#### 5. Report by Internal Audit Manager

##### 5.1 Governance and Audit Committee Self-Evaluation Outcome Report

The Committee was provided with a copy of an Outcome Report in respect of a Governance and Audit Committee Self-Evaluation exercise, which had been undertaken in February 2024.

The Committee agreed that the report be noted.

It was agreed further, at the request of Mr E Jardine, that the CIPFA guidance on best practice for Audit Committees, as contained within the "Audit Committees – Practical Guidance for Local Authorities" be circulated for Members' information.

In addition, it was agreed to consider the provision of further training for Members of the Governance and Audit Committee.

(Councillor G Hynds left the Chamber at 6.33pm and returned at 6.35pm.)

(The Acting Director of Environmental Services, the Head of Communities, the Head of Economic Development and the Acting Head of Parks and Amenities left the meeting prior to the commencement of Confidential Business.)

## 6. Confidential Business

The matters contained in the confidential report were considered “in committee” since they contained information relating to the financial or business affairs of any particular person (including the Council holding that information) as specified within the Local Government Act (Northern Ireland) 2014.

### “In Committee”

It was proposed by Councillor D Bassett, seconded by Councillor A Ewing, and agreed that the following matters be considered “in committee” in the absence of members of the press and public.

### 6.1 NIAO/NIPSO – Adjudication Hearing Correspondence

The Chief Executive presented a report which related to the findings of an adjudication hearing regarding a breach of the ‘Code of Conduct for Councillors’ by a former elected Member of the Council. The Committee was provided with an overview of the process that would be undertaken at a corporate level to address several issues which had been highlighted to the Council in respect of the outcome of the hearing.

The Committee noted the report and the comments of the Chief Executive in relation thereto.

It was noted also that a further report in the matter would be presented to Members at the conclusion of the process.

### 6.2 Draft Audit Strategy 2024/29 & Draft Operational Plan 2024/25

The Committee considered the draft Audit Strategy for 2024/29 and the Draft Operational Plan for 2024/25, in respect of both documents the Internal Audit Manager outlined the principal aspects.

It was proposed by Alderman S P Porter, seconded by Councillor D Bassett, and agreed that the Committee approve the Draft Audit Strategy for 2024/29 and the Draft Operational Plan for 2024/25.

### 6.3 Internal Audit Progress Report – March 2024

The Committee considered the Internal Audit Progress Report to March 2024. The report summarised the internal audit work which had been carried out and progress achieved against the Operational Plan since the previous meeting of the Committee in 2023.

The Committee agreed that the Internal Audit Progress Report be noted.

GAC 20.03.2024

47

#### 6.4 LCCC Audit Strategy 2023/24

The Committee considered a report which related to the above-mentioned strategy. Mr B Stewart of RB Chartered Accountants, the company contracted by the NIAO to draft the Strategy, attended in connection with this matter and outlined the principal aspects of the document.

The Committee agreed that the Audit Strategy for 2023/24 be noted.

#### 6.5 Annual Audit Letter for 2022/23

The Committee agreed to note the contents of the Council's Annual Audit Letter for 2022/23.

#### 7.0 Any Other Business

#### 7.1 Legal Matter

Following a query by Councillor Gallen, the Director of Organisation Development and Innovation outlined the position in regard to this matter, which was confirmed by Alderman S P Porter.

#### Resumption of Normal Business

It was proposed by Councillor D Bassett, seconded by Councillor A Givan, and agreed to come out of committee and resume normal business.

There being no further business, the meeting ended at 7.15pm.

---

Chairperson

PC 05.02.2024

48

**LISBURN & CASTLEREAGH CITY COUNCIL****Minutes of Planning Committee Meeting held in the Council Chamber and in Remote Locations on Monday, 5<sup>th</sup> February 2024 at 10.00 am****PRESENT IN CHAMBER:**

Alderman M Gregg (Chairman)

Councillor U Mackin (Vice-Chairman)

Aldermen O Gawith and J Tinsley

Councillors S Burns, P Catney, D J Craig,  
A Martin and G Thompson**PRESENT IN A REMOTE LOCATION**

Councillors D Bassett and The Hon N Trimble

**IN ATTENDANCE:**Director of Regeneration and Growth  
Head of Planning & Capital Development  
Head of Economic Development  
Principal Planning Officer (RH)  
Senior Planning Officers (MB and RT)  
Marketing Officer  
Member Services Officers (RN & CH)**Cleaver Fulton Rankin**Mr Brendan Martyn – Legal Advisor  
Ms Caitlin McPeake - Observing**Commencement of Meeting**

At the commencement of the meeting, the Chairman, Alderman M Gregg, welcomed those present to the Planning Committee. He pointed out that, unless the item on the agenda was considered under confidential business, this meeting would be audio recorded. He went on to outline the evacuation procedures in the case of an emergency.

1. **Apologies** (00:02:06)

There were no apologies.

At this point, the Member Services Officer read out the names of the Elected Members and Officers in attendance at the meeting.

2. Declarations of Interest (00:03:05)

The following declarations of interest were made:

- Planning Application LA05/2021/1245/F. Councillor P Catney stated that he had previously spoken in favour of the application and at that stage also, he had spoken to residents and the Minister for Infrastructure. Councillor Catney had also sought and received speaking rights to address the meeting. Apart from his presentation and those of the other speakers, Councillor Catney would be withdrawing from the meeting for this application.
- Planning Application LA05/2019/1077/F. Councillor P Catney stated that as this application was on subject matter related to LA05/2021/1245/F, he would be withdrawing from the meeting for this application.
- Planning Application LA05/2023/0292/F. Councillor D Bassett stated that the application was within his constituency, but that he had not spoken to any interested parties.
- Planning Application LA05/2021/0033/F. Alderman O Gawith advised that he had spoken to an objector but had expressed no opinion and had informed the objector that he would be reserving judgement until he had heard the application.
- Item 4.3 of Report of Head of Planning & Capital Development – Pre-Application Notice in regard to Beechlawn Special School. Councillor J Craig declared an interest as a member of the Board of the Education Authority.
- Item 4.3 of Report of Head of Planning & Capital Development – Pre-Application Notice in regard to Beechlawn Special School. Councillor U Mackin declared an interest as a member of the Board of Governors of Beechlawn Special School.

3. Minutes of Meeting of Planning Committee held on 8<sup>th</sup> January 2024 (00:04:19)

It was proposed by Councillor J Craig, seconded by Councillor P Catney and agreed that the minutes of the meeting of Committee held on 8<sup>th</sup> January 2024 be confirmed and signed.

PC 05.02.2024

50

4. Report from the Head of Planning & Capital Development (00:04:41)4.1 Schedule of Applications (00:04:46)

The Chairman, Alderman M Gregg, advised that there were three major applications and four local applications on the schedule for consideration at the meeting. The Chairman advised that one of the local applications – LA05/2022/0033/F - had been withdrawn from the schedule before the Committee so as to allow Officers to consider a substantial representation received on the 2<sup>nd</sup> February 2024. A separate meeting of the Committee may be called to consider this application but that was not yet confirmed.

4.1.1 Applications to be Determined (00:05:56)

The Legal Advisor, Mr B Martyn, highlighted paragraphs 43-46 of the Protocol for the Operation of the Lisburn & Castlereagh City Council Planning Committee which, he advised, needed to be borne in mind when determinations were being made.

- (i) **LA05/2021/1245/F – Proposed Park and Ride facility including tarmacked parking area, landscaping, boundary fencing, CCTV and floodlighting (powered by solar panel array and associated battery storage building), cycle shelter building, storm water retention pond and widening of Station Road to facilitate right hand turning lane into site and footpath provision for pedestrian access to train station. Provision of drop off lay by and turning circle at existing train station car park on lands 65 metres north of (and including) Moira Train Station, Moira (between 4 and 6 Station Road)**  
(00:07:06)

Having declared an interest in the above application, Councillor P Catney left the Council Chamber immediately before its presentation. (10.10 am)

The Senior Planning Officer (MB) presented the above application as outlined within the circulated report.

The committee received:-

- Messrs E Loughrey, R Agus and R McEvoy speaking in opposition to the application;
- Councillor P Catney speaking in support of the application (having returned to the Chamber at 10.36 am). Councillor Catney moved to the Public Gallery after his presentation;
- Messrs A Larkin, A Stott, S Warke and K Hannah speaking in support of the application.

A number of Members' queries were responded to by the speakers.

A number of Members' queries were responded to by the Planning Officers. Messrs A Kyle and W Cardwell from DfI Roads were also available to respond to questions.

PC 05.02.2024

51

Debate

Councillor P Catney left the Chamber immediately before the debate. (11.38 am)

During debate:-

- Much mention was made of the fact that the projected increase in the use of the new Park & Ride facility would undoubtedly lead to an increase in the use of the Glenavy Road/Station Road junction.
- Councillor J Craig stated that the proposal would improve the safety of Station Road. However traffic management issues at the Glenavy Road/Station Road junction would be exacerbated by the increase in its use which the park and ride facility would generate. On balance, Councillor Craig would be supporting the application.
- Alderman O Gawith acknowledged that an improved facility for commuters/cars was required at Moira Train Station. He still had concerns regarding pedestrian safety on Station Road. The only opportunity for pedestrians to cross the road safely was when the barrier was down. When it was raised after a train had departed the station and commuters were back to vehicles, there would be a surge in road usage on the Station Road.
- Councillor U Mackin welcomed the proposal but did have major concerns in regard to road safety in terms of having to cross the Station Road to access the car park and an increased flow of traffic. On balance, Councillor Mackin would support the application.
- The Chairman, Alderman M Gregg, expressed concern at traffic management problems which would be exacerbated at the Glenavy Road/Station Road junction. The absence of a right-hand turning pocket from the Glenavy Road into the Station Road was not acceptable. The Chairman considered that some condition could be added to this application so that the traffic management associated with the Glenavy Road/Station Road junction was improved. The Chairman considered that discussions between DFI Roads and Translink about this junction should have taken place before the application was presented to Committee. The Chairman was unsure as to how he would vote as compromising the safety of users of the Glenavy Road was excessive so as to allow for a Park & Ride facility to be provided. The Chairman did however accept that the Park & Ride facility would be an improvement for the immediate local area.

PC 05.02.2024

52

- Councillor N Trimble acknowledged that the application would be an improvement for those commuters using the station. However the issue of road safety remained, and he concurred with previous speakers about traffic management at the Glenavy Road/Station Road junction being exacerbated by the increased number of cars using the facility. Councillor Trimble suggested that further discussions take place and that consideration be given to the use of a Section 76 agreement to improve the Glenavy Road/Station Road junction. Councillor Trimble could not support a decision being taken on the application at this time.
- Alderman J Tinsley welcomed the facility and considered that it would be widely used. He questioned whether the Glenavy Road/Station Road junction was unsafe or just inconvenient in terms of the time taken to egress from the Station Road to turn right.
- Councillor A Martin commended the actual plan but had major concerns regarding road safety at the Glenavy Road/Station Road junction. Commuters needed the assurance that they could safely arrive at the Park & Ride facility from the A26 Glenavy Road. Councillor Martin would be voting against the application.
- Councillor G Thompson acknowledged that the facility would be a welcome addition for commuters but that it would have to be balanced with road safety in the adjacent area. Councillor Thompson was in favour of deferring the application to allow for further consideration of roads-related issues.
- Councillor D Bassett expressed concerns in regard to road safety issues at the Glenavy Road/Station Road junction exacerbated by the provision of the Park & Ride facility, and also for pedestrian safety at Station Road. Councillor Bassett would either vote against the application or else in favour of a deferral.

### Vote

LA05/2021/1245/F – Proposed Park and Ride facility including tarmacked parking area, landscaping, boundary fencing, CCTV and floodlighting (powered by solar panel array and associated battery storage building), cycle shelter building, storm water retention pond and widening of Station Road to facilitate right hand turning lane into site and footpath provision for pedestrian access to train station. Provision of drop off lay by and turning circle at existing train station car park on lands 65 metres north of (and including) Moira Train Station, Moira (between 4 and 6 Station Road)

It was proposed by Councillor N Trimble and seconded by Councillor G Thompson that the above application be deferred so as to allow for further negotiations between the applicant and DfI Roads about improvements to the safety of the junction of the Glenavy Road/Station Road which would experience an increase in usage due to the Park & Ride facility at Moira Train Station.

PC 05.02.2024

53

The voting was as follows:-

In Favour Councillor D Bassett, Alderman O Gawith, Councillor U Mackin, Councillor G Thompson, Councillor N Trimble and Alderman M Gregg (Chair) **(6)**

Against Councillor S Burns, Councillor J Craig, Councillor A Martin and Alderman J Tinsley **(4)**

The Chairman declared that the proposal to defer the application for further negotiations was “carried”.

#### Adjournment of Meeting

The Chairman, Alderman M Gregg, declared the meeting adjourned for a comfort break. (12.06 pm)

#### Resumption of Meeting

The meeting resumed at 12.18 pm.

Councillor P Catney returned to the Chamber and took a seat in the Public Gallery.

- (ii) **LA05/2019/1077/F – Proposed park and ride car park (126 car parking spaces) and all associated lighting, drainage, landscaping, site access off the A26, pedestrian link to existing Translink car park and all associated site works on Lands adjacent to and south east of Moira Train Station, Station Road, Moira, adjacent to and west of the A26 and between the Belfast to Dublin railway line to the north and the Lagan Navigation Canal to the south**  
(02:03:07)

Having declared an interest in this application, Councillor P Catney was seated in the Public Gallery.

The Principal Planning Officer (RH) presented the above application as outlined within the circulated report.

The committee received Ms C Herdman, and Messrs R Agus, S Houston and P McCreanor, speaking in support of the application.

A number of Members’ queries were responded to by the speakers.

A number of Members’ queries were responded to by the Planning Officers. Messrs A Kyle and W Cardwell from DfI Roads were also available to respond to questions.

PC 05.02.2024

54

Debate

During debate:-

- Alderman O Gawith suggested that perhaps this application should be deferred so that it could be considered at the same time as LA05/2021/1245/F which was on a related subject matter.
- Alderman J Tinsley questioned the legality of deferring the application on the grounds that it would be preferable if it were to be considered at the same time as another application on a related subject.

Vote

LA05/2019/1077/F – Proposed park and ride car park (126 car parking spaces) and all associated lighting, drainage, landscaping, site access off the A26, pedestrian link to existing Translink car park and all associated site works on Lands adjacent to and south east of Moira Train Station, Station Road, Moira, adjacent to and west of the A26 and between the Belfast to Dublin railway line to the north and the Lagan Navigation Canal to the south

Abstain Alderman O Gawith **(1)**

In Favour Councillor D Bassett, Councillor S Burns, Councillor J Craig, Councillor U Mackin, Councillor A Martin, Alderman J Tinsley, Councillor G Thompson, Councillor N Trimble, Alderman M Gregg (Chairman) **(9)**

The Chairman declared that the Planning Officer's recommendation to refuse the above application was "carried".

Adjournment of Meeting

The Chairman, Alderman M Gregg, declared the meeting adjourned for lunch. (12.56 pm)

Resumption of Meeting

The meeting resumed at 1.33 pm. All members returned to the meeting.

PC 05.02.2024

55

- (iii) **LA05/2023/0292/F – Proposed residential development comprising 81 dwellings, including open space and landscaping, and all associated site and access works (amendment to approval Y/2009/0114/F) on lands south of Mealough Road, west of Saintfield Road, to the rear and west of 615 Saintfield Road, and circa 200 metres north of Blenheim Park, Carryduff**  
(02:42:35)

The Senior Planning Officer (MB) presented the above application as outlined within the circulated report.

The Director of Regeneration & Growth and the Head of Economic Development entered the Chamber during the presentation of this application. (1.40 pm)

The committee received Messrs T Stokes and J Fraser, speaking in support of the application.

A number of Members' queries were responded to by Mr Stokes.

A number of Members' queries were responded to by the Planning Officers.

### Debate

During debate:-

- The Director of Regeneration & Growth left the Chamber. (1.59 pm)
- Alderman O Gawith commended the development and the standard of sustainable features being provided within the scheme. Alderman Gawith would be supporting the application.
- Alderman M Gregg commended the standard of the sustainable features in the development and expressed the hope that such features and high standards would be evident in other applications coming before the Committee.
- Councillor D Bassett welcomed the fact that there would be playground provision within the wider Mealough area as provided by a consortium of developers in the area.

### Vote

**LA05/2023/0292/F – Proposed residential development comprising 81 dwellings, including open space and landscaping, and all associated site and access works (amendment to approval Y/2009/0114/F) on lands south of Mealough Road, west of Saintfield Road, to the rear and west of 615 Saintfield Road, and circa 200 metres north of Blenheim Park, Carryduff**

PC 05.02.2024

56

Having considered the information provided within the report of the Planning Officer, the Committee agreed unanimously to adopt the recommendation to approve this application, subject to a Section 76 planning agreement for the delivery of affordable housing.

- (iv) **LA05/2021/0033/F – Proposed mixed-use development comprising 31 Class B2 & B4 industrial/employment units (4,320 sqm in total) and 95 semi-detached and detached residential dwellings with associated private amenity provision; public open spaces; associated car parking; landscaping; creation of new accesses from Carrowreagh Road and Ballyoran Lane with associated works to the public road; and other ancillary development on lands formerly occupied by the Rolls Royce factory north of Upper Newtownards Road south of Inspire Business Centre east of Ballyoran Lane and west of Carrowreagh Road, Dundonald**  
(03:10:03)

The Senior Planning Officer (RT) presented the above application as outlined within the circulated report.

The committee received:-

- Mr P Carr (via Zoom) speaking in opposition to the application;
- Ms A Wiggam and Messrs D Calvert, R Agus and S Bell speaking in support of the application.

The Director of Regeneration & Growth entered the Chamber during questions to Mr Carr. (2.45 pm)

A number of Members' queries were responded to by the speakers. The Chair, Alderman M Gregg, referred to the inclusion of road improvements within the proposed conditions attached to the application and asked if these could be included in the Section 76 agreement. The speakers for the applicant agreed that this could be looked at.

#### Adjournment of Meeting

The Chairman, Alderman M Gregg, declared the meeting adjourned for a comfort break. (3.12 pm)

#### Resumption of Meeting

The meeting resumed at 3.19 pm.

On resumption of business, a number of Members' queries were responded to by the Planning Officers. The Director of Regeneration & Growth left the meeting during this part of proceedings. (3.40 pm)

### Debate

During debate:-

- Alderman J Tinsley stated that he considered that a good balance had been reached between residential and commercial use on the site. Alderman Tinsley would be supporting the application.
- Councillors U Mackin, P Catney, S Burns and J Craig; and Alderman O Gawith spoke in turn, and all welcomed the application. Each of them would be supporting the application.
- Councillor D Bassett welcomed the application and also the fact that pedestrian access between the commercial and residential areas would be provided. Councillor Bassett would be supporting the application.
- Councillor N Trimble welcomed the scheme and considered it to be a desirable change for the site. Councillor Trimble would be supporting the application.
- Alderman M Gregg (Chairman) stated that he could not support the application and cited the following reasons:-
  - the BMAP of 2001 had been referenced in this application, whereas in the current Development Plan, the area in question is zoned for employment;
  - at best, the application provided 20%-25% of its area for employment. That is a major loss of employment potential for the area;
  - the density of public housing is less than 24. It should be 25-35 as it is land within a settlement;
  - the balance of commercial/residential is not satisfied. A large amount of the site is being given over to housing;
  - an area zoned for employment cannot be used for mixed-use;
  - Policy RG1 states that land in an employment area cannot be re-zoned;
  - overall, a number of criteria are not being met in the application;

PC 05.02.2024

58

- Officers need to be fully satisfied with a planning application. A balance - which the officers had referred to - is not the same as being fully satisfied.

Alderman Gregg stated that residents are concerned about the level of anti-social activity on the site at present, so the development could in fact be considered as better than nothing. However that did not out-weigh Alderman Gregg's overall concerns.

The Chair re-iterated that he could not support the application.

### Vote

LA05/2021/0033/F – Proposed mixed-use development comprising 31 Class B2 & B4 industrial/employment units (4,320 sqm in total) and 95 semi-detached and detached residential dwellings with associated private amenity provision; public open spaces; associated car parking; landscaping; creation of new accesses from Carrowreagh Road and Ballyoran Lane with associated works to the public road; and other ancillary development on lands formerly occupied by the Rolls Royce factory north of Upper Newtownards south of Inspire Business Centre east of Ballyoran Lane and west of Carrowreagh Road, Dundonald

In Favour Councillor D Bassett, Councillor S Burns, Councillor P Catney, Councillor J Craig, Alderman O Gawith, Councillor U Mackin, Councillor A Martin, Alderman J Tinsley, Councillor G Thompson, Councillor N Trimble **(10)**

Against Alderman M Gregg (Chairman) **(1)**

The Chairman declared that the Planning Officer's recommendation to approve the above application was "carried".

A Section 76 agreement to the phasing of the development and the delivery of affordable housing would be included. Officers are to seek clarification from the applicant whether any road improvements that are subject to condition in the report can be part of the Section 76 agreement. A planning condition to include a pedestrian link between the housing and employment uses was also agreed.

### Adjournment of Meeting

The Chairman. Alderman M Gregg, declared the meeting adjourned for a comfort break. (4.15 pm)

### Resumption of Meeting

The meeting resumed at 4.26 pm.  
Councillor Bassett did not return to the meeting on the resumption of business.

PC 05.02.2024

59

(v) **LA05/2022/1081/F – Dwelling and garage between 15 and 15a Crumlin Road, Upper Ballinderry, Lisburn**  
(05:19:15)

The Principal Planning Officer (RH) presented the above application as outlined within the circulated report.

The committee received Mr A McAreavey speaking in support of the application.

A number of Members' queries were responded to by Mr McAreavey.

A number of Members' queries were responded to by the Planning Officers.

Debate

During debate:-

- Alderman J Tinsley stated that – taking into account the timeline of events experienced by the applicant and the inflexibility of the current policy – he would be supporting the recommendation to refuse the application.
- Alderman O Gawith stated that he would be supporting the recommendation.

Vote

**LA05/2022/1081/F – Dwelling and garage between 15 and 15a Crumlin Road, Upper Ballinderry, Lisburn**

Having considered the information provided within the report of the Planning Officer, the Committee agreed unanimously to adopt the recommendation to refuse this application.

(vi) **LA05/2019/0316/F – Proposed pair of semi-detached dwellings to replace 31 and 33 Islandkelly Park and 3 additional dwellings to rear on lands at 31 and 33 Islandkelly Park, Lisburn**  
(05:45:37)

The Principal Planning Officer (RH) presented the above application as outlined within the circulated report. Councillor N Trimble left the meeting during presentation of this item (4.53 pm).

There had been no requests for speaking rights.

Apart from seeking confirmation that the applicant would have known that his application was to be on the schedule, there were no questions to the Planning Officers.

PC 05.02.2024

60

There was no debate.

### Vote

LA05/2019/0316/F – Proposed pair of semi-detached dwellings to replace 31 and 33 Islandkelly Park and 3 additional dwellings to rear on lands at 31 and 33 Islandkelly Park, Lisburn

Having considered the information provided within the report of the Planning Officer, the Committee agreed unanimously to adopt the recommendation to approve this application, subject to a Section 76 planning agreement for the delivery of affordable housing.

(vii) **LA05/2022/0033/F – Erection of 17 dwellings in a mix of 15 detached and 2 semi-detached dwellings with associated parking, landscaping, open space, site works and access arrangements from Quarterlands Road on lands between 58 and 66 Quarterlands Road, northeast of 54b-c & 56 Quarterlands Road north of 7-12 Rural Cottages and southeast of 4-7 Zenda Park, Drumbeg**

As reported earlier in proceedings, the above application had been withdrawn from the schedule before the meeting to allow consideration of a representation received on the 2<sup>nd</sup> February 2024.

4.2 Appeal Decision  
LA05/2020/0617/F – 2 no. infill dwellings and garages between 184 and 188 Hillhall Road, Lisburn (05:55:05)

It was proposed by Councillor G Thompson, seconded by Alderman O Gawith and agreed to note the information set out in the report in respect of the decision of the Planning Appeals Commission regarding the above planning application.

4.3 Pre-Application Notice (PAN) – Extension to Beechlawn Special School to provide additional classroom accommodation together with demolition of existing buildings (05:56:27)

It was proposed by Councillor G Thompson, seconded by Alderman J Tinsley and agreed that the content of the Pre-Application Notice be noted and that it be submitted in accordance with the relevant section of the legislation and related guidance.

PC 05.02.2024

61

- 4.4 Pre-Application Notice (PAN) – Site for new Cemetery including new main vehicular access and secondary access, parking and associated infrastructure works on Land to the North of Quarterland Road and East of Carnaghliiss Road, Crumlin, Dundrod (05:57:48)

It was proposed by Alderman O Gawith, seconded by Councillor P Catney and agreed that the content of the Pre-Application Notice be noted and that it be submitted in accordance with the relevant section of the legislation and related guidance.

- 4.5 Pre-Application Notice (PAN) – Freight Transport Hub for Parking of HGVs and trailers including warehouse storage and distribution and office/administration building, on-site diesel storage with vehicle wash and trailer wash facilities, site access and right turning lane, inceptor and other ancillary development on land adjacent to 12 Lissue Road, Lisburn (05:59:05)

It was proposed by Alderman J Tinsley, seconded by Alderman O Gawith and agreed that the content of the Pre-Application Notice be noted and that it be submitted in accordance with the relevant section of the legislation and related guidance.

- 4.6 Statutory Performance Indicators – December 2023 (05:59:46)

It was proposed by Councillor P Catney, seconded by Councillor G Thompson and agreed to note information in relation to the Statutory Performance Indicators for December 2023.

- 4.7 Notification from the Department for Infrastructure about the publication of DMPN 9B – EIA Screening (06:00:45)

It was proposed by Alderman J Tinsley, seconded by Councillor P Catney and agreed to note the publication of DMPN 9B – Screening projects for Environmental Impact Assessment.

- 4.8 Proposed Abandonment at 62 – 66 Bow Street, Lisburn (06:01:37)

It was proposed by Councillor A Martin, seconded by Alderman O Gawith and agreed to note a letter dated the 14 December 2023 from the Department for Infrastructure and that – subject to the agreement of the Regeneration & Growth Committee - there was no objection, in principle, to the abandonment of a small part of the footpath outside Danske Bank.

- 4.9 Notification by Telecommunication Operator(s) of Intention to Utilise Permitted Development Rights (06:02:35)

It was proposed by Councillor P Catney, seconded by Councillor G Thompson and agreed to note from the report, information regarding notifications by telecommunication operators to utilise Permitted Development Rights at several locations in the Council's area.

PC 05.02.2024

62

4.10 Public Consultation on the Review of the Planning (Development Management) Regulations (Northern Ireland) 2015 (06:03:19)

It was proposed by Alderman J Tinsley, seconded by Councillor U Mackin and agreed that a response based on the following be submitted in respect of the above consultation document via the Citizen Space website:-

- The response points detailed in the report of the Head of Planning & Capital Development;
- There is a perception that - within the general public, there is a limited understanding as to how they can engage on planning matters;
- Steps should be taken to ensure that the general public understand how they can engage in planning matters;
- The department be asked to identify how they had engaged with the public in the consultation process on the above document.

This item had been discussed by the Regeneration & Growth Committee at its meeting held on the 1st February 2024.

4.11 Update from NIEA on Position Now Adopted in Relation to Planning Consultations for Agricultural Developments (06:06:05)

It was proposed by Alderman O Gawith, seconded by Councillor J Craig and agreed to note the update letters dated the 12<sup>th</sup> and 19<sup>th</sup> December 2023 from the NI Environment Agency in relation to Planning Consultations for Agricultural Developments and the potential consequences for the operation of the Unit.

5. Any Other Business (06:08:11)

5.1 Lambeg Road, Lisburn – On-Street Parking (06:08:15)  
Councillor P Catney

Councillor P Catney referred to the number of cars being parked on both sides of the Lambeg Road, Lisburn adjacent to a café/coffee shop. The parked cars had effectively brought the road to a single carriageway and were causing problems for local residents in exiting their properties. Councillor Catney sought support for a letter to be written to DFI Roads asking that they meet with the Members for Lisburn North to discuss this matter.

Councillor J Craig concurred with these comments and advised that he had made representations to DFI Roads but with no response to date.

It was agreed that DFI Roads be requested to meet with Elected Members for Lisburn North or – if not all Members – then Councillors Catney and Craig, in an effort to achieve a solution to the parking issues at Lambeg Road, Lisburn adjacent to the café/coffee shop.

PC 05.02.2024

63

The Head of Planning & Capital Development advised that he would contact the Enforcement Section to ensure that all planning conditions associated with a planning approval at this location had been implemented.

5.2 DFI Roads – Assessment of Planning Applications (06:14:10)  
Alderman J Tinsley

Alderman J Tinsley considered that DFI Roads should be asked to indicate how they assessed a planning application where the effect of client/customer cars was likely to impact on local residents and their parking spaces, and also the ease by which they might exit from their properties and driveways.

5.3 Enforcement Workshop (06:15:08)  
Alderman M Gregg (Chairman)

Alderman M Gregg (Chairman) stated that he and the Vice-Chairman (Councillor U Mackin) had asked that a workshop to discuss enforcement issues be arranged. The Head of Planning & Capital Development provided an update on this matter.

Conclusion of Meeting

At the conclusion of the meeting, the Chairman, Alderman M Gregg, thanked those present for their attendance.

There being no further business, the meeting concluded at 5.24 pm.

---

Chairman/Mayor

<b>Committee:</b>	Full Council
<b>Date:</b>	26 March 2024
<b>Report from:</b>	Chief Executive

<b>Item for:</b>	Decision
<b>Subject:</b>	Department for the Economy Adverse Weather Financial Package

1.0	<p><b><u>Background and Key Issues</u></b></p> <p>1.1 Members may recall a period of extreme wet weather in October/November 2023 which impacted 4 Council areas, namely, Newry Mourne and Down District Council, Armagh City, Banbridge and Craigavon Borough Council, Ards and North Down Borough Council and Lisburn &amp; Castlereagh City Council (LCCC).</p> <p>1.2 To support commercial premises impacted by this weather event, the Department for the Economy (DfE) launched a financial package to provide funding to businesses that meet certain prescribed criteria. This Scheme was administered by Local Government on the DfE's behalf.</p> <p>1.3 The Scheme was launched on 20 November 2023 and closed on 30 November 2023 and gave eligible businesses an opportunity to avail of a one-off payment of £7.5K.</p> <p>1.4 The delivery mechanism of this funding was carried out at "Risk" to the Council, with Technical Officers inspecting businesses against the set criteria, making a determination based on this criteria and progressing payments to the eligible businesses. Council then claim back this funding from the DfE, who will reimburse the Council for these payments. These payments are only covered if the Department agree with the Council's findings, hence carried out at risk to the Council.</p> <p>1.5 No businesses within the LCCC area were eligible for the funding; therefore, there were no payments progressed by LCCC.</p> <p>1.6 An additional Scheme was communicated by DfE to Local Government at the start of March 2024 for the same weather event in October/November 2023.</p> <p>1.7 The new Scheme is divided into 2 components, an Enhanced Flood Support Scheme providing up to £100K of additional support to eligible business. The second component is a Hardship Fund which gives businesses a further opportunity to apply for funding up to £5K. Businesses can only avail of one component and must meet again prescribed criteria, developed by DfE, associated with each component.</p> <p>1.8 Officers provided a verbal update to Members at both the Environment and Sustainability Committee and the Regeneration and Growth Committee with a view to providing additional information once formal communication from DfE was received by Council.</p> <p>1.9 Having received this official communication, officers signed the letter of offer which opened the Scheme up to potential eligible businesses within the LCCC area.</p> <p>1.10 The Enhanced Payment Scheme was launched week commencing 4 March 2024 and closes on 22 March 2024.</p>
-----	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>1.11 The Hardship Fund was launched week commencing 11 March 2024 and closes on 28 March 2024. Both components have been widely communicated to businesses within the LCCC area.</p> <p>1.12 This additional Scheme has the same delivery model as the original scheme in November 2023, with payments made by Council who then seek reimbursement from DfE. This delivery model does carry risk, as it is the Council who issue payments in the first instance and reimbursement is dependent on the Department agreeing with our determination post auditing our records/assessments.</p> <p>1.13 To mitigate this risk, a Project Team has been convened with officers from Environmental Health, Economic Development, Marketing and Communications and Finance. Officers have created workflows and controls and engaged with the other 3 Councils to provide a consistent and uniformed approach.</p> <p>1.14 The Schemes are still active and an additional report will be provided to a future meeting of the Environment and Sustainability Committee to advise on eligible businesses and therefore payments made.</p>	
2.0	<p><b><u>Recommendation</u></b></p> <p>It is recommended that Members note the additional Scheme and approve officers to administer the DfE Scheme in line with their prescribed eligibility criteria.</p>	
3.0	<p><b><u>Finance and Resource Implications</u></b></p> <p>Unknown to date.</p>	
4.0	<p><b><u>Equality/Good Relations and Rural Needs Impact Assessments</u></b></p>	
4.1	<p>Has an equality and good relations screening been carried out?</p>	<p>No</p>
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <b><u>or</u></b> rationale why the screening was not carried out</p> <p>DfE Scheme therefore, DfE are responsible for good relations screening.</p>	
4.3	<p>Has a Rural Needs Impact Assessment (RNIA) been completed?</p>	<p>No</p>
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <b><u>or</u></b> rationale why the screening was not carried out.</p> <p>DfE Scheme therefore, DfE are responsible for Rural Needs Impact Assessment.</p>	

<p><b>Appendices:</b></p>	<p>None.</p>
---------------------------	--------------

<b>Committee:</b>	Council
<b>Date:</b>	26 March 2024
<b>Report from:</b>	Chief Executive

<b>Item for:</b>	Decision
<b>Subject:</b>	Council Remote/Hybrid Meetings

1.0	<p><b><u>Background and Key Issues</u></b></p> <p>Members have been advised previously that the legislative position in relation to remote meetings changed with effect from 7 March 2024.</p>
1.2	<p>Members are now required to be physically present for all Council and Committee meetings as contained in The Local Government Act (Northern Ireland) 2014.</p>
1.3	<p><b><u>Standing Orders</u></b></p> <p>Amendments to Council's Standing Orders are needed to reflect the current legislative position. Revised Standing Orders are attached at <b>Appendix 1</b>. The necessary amendments are highlighted for Members' ease.</p>
1.4	<p><b><u>Suspension of Standing Orders</u></b></p> <p>Standing Order 27.2 (Amendment) states that any motion to add to, vary or revoke these Standing Orders will, when proposed and seconded, stand adjourned, without discussion to the next ordinary Meeting of the Council. In order for the amendments to Standing Orders to apply with immediate effect, the Council, with the support of a qualified majority, is required to suspend Standing Order 27.2 for the purpose of decision making for this item only.</p>
1.5	<p><b><u>Arrangements for Council and Committee Meetings</u></b></p> <p>Whilst there are no exceptions to physical attendance in the Chamber, Council recognises that this can cause some challenges for Members. Where possible, reasonable adjustments will be considered where appropriate.</p>
1.6	<p>Further to discussion at the Corporate Services Committee Meeting of 13 March 2024, a legal opinion was sought on the use of zoom. The advice confirmed that it is acceptable Members to view Council and Committee meetings via Zoom in an <b>observational capacity only</b>. This means that Members on Zoom:</p> <ul style="list-style-type: none"> <li>• Will not be recorded as being present at the meeting;</li> <li>• Will not be permitted to interact with the meeting in any way to speak or vote; and</li> <li>• Should not use the raised hand or messaging functions on Zoom.</li> </ul>
1.7	<p>Chairs, in consultation with their Committees, may also consider if they wish to delay the start time of their Committee meetings to 6.30 pm whilst we await the final regulations.</p>
1.8	<p><b><u>Draft Local Government (Remote Meetings) Regulations (Northern Ireland) 2024</u></b></p> <p>A meeting took place on 20 March 2024 between the cross council Lawyers Group and Department Officials at which the following points were confirmed:</p> <ul style="list-style-type: none"> <li>• The Department hope to have the draft Regulations before the Assembly by the summer;</li> </ul>

- The Regulations will be discretionary and not mandatory;
- There will be a second draft of the Regulations circulated following the current consultation period;
- The current consultation period will be extended beyond 26 March 2024 to allow more time for responses. At the time of issuing this report the Department had not confirmed the extended date.

### 1.9 **Response to DfC**

Lisburn & Castlereagh City Council welcomes the opportunity to provide feedback on the Draft Local Government (Remote Meetings) Regulations (Northern Ireland) 2024.

1.10 The response below was developed from comments received from 17 Members out of a possible 40 (42.5%).

- All respondents agreed with the Minister's proposal to provide Councils with the flexibility to hold meetings by remote/hybrid means.
- 17.6% of responses stated that:
  - Members should be physically present for Council and Committee meetings.
  - Remote attendance should only be permitted under extenuating circumstances.
  - Meetings should not be routinely held using remote/hybrid means.
- Frustration was expressed by 76.4% Members who responded at the gap in time between the Local Government (Coronavirus)(Flexibility of District Council Meetings) Regulations (NI) 2020 expiring and the introduction and commencement of the Local Government (Remote Meetings) Regulations (NI) 2024. They stated this is unacceptable and creates unnecessary pressure for locally elected representatives.
- The short notice provided to Councils regarding the change in legislation resulted in those intending to join meetings remotely, having less than 48 hours notice to make alternative arrangements. This was felt acutely by those with caring responsibilities, those living with long-term illness or a disability, those who live in rural areas, and those that rely on public transport.
- The 82.3% of those who provided feedback stated that:
  - Hybrid arrangements for meetings removes barriers for those with caring responsibilities, those with disabilities, conditions or illnesses, those living in rural communities and those who rely on public transport, in relation to both standing for election, and for fulfilling their public duties once elected.
  - It is concerning that Section 2 (6) of the draft Regulations, provides provision for every council to decide themselves how to conduct their business and whether they permit hybrid meetings within their own standing orders and under what circumstances. This could result in an inconsistent approach across all councils and create an inequality.

	<ul style="list-style-type: none"> <li>○ There should be a consistent and fair approach to the provision of hybrid meetings, and this should be clarified and clearly stated within the text of this piece of legislation. This clarity should allow for all Councillors across all Council areas to be able to access hybrid/ remote meetings, including participating and voting in meetings.</li> </ul>		
2.0	<p><b><u>Recommendation</u></b></p> <p>It is recommended that Members consider and agree to:</p> <ul style="list-style-type: none"> <li>● Suspend Standing Order 27.2 for consideration of item 1.3 – Changes to Standing Orders;</li> <li>● Adopt the amended Standing Orders to reflect the current legislative position;</li> <li>● Note the conditions applied to Members who choose to observe meetings via zoom;</li> <li>● Note that Chairs, in consultation with their Committees, may alter the start time of Committee meetings to 6.30 pm; and</li> <li>● Note the consultation response on the Draft Local Government (Remote Meetings) Regulations (Northern Ireland) 2024 for submission to the Department for Communities.</li> </ul>		
3.0	<p><b><u>Finance and Resource Implications</u></b></p> <p>The requirement for Members to be physically present for all Council and Committee meeting will impact the Members’ catering and travel/subsistence budgets.</p>		
4.0	<p><b><u>Equality/Good Relations and Rural Needs Impact Assessments</u></b></p>		
4.1	<table border="1"> <tr> <td>Has an equality and good relations screening been carried out?</td> <td>No</td> </tr> </table>	Has an equality and good relations screening been carried out?	No
Has an equality and good relations screening been carried out?	No		
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <b><u>or</u></b> rationale why the screening was not carried out</p> <p>This is a change in legislation and not a Council decision. The screening will be the responsibility of the Department for Communities.</p>		
4.3	<table border="1"> <tr> <td>Has a Rural Needs Impact Assessment (RNIA) been completed?</td> <td>No</td> </tr> </table>	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
Has a Rural Needs Impact Assessment (RNIA) been completed?	No		
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <b><u>or</u></b> rationale why the screening was not carried out.</p> <p>This is a change in legislation and not a Council decision. The RNIA will be the responsibility of the Department for Communities.</p>		

<b>Appendices:</b>	<b>Appendix 1 – Revised Standing Orders</b>
--------------------	---------------------------------------------



**Lisburn &  
Castlereagh  
City Council**

# Standing Orders

**Incorporating amendments required  
under the Local Government  
(Coronavirus) (Flexibility of District  
Council Meetings) Regulations  
(Northern Ireland) 2020 & Local  
Government (Meetings and  
Performance) Bill 2021**

**26 March 2024**

Administrative update incorporated in June 2023 to reflect amendments to the Committee Structure agreed at Council in March 2023

**INDEX**

1.	<b>Annual and Monthly Meetings</b>	.....	<b>4</b>
2.	<b>Time and Place of Meeting</b>	.....	<b>4</b>
3.	<b>Convening Special Meetings</b>	.....	<b>4</b>
4.	<b>Notice and Summons of Meeting</b>	.....	<b>5</b>
5.	<b>Chair to be taken</b>	.....	<b>5</b>
6.	<b>Chairperson of Meeting</b>	.....	<b>5</b>
7.	<b>Quorum</b>	.....	<b>6</b>
8.	<b>Admission to Meetings</b>	.....	<b>7</b>
9.	<b>Record of Attendances at Meetings</b>	.....	<b>8</b>
10.	<b>Exclusion of the Public</b>	.....	<b>8</b>
11.	<b>Deputation</b>	.....	<b>9</b>
12.	<b>Order of Business</b>	.....	<b>10</b>
13.	<b>Minutes of the Council</b>	.....	<b>10</b>
14.	<b>Submission of Minutes</b>	.....	<b>11</b>
15.	<b>Minutes of Committees</b>	.....	<b>11</b>
16.	<b>Motions</b>	.....	<b>12</b>
17.	<b>Amendments</b>	.....	<b>13</b>
18.	<b>Amendments to Regulatory Decisions</b>	.....	<b>16</b>
19.	<b>Rules of Debate</b>	.....	<b>16</b>
20.	<b>Voting</b>	.....	<b>19</b>
21.	<b>“Call-In” Process</b>	.....	<b>20</b>
22.	<b>Positions of Responsibility etc – Time Limits</b>	.....	<b>23</b>

- 23. Appointment of More than One Committee..... 24**
- 24. Rescission of a Preceding Resolution..... 25**
- 25. Members Conduct ..... 25**
- 26. Disturbance by the Public..... 26**
- 27. Suspension and Amendment of Standing Orders..... 26**
- 28. Interpretation of Standing Orders..... 26**
- 29. Committees ..... 26**
- 30. Seal..... 31**
  
- Appendix A – Access to Council and Committee Meetings and Agenda, Reports and Minutes Protocol..... 34**
  
- Appendix B – Committees Terms of Reference..... 40**

*Text in red refers to temporary changes as a result of the Local Government (Coronavirus) (Flexibility of District Council Meetings) Regulations (Northern Ireland) 2020 and following the enactment of the Local Government (Meetings and Performance Bill)*

## 1. Annual and Monthly Meetings

- (1) The Council shall every year hold an Annual General Meeting.
- (2) In every year that is not a local election year the Council shall hold an Annual Meeting during the first week of the month in June.
- (3) In any year which is a Local Government election year, the Annual Meeting shall be held within twenty-one days immediately following the election, at such time as the Council may fix at the offices of the Council or at such other place as the Department may direct.
- (4) A meeting of the Council for the transaction of general business of the Council shall, subject to any deviation which special circumstances may render desirable, be held on the Fourth Tuesday of every month at 19.00. Other meetings of the Council for the transaction of general business shall be held as the Council considers necessary.

~~Under Regulation 2(1) The Council may alter the frequency or move, postpone or cancel such meetings without requirement for further notice.~~

- (5) Meetings of the Council shall not take place on a Public or Bank Holiday, or a Sunday. When the date of a meeting falls on one of these days, the meeting shall be held on the next following weekday instead or as soon as possible thereafter as determined by the Mayor in consultation with the Chief Executive.

## 2. Time and Place of Meetings

The Annual Meeting and other meetings of the Council shall be held in the Council Chamber or at the location specified in the summons to attend the meeting, except where otherwise fixed by statute or by special summons.

~~Under Regulation 3(1) a Council meeting is not limited to a meeting of persons, any of whom or all of whom, are present in the same place and any reference to a 'place' where the meeting is to be held. The Council Chamber includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.~~

## 3. Convening Special Meetings

- (1) The Mayor of the council may call a meeting of the Council at any time.
- (2) The Mayor of the Council may call a meeting of the Council if a requisition for such a meeting, signed by five members or one-fifth of the whole number of Members, whichever is the greater, is presented to them; and, if they refuse to call a meeting on such a requisition or if, without so refusing, they do not

call such a meeting within the period of seven days from the date of service of the requisition on them, any five Members or one-fifth of the whole number of Members, whichever is the greater, may on that refusal or on the expiration of that period forthwith call a meeting of the Council.

#### 4. **Notice and Summons of Meetings**

Five days at least before a meeting of the Council, a Committee or Sub Committee:

- (1) notice of the time and place of the intended meeting shall be published at the offices of the Council or on the Council's website. Where the meeting is called by Members, the notice shall be signed by them and shall specify the business proposed to be transacted thereat;
- (2) a summons to attend the meeting, specifying the business proposed to be transacted thereat and signed by the Clerk shall be left at, or sent by ordinary post to the usual place of residence of every Member or electronically to an agreed email address. Want of service of this summons shall not affect the validity of a meeting;
- (3) except in the case of business required by statute, or where in the opinion of the Mayor of the meeting the business should be considered by the meeting as a matter of urgency, no business shall be transacted at a meeting of the Council, a Committee or Sub-Committee other than that specified in the summons relating thereto.

#### 5. **Chair to be taken**

At each meeting of the Council, the Chair shall be taken at the time for which the meeting is convened, and business immediately proceeded with.

#### 6. **Chairperson of Meeting**

- (1) At a meeting of the Council, the Mayor of the Council, if present, shall preside.
- (2) If the Mayor of the Council is unable to attend a meeting of the Council, the Deputy Mayor of the Council, if present, shall preside.
- (3) If both the Mayor and Deputy Mayor are unable to attend a meeting of the Council, the nominating officer of the political party whose member is Mayor of the Council shall nominate a Member to preside in their absence.
- (4) If discussion arises on the allocation of the position of Mayor, the Clerk or Chief Officer shall exercise the powers of the Mayor to assist in the regulation of that discussion.
- (5) Any power of the Mayor of the Council in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

## 7. Quorum

- (1) Subject to sub-paragraph 7.4, no business shall be transacted at a meeting of the Council unless at least one-quarter of the whole number of Members are present.

~~Under Regulation 3(3), reference to a Member being present, can refer to being present through remote attendance. A Member is in remote attendance if they are able:~~

~~(a) to hear, and where practicable see, and be so heard, and where practicable be seen by, the other members in attendance;~~

~~(b) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and~~

~~(c) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.~~

~~A Member in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance outlined above are not met. In such circumstances the Chair may, as deemed appropriate:~~

~~(i) adjourn the meeting for a short period to permit the conditions for remote attendance of a Member contained in a, b and c above;~~

~~(ii) count the number of Members in attendance for the purposes of the quorum; or~~

~~(iii) continue to transact the remaining business of the meeting in the absence of the remote attendance.~~

- (2) If during a meeting, the person presiding, after the number of Members present is counted, declares that a meeting is inquorate and it is unlikely that there will be a quorum present within a reasonable time, he shall declare the meeting adjourned.
- (3) Any uncompleted business on the agenda of a meeting adjourned under Standing Order 7(2) above, shall be tabled for discussion at the reconvened meeting. No business, other than the uncompleted business on the agenda of the meeting adjourned, may be discussed at the reconvened meeting.
- (4) Where more than one-quarter of the Members become disqualified at the same time then, until the number of Members in office is increased to not less than three-quarters of the whole number of Members, the quorum of the Council shall be determined by reference to the number of Members remaining qualified instead of by reference to the whole number of Members.

## 8. Admission to Meetings

- (1) Subject to the provisions of this Standing Order, every meeting of the Council and Standing Committees shall be open to the public.

~~Under Regulation 6, a meeting being 'open to the public' includes access to the meeting through remote means including (but not limited to) video conferencing, live webcast and live interactive streaming and where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not members of the public are able to attend in person.~~

~~If the Chairman is made aware that the meeting is not accessible to the public through remote means, due to any technological failure of provision, then the Chairman shall adjourn the meeting immediately.~~

~~If the provision of access through remote means cannot be restored within a reasonable period, then the remaining business will be considered at a time and date fixed by the Chairman or the next meeting of the Council or committee.~~

- (2) The public and press may attend only in those parts of the Council Chamber or other location being used provided for their accommodation at meetings of the Council, unless specifically excluded in accordance with the provisions of Standing Order 10; or as required by the Council to comply with provisions in relation to Fire Safety and Health and Safety.
- (3) The admission of the public is upon the understanding that they must continue at all times to be seated, and that no expression of opinion or noise of any kind be allowed from them.
- (4) At all times during which a Meeting of the Council is open to the public, the Council shall, so far as is practicable, cause to be made available to duly accredited representatives of newspapers, attending for the purpose of reporting proceedings at the meeting, reasonable facilities for taking reports of these proceedings and, on payment by those representatives or their newspapers of any expenses which may be incurred, for transmitting such reports to their newspapers.
- (5) Taking photographs or recording of proceedings or the use of any other means by members of the public to enable persons not present to see or hear any proceedings (whether at that time or later) or making of any oral or digital report of any proceedings as they take place shall be prohibited unless expressly permitted by the Council.
- (6) The use of social media by Members of the Council, members of the public or journalists shall be permitted, during those proceedings that are open to the public, to the extent that its use does not disrupt proceedings.

9. **Record of Attendances at Meetings**

The names of the Members present at a meeting **including Members attending remotely**, together with those Members departing and entering the meeting of the Council and Committees shall be recorded by the attendance clerk and recorded to the minutes of the meeting.

10. **Exclusion of the Public**

- (1) The public shall be excluded from a meeting of the Council whenever it is likely that, during the transaction of an item of business, confidential information would be disclosed to them in breach of an obligation of confidence.
- (2) The Council may by resolution exclude the public from a meeting of the Council (whether during the whole or part of the proceedings at the meeting) for such special reasons as may be specified in the resolution being reasons arising from the nature of the business to be transacted or of the proceedings at the meeting.
- (3) The Presiding Mayor may at any time during the proceedings, if they think it necessary to secure order, direct the removal of any individual or group of individuals from the meeting or order the public to be excluded from the meeting.
- (4) The Council, having excluded the public, shall only consider the matter referred to it by the resolution. If it should be deemed necessary to consider any matter not included in the resolution, the public shall be re-admitted and the Mayor may ask leave of the Council to take up the consideration of such additional matters as may be deemed desirable.
- (5) The Council, having excluded the public, shall not have the power to adjourn its own sittings or to adjourn a debate to a future sitting. If the business referred to in the resolution is not transacted, the Council may be resumed and a member of the Council may move that the Council again exclude the public on a future day to deal with the business specified in the resolution which was not transacted.
- (6) If the Council, with the public excluded, has transacted part of the business referred to it, without being able to reach a decision on all the business so referred, a Member of the Council may, with leave of the Council, report on the progress to that point and ask the Council's permission to sit again.
- (7) When the Council, having transacted business with the public excluded, submits its report to the Council, a motion for its adoption shall then be moved and put. No questions or discussion shall be permitted on the report or the motion for its adoption.

## 11. Deputations

- (1) Deputations, from any source, shall only be admitted to address the Council provided the Clerk has received notice in writing no less than 10 days' notice prior to the date of the meeting, of the intended deputation and a statement of its objective.

~~Under Regulation 3(4), any persons delivering a deputation in order to exercise a right to speak at the meeting with the permission of the Council, is in remote attendance at any time if all three of the following conditions are satisfied, that the person or persons in remote attendance is able at that time:~~

- ~~(i) to hear, and where practicable see, and be so heard and, where practicable, be seen by, Members in remote attendance;~~  
~~(ii) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any other members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and~~  
~~(iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.~~

~~A member of the public will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance outlined above are not met. In such circumstances the Chair may, as deemed appropriate:~~

- ~~(i) adjourn the meeting for a short period to permit the conditions for remote attendance contained in a, b and c above;~~  
~~(ii) suspend consideration of the item of business in relation to the person or persons attendance until such times as a following item of business on the agenda has been transacted and the conditions for remote attendance have been re-established or, on confirmation that this cannot be done, before the end of the meeting, whichever is the earliest, or~~  
~~(iii) continue to transact the remaining business of the meeting in the absence of the person in remote attendance.~~

- (2) Where a Committee of the Council has been given by the Council delegated authority to deal with a matter on behalf of the Council the request of any deputation relating to such matter shall be referred only to that Committee and there shall be no recourse to the Council.
- (3) The deputation shall be confined to the presentation of a statement, or copy of resolutions, and shall not make more than two short addresses by any two members of the deputation. The totality of the addresses shall not exceed 15 minutes.
- (4) Deputations should not be repetitive and, where possible, issues of a similar or linked nature should be contained in one deputation. Where a deputation has made a presentation to the Council, the Council may decline to accept another deputation on the same issue from the same individual or group or

from any other group on the same issue within six months of the original presentation.

## 12. **Order of Business**

Subject to any statutory requirements to the contrary including the Annual General Meeting, the order of business at every meeting of the Council shall be as follows:

- a) business of the Right Worshipful the Mayor;
- b) apologies;
- c) declaration of Members' interests;
  - (i) conflict of interest on any matter before the meeting (Members to confirm the specific item)
  - (ii) pecuniary and non pecuniary interest (Member to complete the Disclosure of Interest form)
- d) confirmation of the Minutes of the last stated meeting and of all adjourned meetings and special meetings held since the last stated meeting shall be read provided that if a copy of the minutes has been forwarded to the Members before the meeting and is not challenged, the minutes may be taken as read and shall be signed by the Chairman;
- e) matters arising;
- f) deputations;
- g) business required by statute to be transacted at the meeting;
- h) adoption of the minutes of the proceedings of any Committees and consideration of reports, if any, from such Committees, with the exception of those matters delegated to the Planning Committee;
- i) reports of officers;
- j) reports of members on Boards, public bodies, agencies etc., if any, may be considered and such orders given thereon as may be deemed necessary;
- k) reports on decisions/recommendations subject to the reconsideration procedure; and
- l) consideration of motions of which due notice has been given, in the order in which they have been received.
- m) any other relevant business.

Provided that the order of business as aforesaid may at any time be altered or varied if, in the opinion of the majority of the Members present, it is expedient to do so.

## 13. **Minutes of the Council**

### 13.1 **Keeping of; as evidence; etc.**

- (1) Minutes of the proceedings of a meeting of the Council, or of a Committee or Sub-Committee, shall be drawn up and entered in a bound book kept for that purpose.
- (2) No discussion shall take place upon the Minutes except upon their accuracy and any question of their accuracy shall be raised by motion. If no such motion is raised, the Chairman shall then sign the minutes.

- (3) Any minute purporting to be signed as mentioned in sub-paragraph (1) shall be received in evidence without further proof.
- (4) Until the contrary is provided, a meeting of the Council or of a Committee or Sub-Committee thereof in respect of the proceedings of which a minute has been so made and signed shall be deemed to have been duly convened and held, and all the members present at the meeting shall be deemed to have been duly qualified, and where the proceedings are proceedings of a Committee or Sub-Committee, the Committee or Sub-Committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

### 13.2 **Signing of Minutes**

The minutes of a meeting of the Council shall be signed at the next ensuing meeting of the Council by the Mayor presiding, if approved by the meeting at which they fall to be signed.

## 14. **Submission of Minutes**

- (1) In order to give sufficient time for the printing of the Minutes and for their perusal by the Members of the Council, Minutes of meetings of a Committee held less than five clear days before the meeting of the Council shall not be submitted to that meeting for approval. This may be disapplied where a Committee considers the matter to be of extreme urgency and records such a decision in its Minutes.
- (2) It shall be the duty of a Committee, through the Mayor/Chair or their representative, when its Minutes are submitted for approval, to call the attention of the Council to any resolution or matter of an unusual or special character contained therein.

## 15. **Minutes of Committees**

- (1) A motion or amendment shall not be made or proposed, or any discussion allowed on the proceedings of Committees with reference to any matter within the remit of a Committee which does not appear on the Minutes submitted to the meeting of the Council.
- (2) Any Member wishing to raise an issue regarding any matters appearing in the Minutes submitted to the Council for approval and who states their request in writing to the Chairperson of the Committee twenty-four hours before the commencement of the meeting of the Council shall be entitled to a reply when the proceedings of the particular committee are submitted for approval.
- (3) A reply to an issue raised at the meeting regarding any matter in the Minutes without written notice, shall be at the discretion of the Chairperson of the Committee.
- (4) Any matter in the Minutes of a Committee on which a request for reconsideration, under Section 41 of the 2014 Act, has been lodged with the Clerk of the Council shall be identified, and may not be the subject of discussion at that meeting.

## 16. **Motions**

- (1) Every motion shall be relevant to some matter:
  - (i) in relation to which the Council:
    - a) has power or duties;
    - b) is not prevented from taking action on by other legislation;
  - (ii) which directly affects the Local Government District or its residents;  
and
  - (iii) for which the Council is legally competent.

### 16.1 **On notice**

- (1) Notice of every motion, other than a motion which under Standing Order 16.2 may be moved without notice, shall be given in writing (which includes electronic correspondence), signed by the Member or Members of the Council giving the notice, to the Clerk not less than 10 clear days before the next meeting of the Council. The motion must be clear in meaning otherwise it shall be rejected until such time as it is resubmitted in clear language, and not later than seven clear days before the meeting.
- (2) A motion shall be rejected if the wording or nature of the motion is considered unlawful or improper.
- (3) All notices shall be dated and numbered as received, and entered in a register to be kept for that purpose, and circulated to every Member of Council. This register shall be open to inspection by every Member of the Council.
- (4) Notices of motion shall be entered by the Clerk in their proper place upon the Summons Paper in the order in which they are received.
- (5) If a motion set out in the Summons is not moved either by a Member who gave notice, or by some other Member on his behalf, it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.
- (6) If the subject matter of any motion, of which notice has been properly given, comes within the remit of any Committee it shall, upon being moved and seconded, stand referred without discussion to that Committee, or to such other Committee as the Council may determine, for consideration and report. The Chairperson presiding may, if they consider it urgent and necessary to the dispatch of business, allow the motion to be dealt with at the meeting at which it is brought forward.
- (7) If a notice of motion fails to be considered at a meeting of the Council, such notice of motion will only be included on the Summons Paper for the following meeting if submitted in writing to the Clerk by the

Member concerned not later than 10 clear days, at least, before the Council meeting.

- (8) Any notice of motion which fails to be considered at two consecutive meetings will not be accepted for inclusion on the Summons Paper for a period of six months from the date of the second meeting at which the matter has failed to be considered.

## 16.2 Without notice

The following motions may be moved without notice:

- a) to appoint a Chairperson of the meeting at which the motion is moved;
- b) in relation to the accuracy of the Minutes;
- c) to change the order of business in the agenda;
- d) to refer something to an appropriate body or individual;
- e) to appoint a Committee or members thereof arising from an item on the summons for the meeting;
- f) to receive reports or adoption of recommendations of Committees or officers and any resolutions flowing from them;
- g) to withdraw a motion;
- h) to amend a motion;
- i) to authorise the sealing of documents;
- j) to proceed to the next business;
- k) that the question be now put;
- l) to adjourn a debate;
- m) to adjourn a meeting;
- n) to suspend Standing Orders, in accordance with Standing Order 27.1;
- o) to exclude the public and press in accordance with Section 42 of the 2014 Act;
- p) to not hear further a Member named under Standing Order 25.3 or to exclude them from the meeting under Standing Order 25.4.

## 17. Amendments

When a motion is under debate at any meeting of the Council, an amendment or further motion shall not be received, with the exception of the following:

- a) to amend the proposal; or
- b) that the Council do now adjourn; or
- c) that the debate be adjourned; or
- d) that the question be now put; or
- e) that the Council do proceed to the next business.

### 17.1 To amend the Proposal

- (1) An amendment must be legitimate and within the scope of the notice convening the meeting. It must not be a direct negative; must be relevant to the proposal which it seeks to amend, and not inconsistent with anything already agreed upon at the same meeting. An amendment must relate solely to the proposal which it seeks to amend, and not be, in effect, a new proposition on a different matter,

and must not place a greater responsibility on the meeting than the original proposal.

- (2) An amendment to a motion shall be either:
  - a) to refer a subject of debate to a Committee or to an officer for consideration or re-consideration;
  - b) to leave out words;
  - c) to leave out words and insert or add others; or
  - d) to insert or add words.

but such omission, insertion or addition of words shall not have the effect of directly negating the motion before the Council.

- (3) When an amendment upon an original proposal has been moved, the question to be put shall be "That the amendment be made". Where any amendment is agreed, the question to be put shall be "That the proposal as amended, be agreed". Where any amendment is rejected the question of the substantive proposal shall be put.

### 17.2 That the Council Do Now Adjourn

- (1) Any Member of the Council who has not already spoken to the proposal or amendment then under debate may move "that the Council do now adjourn". Such a proposal must be seconded, but it need not be reduced to writing. The mover and seconder shall not speak beyond formally moving and seconding the proposal, which shall be put to the vote without debate.
- (2) In the event of the proposal for the adjournment being carried the Chair shall (unless stated in the proposal) fix the date for the adjourned meeting for the continuation of the debate on the proposal or amendment under discussion at the time of the adjournment and for the transaction of the remaining business (if any) on the Agenda for the meeting so adjourned.
- (3) A second proposal "that the Council do now adjourn" shall not be made within half-an-hour unless, in the opinion of the Chair, the circumstances are materially altered.

### 17.3 That the Debate be Adjourned

- (1) Any Member of the Council who has not already spoken to the proposal or amendment then under debate may move "that the debate be adjourned". Such a proposal must be seconded, but it need not be reduced to writing. The mover and seconder shall not speak beyond formally moving and seconding it.
- (2) Before putting to the meeting a proposal "that the debate be adjourned", the Chairperson presiding shall call on the mover of the proposal or amendment under discussion to reply on the question of adjournment and, after such reply, which will not prejudice the right of

the mover of a proposal to reply on the original question, shall put the proposal for adjournment of the debate to the vote without further debate.

- (3) If the proposal be carried, the Council shall proceed to the next business on the agenda, and the discussion of the adjourned debate shall be resumed at the next meeting of the Council unless a special meeting of the Council shall be called for the purpose.
- (4) On resuming an adjourned debate, the Member who moved its adjournment shall be entitled to speak first. A second proposal "that the debate be adjourned" shall not be made within half-an-hour. A Member shall not move or second more than one proposal for the adjournment of the same debate.

#### **17.4 That the Question Be Now Put**

- (1) Any Member who has not already spoken to the proposal or amendment then under debate may move "that the question be now put". Such a proposal must be seconded, but it need not be reduced to writing. The mover and seconder shall not speak beyond formally moving and seconding it.
- (2) If the Chairperson is of the opinion that the subject before the Council has been sufficiently discussed, he shall put the proposal "that the question be now put" to the vote without debate and if same is carried, the proposal or amendment under discussion shall be put to the Council.
- (3) A second proposal "that the question be now put" shall not be made on the discussion of the same question within half-an-hour.
- (4) A Member shall not move or second more than one proposal "that the question be now put" on the discussion of the same question.

#### **17.4 That the Council Do Now Proceed to the Next Business**

- (1) Any Member of the Council who has not already spoken to any proposal or amendment then under debate may move, "that the Council do proceed to the next business". Such a proposal must be seconded, but it need not be reduced to writing. The mover and seconder shall not speak beyond formally moving and seconding the proposal which shall be put to the vote without debate.
- (2) If the Chairperson is of the opinion that the subject before the Council has been sufficiently discussed, he shall put the proposal "that the Council do proceed to the next business" to the vote without debate and if same is carried the proposal or amendment under discussion shall be put to the Council.

- (3) When a proposal is carried “that the Council do proceed to the next business”, the question under discussion shall be considered as dropped.
- (4) A second proposal “that the Council do proceed to the next business” shall not be made on the same question within half-an-hour.
- (5) A Member shall not move or second more than one proposal “that the Council do proceed to the next business” on the discussion of the same question.

## 18. **Amendments to Regulatory Decisions**

- (1) No amendment may be moved to a Minute which is a Regulatory Decision.
- (2) For the purpose of these Standing Orders, a Regulatory Decision is a determination of an application for planning permission or any decision, determination, action, direction, order, approval, refusal, or enforcement action in exercise of powers of the Council as the local planning authority for those powers specified in Executive Arrangements Regulations; or any application for which the Council is the licensing authority.

## 19. **Rules of Debate**

### 19.1 **Motions and amendments to be reduced to writing and seconded**

- (1) A Motion or Amendment shall not be discussed unless it has been proposed and seconded and, unless notice has already been given in accordance with Standing Order 16.1, it shall, if required by the Chairperson presiding, be put into writing and handed to the Chairperson presiding before it is further discussed or put to the meeting.
- (2) A Member when seconding a motion or amendment may, if they then declare their intention to do so, reserve their speech until a later period of the debate.

### 19.2 **Alternation of motion**

- (1) A Member may alter a motion of which they have given notice as proposed with the consent of the meeting. The meeting's consent will be signified without discussion.
- (2) A Member may alter a motion which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (3) Only alterations which could be made as an amendment may be made.

### 19.3 **Withdrawal of motion**

- (1) A Member may withdraw a motion of which they have given notice under Standing Order 16.1 at any time after the meeting has commenced provided that they have not moved the motion or spoken on it and has the consent of the meeting. The meeting's consent will be signified without discussion.
- (2) A member may withdraw any other motions which they have moved with the consent of both the meeting and seconder. The meeting's consent will be signified without discussion.
- (3) No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

### 19.4 **Mode of address and dress code**

The established mode of address is to stand (if able to do so) and address the Council's Chairperson. While a Member is speaking, the other Members shall remain seated unless rising to a point of order or in personal explanation. A Member shall direct their speech to the question under discussion or to a personal explanation or to a point of order.

For meetings of full Council, the dress code shall be business attire.

### 19.5 **Precedence in speaking**

Whenever two or more Members rise together to speak, the Chairperson shall decide who has precedence.

### 19.6 **Place of Member speaking**

A Member when addressing the Chairperson shall stand in the place allocated to them in the Council Chamber.

### 19.7 **Member called to order**

If any Member, while speaking, be called to order, they shall resume their seat and shall not again address the Council until the Chairperson has disposed of the question of order.

### 19.8 **Definition of point of order**

A point of order shall relate only to an alleged breach of a Standing Order or statutory provision and the Member shall specify the Standing Order or provision and the way in which they consider it has been broken.

### 19.9 **Member may raise a point of order**

A Member may raise a point of order and shall be entitled to be heard immediately.

### 19.10 Ruling of Chairperson on point of order

The ruling of the Chairperson on a point of order shall not be open to discussion.

### 19.11 Member to speak to motion

A Member who speaks shall direct their speech strictly to the motion under discussion, or an amendment thereof.

### 19.12 Member shall not speak more than once

A Member who has spoken on any motion shall not speak again whilst it is the subject of debate, except:

- a) to speak once on an amendment moved by another Member;
- b) if the motion has been amended since they last spoke, to move a further amendment;
- c) if their first speech was on an amendment moved by another Member to speak on the main issue whether or not the amendment on which they spoke was carried;
- d) in the exercise of a right to reply given by Standing Order 19.19;
- e) on a point of order.

### 19.13 Duration of speeches

Except with the permission of the Council, a Member, in introducing a motion, shall not speak for more than ten minutes and in replying, for more than five minutes. Other Members shall not speak for more than five minutes.

### 19.14 Addressing the Council

The Council during its sitting, shall not, unless with the consent of the Council, be addressed by any person who is not a Member of the Council.

### 19.15 Only one motion / amendment may be moved and discussed at a time

- (1) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of
- (2) If an amendment is not carried, other amendments to the original motion may be moved.
- (3) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

### 19.16 When a motion is under debate no other motion shall be moved

When a motion is under debate no other motion shall be moved except the following:

- a) to amend the motion;
- b) to adjourn the meeting;
- c) to adjourn the debate;
- d) to proceed to the next business;
- e) that the question be now put;
- f) that a Member be not further heard;
- g) by the Chairperson under Standing Order 23.4, that a Member do leave the meeting.

### 19.17 Chairperson rising during debate

Whenever the Chairperson rises or otherwise calls the meeting to order during a debate, a Member then speaking shall cease and the Council shall be silent.

### 19.18 Chairperson not to receive motion for direct negative

The Chairperson shall not receive a motion for a direct negative to a question but, on the conclusion of the debate, the question shall be put and resolved in the affirmative or negative.

### 19.19 Mover's right of reply

The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved the mover of the original motion shall also have a right of reply at the close of the debate on the amendment and shall not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on his amendment.

## 20. Voting

### 20.1 Majority

Subject to any statutory provisions to the contrary, any matter will be decided by a simple majority of those Members present **including via remote attendance.**

~~The Chairman will take all votes by roll-call and the number of votes for, against or abstaining from the vote will be noted. Details of how Members voted will not be kept or minuted unless a recorded vote is requested.~~

### 20.2 Chairperson's casting vote

If there are equal numbers of votes for and against, the Chairperson will have a second or casting vote.

### 20.3 Qualified majority

**[The specification of decisions which are required to be taken by a qualified majority is a statutory requirement on a Council under Section 40(1) of the 2014 Act]**

A qualified majority shall be required in relation to the Council's decision on:

- (a) the adoption of executive arrangements or prescribed arrangements as the Council's Form of Governance (Section 19 of the 2014 Act) **[mandatory];**
- (b) the adoption of paragraph 3(2) of Schedule 1 to the 2014 Act as the method to be adopted for filling positions of responsibility **[mandatory];**
- (c) the adoption of Part 2 of Schedule 1 to the 2014 Act as the method for filling positions of responsibility **[mandatory];**
- (d) the adoption of paragraph 3(3) of Schedule 2 to the 2014 Act as the method to be adopted for appointing Councillors to Committees **[mandatory];**
- (e) the suspension of Standing Orders, other than Standing Orders 20.3, 21, 22 and 23, which cannot be suspended.

### 20.4 Show of hands

Unless a ballot or recorded vote is demanded under Standing Order 20.5, the Chairperson will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

### 20.5 Recorded vote

If, before a vote is called, any Member present **including via remote attendance** at the meeting demands it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

## 21. 'Call-In' Process

**[The specification of provision for the reconsideration of a decision is a statutory requirement under Section 41(1) of the 2014 Act, as is the specification of a requirement to obtain the opinion of a practicing barrister or solicitor (Section 41(2))]**

### 21.1 Decisions subject to call-in

- (1) The following decisions may be subject to call-in in such manner as is specified in these Standing Orders
  - (a) a decision of the Council;
  - (b) a decision of the executive;

- (c) an executive decision taken under joint arrangements in accordance with Section 26 of the 2014 Act;
- (d) a key decision taken by an officer or officers of the Council;
- (e) a decision taken by a Committee under delegated authority in accordance with Section 7 of the 2014 Act;
- (f) a decision taken by a Committee to make a recommendation for ratification by the Council; and
- (g) a decision of the Planning Committee.

The following decisions shall not be subject to call-in:

- (a) a decision which is deemed to be a case of special urgency in accordance with regulation 24 of the 2014 Executive Arrangements Regulations;
  - (b) a decision where an unreasonable delay could be prejudicial to the Council's or the public's interests;
  - (c) a decision taken by an officer or officers which is not a key decision;
  - (d) a decision by the executive which serves only to note a report from or the actions of an officer or officers;
  - (e) a decision which is required to be taken by a special resolution.
- (3) No decision shall be subject to call-in more than once for each of the reasons specified in Section 41(1) of the 2014 Act.

## 21.2 Call-in procedure

- (1) A call-in must be submitted in writing to the Clerk by 10am on the fifth working day following:
  - (a) in the case of a decision of the Council, the date of the Council meeting at which the decision was taken; and
  - (b) in the case of a decision of a committee, the date on which the decision to which the call-in related was published.
- (2) If a call-in is received after the relevant period specified in paragraph (1), it must be deemed inadmissible.
- (3) A call-in shall:
  - (a) specify the reasons why a decision should be reconsidered; and
  - (b) subject to sub-paragraph (6) of this standing order, be deemed to be inadmissible if the reasons are not specified.
- (4) In the case of a call-in submitted under Section 41(1)(b) of the 2014 Act, Members must state in the reasons specified under sub-paragraph 3 (a) of this Standing Order:
  - (a) the community that would be affected by the decision; and
  - (b) the nature and extent of the disproportionate adverse impact.

- (5) Within one working day of receipt of a call-in, the Clerk must confirm that:
  - (a) it has the support of 15 per cent of the Members of the Council; and
  - (b) the reasons for the call-in have been specified.
- (6) Where the reasons have not been specified on the requisition the Clerk must notify the Members making the requisition that it must be considered inadmissible if reasons are not specified in writing within the specified period.
- (7) Within one working day of receipt of an admissible call-in submitted under Section 41(1)(b) of the 2014 Act, the Clerk must seek the opinion of a practicing solicitor or barrister in accordance with Section 41(2) of the 2014 Act.
- (8) When the legal opinion obtained in accordance with Section 41(2) of the 2014 Act is received the Clerk must:
  - (a) Furnish the opinion to Members; and
  - (b) Include the decision on the agenda for the next available meeting of the Council.

### 21.3 The call-in process: Committee arrangements

- (1) For the purpose of reconsideration of a decision pursuant to a call-in the minutes of a Committee which record a decision -
  - (a) taken under delegated authority; or
  - (b) for ratification by the Council
 must be published within two working days of the conclusion of the meetings. That date of publication must be regarded as the date of publication for the purposes of a call-in.
- (2) If a call-in is not received by the deadline specified in paragraph 21(2) of this Standing Order, the decision specified in -
  - (a) paragraph (1)(a) of this Standing Order must be implemented; or
  - (b) paragraph (1)(b) of this Standing Order must be tabled for ratification by the Council.
- (3) The tabling for ratification of a decision to which paragraph (1)(b) of this Standing Order, or the implementation of a decision to which paragraph (1)(a) must be postponed until the decision has been reconsidered. The decision maker may rescind the decision at any time prior to the decision being reconsidered.
- (4) If a call-in is made in accordance with Standing Order 21.2, paragraph 3 and Section 41(1)(a) of the 2014 Act, the Council must appoint an ad hoc Committee of the Council, the membership of which will be -
  - (a) the Chairpersons of all Committees of the Council; and

- (b) the Deputy Chairpersons of all Committees of the Council to consider the process adopted by the decision-making committee.
- (5) The Chairperson and Deputy Chairperson of the Committee which was responsible for the decision which is the subject of the call-in must not have voting rights at a meeting of the Committee appointed in accordance with sub-paragraph (4).
- (6) The members of the ad hoc committee who are present shall choose a Member to preside at the meeting.
- (7) The Members who submitted the call-in, or a Member on their behalf, must be invited to attend the meeting at which the decision subject to the call-in is considered and may, upon the request of the Chairperson, address the meeting, but must not have voting rights unless they are members of the ad hoc committee.
- (8) A Committee appointed in accordance with sub-paragraph (4) of this Standing Order may -
  - (a) refer the decision back to the decision maker;
  - (b) in the case of a decision taken under delegated authority, support the decision; or
  - (c) in the case of a decision for ratification by the Council, refer this decision to the Council.
- (9) Where a decision has been supported in accordance with sub-paragraph (8) of this Standing Order, that decision must -
  - (a) be approved;
  - (b) be inserted in the Register of Decisions; and
  - (c) become operative from the date of the meeting at which the Committee appointed in accordance with sub-paragraph (4) of this Standing Order confirmed support for the decision.

#### 21.4 The call-in process: Council decisions

- (1) If a call-in is not received within the period specified in Standing Order 21.2 paragraph (1) in respect of a decision, that decision may be implemented after that period expires.
- (2) The implementation of a decision must be postponed until the decision has been reconsidered.
- (3) The Clerk must place a call-in on the agenda for the next Meeting of the Council.

#### 22. Positions of Responsibility etc. – Time Limits

**[The specification of the period within which the nominating officer of a political party should exercise the powers conferred by paragraphs 2(1), 4(1)**

**and 6(1), and for the person nominated to take up the position of responsibility is a statutory requirement under Schedule 1 to the 2014 Act]**

- (1) Subject to paragraph (2) of this Standing Order, in relation to positions of responsibility selected in accordance with paragraphs 2(1) and 2(2) or paragraph 4(1) or paragraphs 6(1) and 6(2) of Schedule 1 to the 2014 Act, the period specified for -
  - (a) the nominating officer to select a position of responsibility and the term for which it must be held; and
  - (b) the person nominated to accept the selected position is 15 minutes.
- (2) An extension to the period specified in sub-paragraph (1) of this Standing Order may be granted subject to the approval of the Council. Such an extension may be requested by -
  - (a) the nominating officer;
  - (b) the person nominated to hold the selected position; or
  - (c) another Member.

23. **Appointment of More than One Committee**

**[The specification of the application of paragraphs 2 to 4 of Schedule 2 to the 2014 Act in the circumstances where a Council decides to appoint more than one committee is a statutory requirement]**

- (1) Where the Council appoints more than one committee at the same meeting in accordance with paragraph 5 of Schedule 2 to the 2014 Act, for the purposes of determining the number of places that must be allocated across the parties and independent members of the Council, it must agree -
  - (a) the number of Committees to be appointed; and
  - (b) the number of Councillors that shall constitute the membership of each Committee.
- (2) The total number of places to which a nominating officer of a party may nominate Members who stood in the name of that party when elected must be calculated in accordance with paragraphs 2 to 4 of Schedule 2 of the 2014 Act and any resolution of the Council made thereunder.
- (3) A nominating officer's function under paragraph 2(1)(b) of Schedule 2 of the 2014 Act shall be exercised in such manner as to ensure that -
  - (a) all members of a Committee are not nominated by the same nominating officer;
  - (b) a nominating officer of a party may nominate Members who stood in the name of that party to fill the majority of places on a Committee, if the majority of Members stood in the name of that party; and
  - (c) subject to (a) and (b), the number of Members nominated by each nominating officer of a party, in so far as is reasonably practicable, bear the same proportion to the number of places on that committee as is borne by the number of Members who stood in the name of that party.
- (4) Nominations made in accordance with sub-paragraph (3) of the Standing Order shall take into account any positions of responsibility on a Committee held by a Member who stood in the name of a party.

## 24. **Rescission of a Preceding Resolution**

- (1) No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months, shall be proposed by a Member unless the notice thereof given in pursuance of Standing Order 2 bears the names of at least 15% of the Members of the Council.
- (2) When any such motion or amendment has been disposed of by the Council, it shall not be open to any Member to propose a similar motion within a further period of six months.
- (3) This Standing Order shall not apply to motions moved in pursuance of a recommendation of a Committee [or a Call-in].

## 25. **Members Conduct**

### 25.1 **Standing to speak**

When a Member **present in the chamber** speaks at the Council they must stand (if able to do so) and address the meeting through the Chairperson. If more than one Member stands, the Chairperson will ask one to speak and the others must sit.

### 25.2 **Chairperson standing**

When the Chairperson stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

### 25.3 **Member not to be heard further**

If at a meeting any Member of the Council, misconducts himself/herself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively or by willfully obstructing the business of the Council, the Chairperson or any other Member may move "that the Member named be not further heard". The motion, if seconded, shall be put and determined without discussion.

### 25.4 **Member to leave the meeting**

If the Member named continues to behave improperly after such a motion is carried, the Chairperson or any other Member may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

~~Where a Member is required to leave a meeting, the means of remote access is to be severed in order to ensure that they are removed from all discussion.~~

## 25.5 **General disturbance**

When the Chairperson is of the opinion that the due and orderly dispatch of business is impossible, they in addition to any other powers vested in them may, without question put, adjourn the meeting of the Council for such period as they in their discretion shall consider expedient.

## 26. **Disturbance by the Public**

### 26.1 **Removal of member of the public**

If a member of the public interrupts proceedings, the Chairperson will warn the person concerned. If they continue to interrupt, the Chairperson will order their removal from the meeting.

### 26.2 **Clearance of part of a meeting**

If there is a general disturbance in any part of the meeting open to the public, the Chairperson may call for that part to be cleared.

## 27. **Suspension and Amendment of Standing Orders**

### 27.1 **Suspension**

A Member may move a motion for the suspension of one or more of these Council Standing Orders. A motion under this Standing Order shall require the support of a qualified majority vote within the meaning of Section 40 of the 2014 Act. Suspension can only be for the duration of the meeting. The minutes of the meeting must record the reason for the suspension. Mandatory Standing Orders may not be suspended by a Council.

### 27.2 **Amendment**

Any motion to, add to, vary or revoke these Standing Orders will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

## 28. **Interpretation of Standing Orders**

The ruling of the Chairperson as to the interpretation, construction or application of any of these Standing Orders or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.

## 29. **Committees**

### 29.1 **Council in Committee**

The Council may at any meeting resolve itself into Committee for the purpose of transacting any business on the agenda for that meeting subject to the provisions of 10 above.

The Council in Committee shall not consider any matter not referred to it by the resolution resolving the Council into Committee. In exceptional circumstances where it is deemed necessary to consider a matter not included in the terms of reference, the Council shall be resumed, and the Chairman may ask leave of the Council to take up the consideration in Committee of such additional matters as may be deemed desirable.

The Council in Committee shall not have power to adjourn its own sittings, or to adjourn a debate to a future sitting but, if the business referred to it be not transacted, the Council may be resumed and the Chairman may move that the Council be again put into Committee on a future day. If the Council in Committee shall have transacted part of the business referred to it, without being able to reach a decision on all the business referred to it, the Chairman may, with leave of the Committee, report progress, and ask the Council for permission to sit again.

While the Council is in Committee, a motion may be made at the conclusion of any speech "That the Chairman do leave the Chair" or "That the Chairman do report progress". The former resolution, if carried, shall supersede the business of the Committee and when the Council shall be resumed, no report shall be made by the Chairman.

If the Chairman be directed to report the resolutions or other proceedings of the Committee, the Council shall be resumed and the report having been received without question put, a motion for its adoption shall be moved, which motion shall be put without debate.

## 29.2 **Appointment of Committees**

The Mayor and Deputy Mayor of the Council shall be ex officio members of every Committee appointed by the Council (except Planning Committee)

The following Committees shall be Standing Committees of the Council and shall consist of the number of Members (exclusive of the Mayor and Deputy Mayor) specified opposite each Committee:

Corporate Services Committee	15 Members (plus 2 ex-officio Members)
Environment & Sustainability Committee	15 Members (plus 2 ex-officio Members)
Communities & Wellbeing Committee	15 Members (plus 2 ex-officio Members)
Regeneration & Growth Committee	15 Members (plus 2 ex-officio Members)
Governance and Audit Committee	15 Members (plus 2 ex-officio Members)
Planning Committee	11 Members

### 29.3 Quorum at Committees

Except where authorised by a statute or ordered by the Council, business shall not be transacted at a meeting of any Committee (except Planning) unless at least one-third of the whole number of the Committee is present. In the case of Planning Committee, business shall not be transacted unless at least one-half of the whole number of the Committee is present.

### 29.4 Notice of and summoning of Committee Meetings

The Notice and Summons of a Committee meeting shall be in accordance with 4 above.

### 29.5 Order of Business

The order of business at every Committee meeting shall be as follows:

- a) Apologies;
- b) Confirmation of the minutes of the last stated meeting and of all adjourned meetings and special meetings held since the last meeting;
- c) Declaration of Members' Interests (Member must withdraw from meeting during discussion of item);
- d) Reports of Officers;
- e) Presentations and deputations;
- f) Any Other Business.

### 29.6 Day and hour of Committee Meetings

Committees will be held on a monthly basis (except for July and August) as outlined below:

*Planning Committee	-	1 <sup>st</sup> Monday in every month
Communities & Wellbeing Committee	-	1 <sup>st</sup> Tuesday of every month
Environment & Sustainability Committee	-	1 <sup>st</sup> Wednesday of every month
Regeneration & Growth Committee	-	1 <sup>st</sup> Thursday of every month
Governance and Audit Committee	-	Quarterly on the 2 <sup>nd</sup> Thursday of the relevant month
Corporate Services Committee	-	2 <sup>nd</sup> Wednesday of every month

\*Planning Committee meetings will be held every month including July and August.

In addition each Committee shall, from time to time, fix additional meetings at a day and hour to be notified to Council and also may vary the date and time of the scheduled meeting for the efficient conduct of business.

### 29.7 **Special Meetings of Committees**

The Chairman of a Committee or the Mayor may call a Special Meeting of a Committee at any time. Subject to any statutory provision in that behalf, a Special Meeting shall also be called on the requisition of not less than three members of the Committee, delivered in writing to the Clerk to the Committee concerned. The summons to the Special Meeting shall set out the business to be considered thereat, and no business other than that set out in the summons shall be considered at that meeting.

### 29.8 **Reports of Committees**

A Standing Committee shall report to the meeting of the Council immediately following the meeting of such Standing Committee.

### 29.9 **Adoption of Minutes of Standing Committees and Special Committees**

The minutes of proceedings at a meeting of a Standing Committee or Special Committee shall be circulated with the notice convening the appropriate meeting of the Council.

### 29.10 **Voting in Committee**

Voting at a meeting of a Committee or Sub-Committee shall be by the same method as decided at Council meetings.

### 29.11 **Standing Orders of Committees**

All Standing Orders of the Council shall, with necessary modification apply to Committee and Sub-Committee meetings.

### 29.12 **Duties of Standing Committees**

The Standing Committees shall have charge of and be responsible to the Council for the several matters hereinafter respectively described as far as the same come within the jurisdiction of the Council, and such other matters within the jurisdiction of the Council as shall arise from time to time and shall not have been specifically entrusted to a particular Committee, and shall give effect to the several Statutes, Orders and Regulations governing said matters as the same are hereinafter set forth and all other Statutes, Orders and Regulations relating thereto and hereafter for the time being in force and shall superintend and control the several departments necessary for the carrying out of said matters, that is to say -

#### Corporate Services Committee

The purpose of the Corporate Services Committee is to set the strategic direction of the Council through the Corporate Plan and oversee all aspects of financial management and the effective use of all Council resources.

### Environment & Sustainability Committee

The purpose of the Environment and Sustainability Committee is to set strategic direction for the Council in relation to all matters pertaining to the Environmental Services function.

### Communities & Wellbeing Committee

The purpose of the Communities and Wellbeing Committee is to set the strategic direction for the Council in enhancing the health and wellbeing of communities, by way of policies, initiatives and programmes and the effective use of Council resources.

### Planning Committee

The purpose of the Planning Committee is to hear evidence from officers, supporters and objectors to development proposals in line with the attached Protocol for the Operation of the Lisburn & Castlereagh Planning Committee. In addition, the committee should have regard for planning precedents and appeals against their decisions. A key aspect of the committee is to continue to keep under review, and scrutinise performance of, the development management function within this Council area.

### Regeneration & Growth Committee

The purpose of the Regeneration and Growth Committee is to lead on programmes and initiatives that support the Corporate and Community Plan objectives by giving due consideration to matters pertaining to regeneration, economic stimulus, Council's estate and prosperity growth within the Council area.

### Governance and Audit Committee

The purpose of the Governance & Audit Committee is to provide independent assurance of the adequacy of all aspects of the risk management framework and the internal control environment. It provides independent review of Lisburn & Castlereagh City Council's governance, performance management, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

In addition to the above a Terms of Reference for each Committee is appended to this document.

## **29.13 Format of Planning Committee Meetings**

In accordance with any statutory requirements and best practice, the Planning Committee will develop a protocol for the effective and efficient conduct of Committee Business.

#### 29.14 **Chairman Responsible**

The Chairman of each Committee shall be responsible to the Council for the general direction of the business entrusted to his Committee, and he shall take charge of, or in his absence arrange for, the moving of the adoption of the Report of his Committee at the meeting of the Council to which it is submitted.

#### 29.15 **Sub-Committees**

Each Standing Committee may appoint Sub-Committees for specific purposes. A Sub-Committee shall meet as often as necessary for the transaction of the business for which it was appointed. The Report of the Sub-Committee shall, whether appointed under this Standing Order or otherwise, be submitted to the parent Committee for confirmation prior to being brought before the Council.

#### 29.16 **Attendance at Committees and Sub-Committees**

Every Member of the Council may attend meetings of any Committee or Sub-Committee and, subject to permission of the Chairman of the Committee or Sub-Committee, shall be heard on any matter, but he shall not, unless he is a Member of the Committee or Sub-Committee, vote in any division or propose any resolution or amendment.

#### 29.17 **Policing and Community Safety Partnership**

Under Schedule 13 (3) of the Justice (Northern Ireland) Act 2011, the Council shall exercise its power to appoint 10 political Members of the PCSP so as to ensure that, so far as practicable, the political Members reflect the balance of parties prevailing among the Members of the Council immediately after the last Local General Election. In accordance with Section 10 (1) (a) of the Act, the Council shall appoint a Chair from among the political members. In appointing to the office of Chair, the Council shall ensure that, so far as practicable:

- a person is appointed to that office for a term of 12 months at a time or, for a period ending with the reconstitution date next following that person's appointment;
- that the office is held in turn by each of the four largest parties represented on the Council immediately after the last Local General Election.

### 30. **Seal**

#### 30.1 **Custody of Seal**

The Common Seal of the Council shall be kept in a safe place secured by a lock, the keys of which shall be in the custody of the Chief Executive of the Council or a deputy authorised by him for the purpose.

### 30.2 **Sealing of Documents**

The Common Seal of the Council shall not be affixed to any document unless the sealing has been authorised by a resolution of the Council or of the Corporate Services Committee to which the Council have delegated their powers in this behalf, but a resolution of the Council authorising the acceptance of any tender, the purchase, sale, letting or taking of any property, the issue of any stock, the presentation of any petition, memorial, or address, the making of any rate or contract, or the doing of any other thing, shall be a sufficient authority for sealing any document necessary to give effect to the resolution.

### 30.3 **Attesting Seal**

Every instrument to which the seal of the Council is affixed shall be signed by a Member of the Council and by the Chief Executive or some other person appointed by the Council for the purpose.

### 30.4 **Record of documents sealed to be kept**

An entry of the sealing of every deed and other document to which the Corporate Seal shall have been affixed shall be made in the minutes of the Meeting of the Council at which the affixing of the Seal took place.



**Lisburn &  
Castlereagh  
City Council**

## Appendix A

101

### Access To Council & Committee Meetings, Agenda, Reports, Minutes & Recordings – Protocol

#### Version Control

Version	Date	Author / Amendments	Status
5.0	28 May 2015	C Connolly	Agreed (G & A 12.05.15)
6.0	04 February 2016	A McCann	Agreed
7.0	12 December 2019	A McCann	Agreed
8.0	08 February 2023	C Adamson	Agreed

## Introduction

This protocol has been developed in accordance with the provisions in Part 8 (Access to Meetings and Documents) of the Local Government Act (Northern Ireland) 2014 and the Council's Standing Orders.

With the exception of the provision relating to audio recordings, this applies to all meetings of the Council and Committees which are open to the public.

## Summary of Provisions of the Legislation and Associated Actions

### (1) Open Meetings

All meetings of the Council (and Committees) are open to the public except to the extent to which they are excluded (either during the whole or part of proceedings). They can only be excluded in accordance with Part 8 42 (2) of the Local Government Act (NI) 2014:-

- The public must be excluded from a meeting of Council during an item of business whenever it is likely, in the view of the nature of business to be transacted or the nature of the proceedings, that, if members of the public were present during that item, confidential information would be disclosed to them in breach of the obligation of confidence; and nothing in this Part authorises or requires the disclosure of confidential information in breach of the obligation of confidence.

The legislation provides a definition of confidential business (Part 8 42 (3) Schedule 6 and exempt information (Section 51)).

### (2) "In Committee"

Where an item is deemed confidential, then this will be dealt with "In Committee" and the members of the public and, if appropriate, the relevant officers, will be asked to leave. This must be done by resolution of the committee with the Chairman identifying the following:

- what proceedings or part thereof will be dealt with "In Committee" and also
- the description of the exempt information giving rise to the exclusion of the public.

Please see Schedule 6 Part 1 of the Act, attached under separate cover, for definition of what constitutes exempt information.

The agenda for meetings should include further information on confidential matters which gives rise to the exclusion of the public e.g. "Report from HR Business Partner on HR Matters"

**Action** – In preparing reports, the Chief Executive and Directors should ensure that items being dealt with 'In Committee' are separate from the main report, and the agenda provides appropriate information on what is being discussed in Committee.

At the meeting, the Chief Executive / Director should advise the Chairman of the requirement to get a proposer and seconder to both go and come out of "In Committee" and for the Chair to give the description of the exempt information giving rise to the exclusion of the public.

### (3) Notice of Meeting and Agenda

These are required to be available at the Council offices 5 days in advance of the meeting or if called later, as soon as possible in advance of the meeting. This is also a requirement under Standing Orders.

**Action** – Members' Services have arrangements in place for the agenda to be placed at the concierge desk at LVI Rotunda. In addition, the Schedule of Meetings, on a quarterly basis, has been placed on Council website.

**Note:** - In order to comply with the above, for Committees where Members' Services currently draft reports (G&A and Corporate Services), all relevant information should be with Members' Services by close of play on the Monday of the week prior to the meeting. In relation to the Planning Committee report, which is issued 7 days prior to the meeting, the report should be with Members' Services at latest by 9am, 7 days prior to the meeting taking place.

For all other Committees, all relevant information should be with Members' Services by close of play on Tuesday.

**Note:-** For all tabled and additional reports for Council/Committee, the relevant Director should have the prior approval of the Mayor/Chairman.

**Note:-** Special meetings of Committee and Council should only be held in exceptional circumstances such as to deal with timebound funding and contractual issues which cannot wait to next Council or Committee meeting.

### (4) Access to reports

Reports are required to be available for inspection (excluding confidential items) by members of the public at least five days before the meeting or as it becomes available. Members should be sent the reports in the first instance and then made available to the public.

**Action** – Reports will be available for inspection between 9.00am and 5.00pm from Members' Services at LVI.

- (i) At the meeting a reasonable number of copies of the agenda and reports, subject to exclusion of any item deemed confidential, must be made available for inspection by members of the public in attendance.
- (ii) Hard copies of reports will be provided by Members' Services for the Chair of Committee (Mayor for Council meetings).
- (iii) As an interim, it has been agreed that hard copies of the Planning Committee reports will be circulated to all Members of the Planning Committee.

**Action** - Members' Services will provide 3 copies of the report (excluding items deemed confidential) and the agenda for all meetings with 6 copies for meetings of the Planning Committee and Full Council. This will be kept under review. Directors are to advise if there is an item which is likely or has potential to warrant increased public attendance.

**Agreed -**

- that agenda and report for all meetings (excluding confidential items) be placed on the Councils Website at least 5 days prior to the meeting or as soon as they become available

**(5) Minutes**

Draft minutes are required to be published 2 days after the meeting.

**Action –** Members’ Services will produce the draft minute and following approval by Chief Executive / Director and then Chair of Committee, will place these in the relevant committee folder in Sharepoint and email Members to advise of this.

The legislation requires that a Council “as soon as is reasonably practicable” place on its website a copy of the minutes.

**Action -** After the minutes of a meeting have been agreed (i.e ratified by Council), Members’ Services will forward to MCU for posting on the Council website. Once there are trained administrators, Members’ Services will undertake this task.

**(6) Audio Recordings and Webcast**

The legislation requires a Council to make an audio recording of any meeting of the Council which is open to the public. The recording must be made available at the Council offices for a period of 6 years from the date of the meeting and published on the Council website for two years.

Whilst this only applies to the monthly meeting of Council it was agreed in October 2022 to provide the following:

- Audio recordings of standing committee meetings;
- Livestream of Council Meetings;
- Webcast recordings of Council meetings.

**Audio recordings of standing committee meetings**

- Where an item is deemed to be confidential and considered “In Committee” the recording will be paused.
- Audio recordings will be uploaded to the Council website within two days following ratification of minutes at the monthly Council Meeting.
- Audio recordings will be available on the Council website for a period of two years and available at the Council offices for a period of 6 years.

**Livestream and webcast recordings of Council meetings**

- Council meetings will be livestreamed through the Council's website.
- Where an item is deemed confidential and considered "In Committee" the broadcast and recording will be paused.
- A webcast recording will be published on the Council website following approval of the minutes by the Mayor and Chief Executive.
- Webcast recordings will be available on the Council website for a period of two years and available at the Council offices for a period of 6 years.

**Action** – At this juncture, Centre Management will arrange for a technician to be in attendance at monthly meetings of Council to facilitate the livestream and record these meetings (excluding any items deemed confidential and "In Committee"). After the meeting Member Services will check the recording to ensure that any item "In Committee" has not been recorded and that the audio quality is adequate. Dependent on the items discussed at the meeting, the Chief Executive or relevant Director may also be asked to review this. Members' Services will then forward to MCU a copy of the linked recording and this will be posted on the website.

*Local Government Act (Northern Ireland) 2014***SCHEDULE 6****ACCESS TO INFORMATION : EXEMPT INFORMATION****PART 1****DESCRIPTIONS OF EXEMPT INFORMATION**

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the Council holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Council or a Government Department and employees of, or office holders under, the Council.
5. Information in relation to which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the Council proposes -
  - (a) to give under any statutory provision a notice by virtue of which requirements are imposed on a person; or
  - (b) to make an order or direction under any statutory provision.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

## Appendix B

**LISBURN & CASTLEREAGH CITY COUNCIL****Governance & Audit Committee****Terms of Reference****1. Statement of Purpose**

The Governance & Audit Committee is a key component of Lisburn & Castlereagh City Council's Corporate Governance Framework.

The purpose of the Governance & Audit Committee is to provide independent assurance of the adequacy of all aspects of the risk management framework and the internal control environment. It provides independent review of Lisburn & Castlereagh City Council's governance, performance management, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

These Terms of Reference summarise the core functions of the Governance & Audit Committee.

**2. Membership**

The Governance & Audit Committee is appointed from, and reports to, full Council, it is comprised of 15 Members (plus 2 ex-officio Members) of the Council appointed by the Council, and one independent member. The Chair of the Committee will be rotated annually between members.

**3. Meetings**

The quorum for the Governance & Audit Committee is set out in Section 29.3 of the Council's Standing Orders.

*"Except where authorised by statute or order by the Council, business shall not be transacted at a meeting of any Committee (except Planning) unless as least one third of the whole number of the Committee is present."*

The Governance & Audit Committee will meet at least four times a year and will normally be attended by the Chief Executive, the Head of Internal Audit and officers as required. A representative of the Northern Ireland Audit Office (NIAO) will also be invited to attend.

Other special meetings can be convened as deemed appropriate by the Chair in consultation with the appropriate Director/s.

## 4. Responsibilities

The Governance & Audit Committee has the following responsibilities:

### Governance and Control

- Monitor and review Council's corporate governance arrangements including stewardship.
- Review the Annual Governance Statement.
- Agree and monitor governance related policies such as register of interests, whistleblowing and anti-fraud policies.
- Consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- Consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
- Review the assessment of fraud risks and potential harm to the Council from fraud and corruption and monitor the Anti-Fraud and Corruption Policy Statement and Strategy.

### Strategic & Corporate Risk Management

- Agree the Risk Management Policy and Strategy.
- Understand and challenge the risk management framework, and evaluate how well the arrangements are actively working in the Council.
- Review and challenge the adequacy and effectiveness of control processes in responding to risks within the Council's governance, operations, compliance and information services.

### Internal Audit

- Agree the Internal Audit Charter and Strategy.
- Agree the appointment of external providers of internal audit services (following Council procurement).
- Agree the risk-based Internal Audit Plan, including Internal Audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources in addition to any significant changes.
- Review reports from Internal Audit on Internal Audit's performance during the year, including year end opinion and compliance with public sector internal audit standards.

External Audit

- Review the following reports from the external auditor, including but not limited to
  - Report to Those Charged with Governance
  - Performance Improvement report
- Comment on the scope and depth of external audit work and to ensure it gives value for money
- Advise and make recommendations on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

Financial reporting

- Review the Annual Statement of Accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from audit that need to be brought to the attention of the Council.

Performance

- Agree the Performance Improvement Plan.
- Monitor performance at Council and Directorate level against Corporate Plan KPI's including corporate, statutory and other targets, including but not limited to, Performance Improvement.

The functions and responsibilities detailed are not exhaustive and the Committee will deal with relevant matters as they arise.

**5. Internal Working Groups**

There are no internal working groups reporting to the Governance and Audit Committee. The Committee may agree to establish other working groups as required throughout the term.

Any matters relating to the operation of the Party Group Leaders Forum will sit with the Governance and Audit Committee.

Group	Meeting	Representation in Current Term	Term
<b>Party Group Leaders Forum</b>	June Council Meeting	1 representative from each political party with 3 or more members	4 years

**6. External Representation**

The Council is represented on a number of external bodies as set out below. Outcomes are reported through Governance and Audit Committee as required. Other external representation may be agreed as necessary throughout the term.

External Group	Meeting	Representation in Current Term	Term
NILGA’s Reform, Devolution and Improvement Network	June Council Meeting	1 position	4 years

Agreed by Council – March 2023

# LISBURN & CASTLEREAGH CITY COUNCIL

## Corporate Services Committee

### Terms of Reference

#### 1. Statement of Purpose

The Corporate Services Committee is a key component of Lisburn & Castlereagh City Council's Corporate Governance Framework.

The purpose of the Corporate Services Committee is to set the strategic direction of the Council through the Corporate Plan and oversee all aspects of financial management and the effective use of all Council resources.

These Terms of Reference summarise the core functions of the Corporate Services Committee.

#### 2. Membership

The Corporate Services Committee is appointed from, and reports to, full Council. It is comprised of 15 Elected Members, plus 2 ex-officio Members (Mayor and Deputy Mayor) appointed to the Committee each year at the Annual Meeting of Council.

#### 3. Meetings

The quorum for the Corporate Services Committee is set out in Section 29.3 of the Council's Standing Orders.

*"Except where authorised by statute or order by the Council, business shall not be transacted at a meeting of any Committee (except Planning) unless as least one third of the whole number of the Committee is present."*

The Corporate Services Committee will meet, typically the second Wednesday of each month (except July and August) and will normally be attended by the appropriate Director/s and other officers in line with the agenda of the meeting.

Other special meetings can be convened as deemed appropriate by the Chair in consultation with the appropriate Director/s.

#### 4. Responsibilities

The Corporate Services Committee has the following responsibilities:

##### Finance

- Approve and monitor the Council's financial strategy and all matters relating to its implementation, including all revenue and capital financing, budgets and setting of the District rates.
- Monitor and review financial performance, including but not limited to:

- Management accounts (generally quarterly)
  - Repairs & Renewals reports
  - Bad Debts
  - Reserves
- Agree and review Council's financial policies.

### Human Resources and Organisational Development

- Agree and monitor strategic direction of Human Resources including but not limited to:
  - organisational design/structures
  - policy development
  - Chief Executive and Chief Officer acquisition
  - payroll and pensions
  - attendance management
  - relevant Industrial Relations
  - workforce statistics
  - capacity building
  - Elected Member Professional Development requests
- Agree and monitor compliance with equality obligations across the Council.

### Efficiency Review

- Agree the outcomes from the Efficiency Review Steering Group in line with delegated responsibilities.

### Capital Programme

- Review and agree the priority projects for inclusion in the Capital Programme from the ideas captured list.
- Agree and monitor the capital programme approach including overall affordability limits and change control at programme level.
- Approve and monitor overall capital finance strategy for the Council in line with the prudential guidelines.
- Review Post Project Evaluations at programme level including assessment of new and emerging financial and other risks.
  - Agree policies and procedures connected with the delivery of the Council's Capital Programme, eg frameworks, approach to risk etc.

### Procurement and Contract Management

- Agree and monitor Procurement Strategy.
- Note or agree procurement / tender outcomes (retrospective) and related contract management matters at Council level including all STA's in line with policy.

**Members will note that the Accounting Manual / Scheme of Delegation will require updating but it would be anticipated that changes would include:**

- **Officers ability to appoint suppliers where certain conditions have been met (eg MEAT criteria applied, lowest or only tender in addition to tender value falling within business case value) or where sufficient budget has been included in estimates for matters which do not require business case (NB no longer just lowest cost tender).**

### Commercial & Innovation

- Agree and review IT Strategy and future Digitisation programme

### Governance

- Agree the Corporate Plan.
- Agree Council Constitution including Standing Orders, Scheme of Delegation and Scheme of Allowances.
- Agree civic ceremonial events programme and attendance at related engagements.
- Agree and monitor Customer care related policies.
- Agree and monitor corporate communications strategy and policies.
- Monitor Information Governance.

### Budget Oversight

Approve and monitor annual service budgets for Corporate Services Directorate, Human Resources Directorate and Chief Executive's Office as part of the rates setting process.

### Other

- Agree business cases and investment decisions in line with the capital governance process for Finance and Corporate Services Directorate, Organisation Development and Innovation Directorate and Chief Executive's Office.
- Agree relevant Service Level Agreements/ Memoranda of Understanding.
- Agree responses to consultations where the following conditions apply:
  - Council has power or duties;
  - Council is not prevented from taking action by other legislation
  - Consultation directly affects the Local Government District or its residents
  - Consultation relates to an area for which the Council is legally competent.

## 5. Internal Working Groups

The internal working groups in the table below report to the Corporate Services Committee. The Committee may agree to establish other working groups as required throughout the term.

Working Group	AGM / First Home Committee	Number of Positions	Term
Efficiency Review Steering Group	First home committee meeting of Corporate Services Committee	2 representatives from larger parties and one from smaller parties	4 years
Elected Members' Development Steering Group	First home committee meeting of Corporate Services Committee	1 representative from each political party at point of election	4 years
Chief Executive Appraisal	First home committee meeting of Corporate Services Committee	1 representative from each political party (of 2 or more Elected Members) with largest party rep acting as Chair	4 years

## 6. External Representation

The Council is represented on a number of external bodies as set out below. Outcomes are reported through Corporate Services Committee as required. Other external representation may be agreed as necessary throughout the term

External Group	AGM / First Home Committee	Representation in Current Term	Term
National Association of Councillors	Annual Meeting of Council	8 positions	4 years
Northern Ireland Local Government Association	Annual Meeting of Council	8 positions	
Diversity Champion	June Council	1 position	4 years
Knockagh Monument Joint Committee	June Council	2 positions	4 years
NILGA's Regional Elected Member Development Working Group	June Council	1 position	4 years
Somme Advisory Council	June Council	2 positions	4 years

Agreed by Council – March 2023

# LISBURN & CASTLEREAGH CITY COUNCIL

## Communities & Wellbeing Committee

### Terms of Reference

#### 1. Statement of Purpose

The Communities and Wellbeing Committee is a key component of Lisburn and Castlereagh City Council's Corporate Governance Framework.

The purpose of the Communities and Wellbeing Committee is to set the strategic direction for the Council in enhancing the health and wellbeing of communities, by way of policies, initiatives and programmes and the effective use of Council resources.

These Terms of Reference summarise the core functions of the Communities and Wellbeing Committee.

#### 2. Membership

The Communities and Wellbeing Committee is appointed from and reports to, full Council. It is comprised of 15 Elected Members, plus 2 ex-officio Members (Mayor and Deputy Mayor) appointed to the committee each year at the Annual Meeting of Council.

#### 3. Meetings

The quorum for the Communities and Wellbeing Committee is set out in Section 29.3 of the Council's Standing Orders.

*"Except where authorised by statute or order by the Council, business shall not be transacted at a meeting of any Committee (except Planning) unless as least one third of the whole number of the Committee is present."*

The Communities and Wellbeing Committee will meet, typically, the second Tuesday of each month (except in July and August) and will normally be attended by the appropriate Director/s and other officers in line with the agenda of the meeting.

Other special meetings can be convened as deemed appropriate by the Chair in consultation with appropriate Director/s.

#### 4. Responsibilities

The Communities and Wellbeing Committee has the following responsibilities:

##### Communities and Community Planning

- Agree the Council's functions in the development, implementation and review of the Community Plan and its associated Partnerships.

- Monitor the Council's community facilities and other designated amenities to develop and implement activities and initiatives to promote engagement and community wellbeing.
- Monitor the Community Support Plan including the provision of Advice Services.
- Agree and monitor policies, frameworks and partnerships that support community engagement and wellbeing initiatives.
- Agree and monitor the Council's events' calendar.
- Monitor the Council's Museum, Heritage and Arts services and initiatives.

#### Sports and Recreation Services

- Monitor the Council's leisure facilities and other designated amenities to develop and implement activities and initiatives to promote wellbeing and physical activity.
- Monitor sports development programmes and associated activities.
- Agree and monitor policies, frameworks and partnerships that support sport and wellbeing initiatives.

#### Parks and Amenities

- Agree and monitor policies, frameworks and partnerships related to parks, biodiversity, open spaces, sports pitches, golf course fairways and greens and countryside access.

#### Grant Aid and Financial Assistance

- Agree grant-aid awards frameworks and associated funds to promote community, sports and arts/cultural development.
- Agree and monitor major funding programmes, such as the Investment Programme, the Community Investment Fund and other external sources of funding.

#### Financial Oversight

- Approve the draft estimates of expenditure relevant for the Committee

#### Peace Programmes and Policing and Community Safety Partnership

- Agree and monitor strategies and action plans related to externally-funded programmes such as Good Relations, PCSP and Peace programmes.

#### Capital Programme

- Agree business cases and investment decisions in line with the capital governance process.
- Seek and agree third party funding related to capital projects.
- Monitor and evaluate outcomes of capital projects.

### Procurement and Contract Management

- Note or agree procurement / tender outcomes and related contract management matters at Council level including all STAs in line with policy.

***Members will note that the Accounting Manual / Scheme of Delegation will require updating but it would be anticipated that changes would include:***

- ***Officers ability to appoint suppliers where certain conditions have been met (e.g. MEAT criteria applied, lowest or only tender in addition to tender in addition to tender value falling within business case value) or where sufficient budget has been included in estimates for matters which do not require business case (NB no longer just lowest cost tender).***

### Budget Oversight

Approve and monitor annual service budgets the Leisure and Community Wellbeing Directorate as part of the rates setting process.

### Other

- Agree business cases for the Leisure and Community Wellbeing Directorate,
- Agree relevant Service Level Agreements/ Memoranda of Understanding.
- Agree responses to consultations where the following conditions apply:
  - Council has power or duties;
  - Council is not prevented from taking action by other legislation
  - Consultation directly affects the Local Government District or its residents
  - Consultation relates to an area for which the Council is legally competent

## 5. Internal Working Groups

There are currently no established internal working groups. The Committee may agree to establish Working Groups as required throughout the term.

## 6. External Representation

The Council is represented on a number of external bodies as set out below. Outcomes are reported through the Community Wellbeing Directorate as required. Other external representation may be agreed as necessary throughout the term.

External Group	Meeting	Representation Current Term	Term
Age Friendly Champion	June Council Meeting	1 position	4 years
Engage with Age	June Council Meeting	1 position	4 years
Lagan Valley Regional Park	June Council Meeting	2 positions	4 years
Lagan Navigation Trust	June Council Meeting	1 position	4 years
Laurelhill Sports Zone	June Council Meeting	1 position	4 years

<b>Lisburn &amp; Castlereagh Housing Liaison Forum</b>	June Council Meeting	9 positions	4 years
<b>Sport Lisburn &amp; Castlereagh</b>	June Council Meeting	2 positions	4 years
<b>Lisburn &amp; Castlereagh Advice Services</b>	June Council Meeting	2 positions (observers)	4 years
<b>NILGA's NI Strategic Migration Partnership</b>	June Council Meeting	1 position	4 years
<b>Parenting Champions</b>	June Council Meeting	3 positions	4 years
<b>Peace Plus Partnership</b>	June Council Meeting	13 positions	4 years
<b>Reserve Forces Cadets (Veteran's Champion)</b>	Annual Meeting of Council	1 position	4 years
<b>Strategic Community Planning Partnership</b>	June Council Meeting	4 positions	4 years
<b>Ulster Grand Prix &amp; Bike Week Steering Group</b>	June Council Meeting	2 positions Mayor and Committee Chairperson	1 year – annual appointment

The Committee will agree, at the beginning of each new Council term, Members' attendance at events, arising from the Council's membership of the above outside bodies, taking place in Northern Ireland. The Council will be responsible for the payment of Members' authorised expenses for the duration of the Council mandate

The functions and responsibilities detailed are not exhaustive and the Committee will deal with relevant matters as they arise.

Date agreed by Council – March 2023

---

# LISBURN & CASTLEREAGH CITY COUNCIL

## Regeneration and Growth Committee

### Interim Terms of Reference

#### 1. Statement of Purpose

The Regeneration and Growth Committee is a key component of Lisburn & Castlereagh City Council's Corporate Governance Framework.

The purpose of the Regeneration and Growth Committee is to lead on programmes and initiatives that support the Corporate and Community Plan objectives by giving due consideration to matters pertaining to regeneration, economic stimulus, Council's estate and prosperity growth within the Council area.

These Terms of Reference summarise the core functions of the Regeneration and Growth Committee.

#### 2. Membership

The Regeneration and Growth Committee is appointed from, and reports to, full Council. It is comprised of 15 Elected Members, plus 2 ex-officio Members (Mayor and Deputy Mayor) appointed to the Committee each year at the Annual Meeting of Council.

#### 3. Meetings

The quorum for the Regeneration and Growth Committee is set out in Section 29.3 of the Council's Standing Orders.

*"Except where authorised by statute or order by the Council, business shall not be transacted at a meeting of any Committee (except Planning) unless as least one third of the whole number of the Committee is present."*

The Regeneration and Growth Committee will meet, typically on the first Thursday of each month (except July and August) and will normally be attended by the appropriate Director/s and other officers aligned to the agenda of the meeting.

Other special meetings can be convened as deemed appropriate by the Chair in consultation with the appropriate Director/s.

#### 4. Responsibilities

The Regeneration and Growth Committee has the following responsibilities:

##### Place Shaping and Place Making

- Agree an Area Plan and associated planning policies.

- Develop, agree and monitor planning policies and frameworks that support sound land and transport use as well as sustainable growth which contribute to and have regard for the corporate objectives and the regional frameworks.
- Review planning and scrutinise land use policy to deliver sustainable communities, and places to work, live and socialise.
- Monitor the Planning Development Management function performance and improvement including evolving policy requirements.

### Economic Development and Regeneration

- Agree initiatives and programmes supporting economic stimulus and sustainable job growth opportunities.
- Agree the delivery of urban and rural regeneration programmes in line with available funding.
- Agree plans for promotion and encouraging progress in bringing forward key development sites in partnership with relevant stakeholders.
- Agree interventions to attract, at a local level, direct foreign investment.
- Agree the policies and plans to promote the strategic benefits of the Council area to maximise growth at national and international forums.

### Assets

- Agree estates strategies as well as related policies and programmes.
- Agree acquisition and disposal of land and property assets including Community Asset Transfers, vesting and other matters.

### Capital Programme

- Agree business cases and investment decisions in line with the capital governance process
- Seek and agree third party funding related to capital projects.
- Monitor and evaluate outcomes of capital projects.

### Procurement and Contract Management

- Note or agree procurement/tender outcomes and related contract management matters at Council level including all STA's in line with policy.

**Members will note that the Accounting Manual/Scheme of Delegation will require updating but it would be anticipated that changes would include:**

- **Officers ability to appoint suppliers where certain conditions have been met (eg MEAT criteria applied, lowest or only tender in addition to tender value falling within business case value) or where sufficient budget has been included in estimates for matters which do not require business case (NB no longer just lowest cost tender)**

### Budget Oversight

- Approve and monitor annual service budgets as part of the rates setting process.

Other

- Agree relevant Service Level Agreements / Memoranda of Understanding.
- Agree responses to consultations where the following conditions apply:
  - Council has power or duties;
  - Council is not prevented from taking action by other legislation;
  - Consultation directly affects the Local Government District or its residents;
  - Consultation relates to an area for which the Council is legally competent.
- Approval for the Director, in consultation with the Chairperson and Vice Chairperson, to submit all applications for third-party grant-aid funding in furtherance of agreed programmes and corporate objectives with acceptance returning to committee. *Will require update to Scheme of Delegation*
- Approval for the Director to consider and approve grant aid up to £1,000 should requests be in line with existing policy and should sufficient funding be available within existing budgets.
- Agree annual discretionary fee setting and any potential waivers.

**5. Internal Working Groups**

The internal working groups in the table below report to the Regeneration and Growth Committee. The Committee may agree to establish other working groups as required throughout the term.

Working Group	AGM/Home Committee	Number of Positions	Term
Brokerstown Road (LD1) Sub Committee (Killultagh & Lisburn South DEAs)	Regeneration and Growth Committee	2 positions Chair and Vice Chair of the day	1 year
Steering Group Coopers Mill/Millmount	Regeneration and Growth Committee	6 positions Castlereagh East DEA Members	4 years

**6. External Representation**

The Council is represented on a number of external bodies as set out below. Outcomes are reported through Regeneration and Growth Committee as required. Other external representation may be agreed as necessary throughout the term.

External Group	AGM/Home Committee	Representation within Current Term	Term
Lagan Navigation Trust	June Council Meeting	2 positions	4 years
Lagan Valley Regional Park	June Council Meeting	3 positions	4 years

Belfast-Dublin Eastern Economic Corridor	June Council Meeting	3 positions:	4 years
Belfast Region City Deal Engagement Forum	June Council Meeting	4 positions	4 years
Belfast Regional Tourism Partnership	June Council Meeting	2 positions	4 years
LDP Spatial Working Groups: a) Metropolitan Spatial Working Group b) Neighbouring Council Spatial Working Group	June Council Meeting	2 positions	1 year
NILGA Place Shaping & Infrastructure Policy & Learning Network	June Council Meeting	1 position	4 years

Agreed by Council – March 2023

# LISBURN & CASTLEREAGH CITY COUNCIL

## Environment and Sustainability Committee

### Terms of Reference

#### 1. Statement of Purpose

The Environment and Sustainability Committee is a key component of Lisburn & Castlereagh City Council's corporate governance framework.

The purpose of the Environment and Sustainability Committee is to set strategic direction for the Council in relation to all matters pertaining to the Environmental Services function. These Terms of Reference summarise the core functions of the Environment and Sustainability Committee.

#### 2. Membership

The Environment and Sustainability Committee is appointed from, and reports to, full Council. It is comprised of 15 Elected Members plus 2 ex-officio Members (Mayor and Deputy Mayor) appointed to the Committee each year at the Annual Meeting of Council.

#### 3. Meetings

The quorum for the Environment and Sustainability Committee is set out in Section 29.3 of the Council's Standing Orders.

*"Except where authorised by statute or order by the Council, business shall not be transacted at a meeting of any Committee (except Planning) unless as least one third of the whole number of the Committee is present."*

The Environment and Sustainability Committee will meet, typically the first Wednesday of each month (except July and August) and will normally be attended by the appropriate Director/s and other officers in line with the agenda of the meeting.

Other special meetings can be convened as deemed appropriate by the Chair in consultation with the appropriate Director/s.

#### 4. Responsibilities

The Environment and Sustainability Committee has the following responsibilities:

##### Building Control and Sustainability

- Agree new street naming applications which do not meet agreed policy.

- Agree applications for a change to a street name or a second language.
- Agree and review Council's Policy in relation to the Building Control Service functions.
- Agree and review Council's Strategy and Policy in relation to Climate and Sustainability.

### Environmental Health, Risk and Emergency Planning

- Approve the designation of an area for the purpose of street trading.
- Approve Entertainment Licences in premises outside the scheme of delegation.
- Agree and review Council's policy in relation to Enforcement & Regulatory Policy.
- Agree and review relevant Policies and Strategies including, but not limited to, Safeguarding, Cemeteries and Off Street Parking.
- Agree and review rules and regulations for Cemeteries.
- Agree and review the Council's Emergency Plan.

### Waste Management and Operations

- Agree and review the implementation of the Council's Sub Regional Waste Management Plan and Policies.
- Agree and review the relevant Policies and Strategies including but not limited to Street Cleansing and Fleet.

### Capital Programme

- Agree business cases and investment decisions in line with the capital governance process.
- Seek and agree third party funding related to capital projects.
- Monitor and evaluate outcomes of capital projects.

### Procurement and Contract Management

- Note or agree procurement / tender outcomes and related contract management matters at Council level including all STA's in line with policy.

### Budget Oversight

Approve and monitor annual service budgets for the Environmental Services Directorate as part of the rates setting process.

### Other

- Agree business cases for Environmental Services Directorate.
- Agree relevant Service Level Agreements / Memoranda of Understanding.
- Agree annual discretionary fee setting and any potential waivers.
- Agree responses to consultations where the following conditions apply:
  - Council has power or duties;
  - Council is not prevented from taking action by other legislation;
  - Consultation directly affects the Local Government District or its residents;
  - Consultation relates to an area for which the Council is legally competent.
- Approval for the Director, in consultation with the Chairperson and Vice Chairperson,

to submit all applications for third-party grant-aid funding in furtherance of agreed programmes and corporate objectives with acceptance returning to committee.

## 5. Internal Working Groups

There are currently no established internal working groups. The Committee may agree to establish Working Groups as required throughout the term.

## 6. External Representation

The Council is represented on a number of external bodies as set out below. Outcomes are reported through Environment and Sustainability Committee as required. Other external representation may be agreed as necessary throughout the term.

External Body	AGM / First Home Committee or Council	Number of Positions	Term
Arc21	Annual Meeting of Council	3 positions	4 years
Drainage Council for Northern Ireland		1 position	4 years
Northern Ireland Local Government Partnership on Traveller Issues	June Council Meeting	1 position	1 year
Sustainable NI's All Party Group on Sustainable Development	June Council Meeting	2 positions	4 years

Agreed by Council – March 2023

# LISBURN & CASTLEREAGH CITY COUNCIL

## Planning Committee

### Terms of Reference

#### 1. Statement of Purpose

The Planning Committee is a key component of Lisburn & Castlereagh City Council's Corporate Governance Framework with the exception that it operates in a quasi-judicial manner with delegated authority for determining planning applications.

The purpose of the Planning Committee is to hear evidence from officers, supporters and objectors to development proposals in line with the attached Protocol for the Operation of the Lisburn and Castlereagh Planning Committee. In addition, the committee should have regard for planning precedents and appeals against their decisions. A key aspect of the committee is to continue to keep under review, and scrutinise performance of, the development management function within this Council area.

These Terms of Reference summarise the core functions of the Planning Committee.

#### 2. Membership

The Planning Committee is appointed from the full Council who note the minutes of their determinations. It is comprised of 11 Elected Members, with no ex-officio Members, appointed to the Committee each year at the Annual Meeting of Council.

#### 3. Meetings

The quorum for the Planning Committee is set out in Section 29.3 of the Council's Standing Orders.

"Except where authorised by statute or order by the Council, business shall not be transacted at a meeting of any Committee (except Planning) unless as least one third of the whole number of the Committee is present. In the case of Planning Committee, business shall not be transacted unless at least one-half of the whole number of the Committee is present."

The Planning Committee will meet, typically on the first Monday of each month, and will normally be attended by the appropriate Director and Head of Planning and Capital Development, and/or other authorised planning officers aligned to the agenda of the meeting.

Other special meetings can be convened as deemed appropriate by the Chair in consultation with the appropriate Director.

#### 4. Responsibilities

The Planning Committee has the following delegated responsibilities as per the Protocol:

- Determine major planning applications

- Determine all applications made on behalf of the Council
- Determine all referred applications from the delegated planning list on the basis that the procedures set out within the attached Protocol are followed
- Hear pre determination submissions from applicants as required
- Determine applications referred by the Head of Planning and Capital Development
- Monitor and review overall performance of the planning function
- Monitor the number of enforcement notices and convictions pursued

Agreed by Council – March 2023



**Lisburn &  
Castlereagh  
City Council**

**Protocol for the Operation of the  
Lisburn & Castlereagh City Council  
Planning Committee**

**Reviewed: March 2021**

**Effective Date: 03 May 2021**

**[www.lisburncastlereagh.gov.uk](http://www.lisburncastlereagh.gov.uk)**



## **Protocol for the Operation of the Lisburn & Castlereagh City Council Planning Committee**

	<b>Page</b>
<b>Purpose of Protocol</b>	<b>1</b>
<b>Remit of Planning Committee</b>	<b>1</b>
<b>Size of the Planning Committee</b>	<b>1</b>
<b>Frequency of Meetings</b>	<b>2</b>
<b>Scheme of Delegation</b>	<b>2</b>
<b>Enforcement</b>	<b>2</b>
<b>Referral of Delegated applications to Committee</b>	<b>3</b>
<b>Format of Planning Committee meetings</b>	<b>4</b>
<b>Pre-determination hearings</b>	<b>5</b>
<b>Public Speaking</b>	<b>6</b>
<b>Committee Decisions</b>	<b>7</b>
<b>Deferrals</b>	<b>9</b>
<b>Site Visits</b>	<b>10</b>
<b>Review of Decisions</b>	<b>11</b>
<b>Legal Adviser</b>	<b>12</b>
<b>Review of Protocol</b>	<b>12</b>
<b>Training</b>	<b>12</b>

## PURPOSE OF THE PROTOCOL

1. The purpose of this Protocol is to outline practical handling arrangements for the operation of Lisburn & Castlereagh City Council's Planning Committee (the "Committee").
2. The Protocol should be read in conjunction with the relevant provisions of the Council's Standing Orders and the Code of Conduct for Councillors. It is not intended to replace either document.

## REMIT OF THE PLANNING COMMITTEE

### *Development Plan*

3. The Committee will have an oversight role to ensure that the Local Development Plan is monitored annually, particularly in terms of the availability of housing and land for economic development. The Committee will also need to ensure that the Plan is reviewed every 5 years, giving consideration to whether there is a need to change the Plan strategy or zonings, designations and policies.

### *Development Management*

4. The main role of the Planning Committee in relation to development management is to consider planning applications made to the Council as the Local Planning Authority and to decide whether or not they should be approved. The Planning Committee will have full delegated authority, meaning that the decisions of the Planning Committee will not go to the full Council for ratification.

### *Enforcement*

5. The enforcement of planning controls will be delegated to authorised Officers, with the Planning Committee receiving quarterly reports on the progress of enforcement activities.

## SIZE OF THE PLANNING COMMITTEE

6. A membership and quorum, as outlined in the Council's Standing Orders, is required for the Planning Committee to convene. Business shall not be transacted unless 50% of the Members of the Committee are present.
7. The Lisburn & Castlereagh City Council Planning Committee will comprise 11 Members with no substitutions permitted.
8. The Head of Planning and Capital Development (or authorised planning officer) is expected to attend all Planning Committee meetings, in addition to Planning Officers presenting their reports.

## FREQUENCY OF MEETINGS

9. In accordance with the Council's Standing Orders, Planning Committee meetings will usually be held on a monthly basis. The Planning Committee will normally meet on the first Monday in every month. The Committee shall from time to time fix its own day and hour of meeting and notify the Council. The following will be published on the Council's website at least 5 working days in advance of the meeting:
  - Committee meeting dates and times; and

- The Schedule of Applications to be determined by the Planning Committee

## SCHEME OF DELEGATION

10. A Scheme of Delegation is where decision making for local applications is delegated to an appointed Officer rather than the Council, thereby enabling speedier decisions and improved efficiency. Section 31(1) of the Planning Act (Northern Ireland) 2011 requires a Council to produce a Scheme of Delegation for operation in its area.
11. The Council's Planning Scheme of Delegation relates only to applications falling within the category of **local development** as defined under regulation 2 of The Planning (Development Management) Regulations (Northern Ireland) 2015. Certain statutory restrictions that apply to the Council's Scheme of Delegation prevent certain types of applications from being delegated to Officers, thereby requiring them to be determined by the Planning Committee. These restrictions are set out in Part A of the Council's approved Scheme of Delegation.
12. The Council's Scheme of Delegation is approved by the Department for Infrastructure in accordance with Section 31 of the Planning Act (Northern Ireland) 2011.
13. In accordance with regulation 10 of the Planning (Development Management) Regulations (Northern Ireland) 2015, the Scheme is available to view on the Council's website [www.lisburncastlereagh.gov.uk](http://www.lisburncastlereagh.gov.uk). A copy is also available at the Island Civic Centre, The Island, Lisburn, Co Antrim, BT27 4RL.
14. The Scheme of Delegation will be reviewed periodically to ensure that it remains current and relevant.

## ENFORCEMENT

15. Planning Officers will prepare a quarterly report on the progress of formal enforcement cases which will be circulated to all Members of the Council, detailing the number of notices issued, and convictions obtained, as opposed to providing details of individual cases.

## REFERRAL OF DELEGATED APPLICATIONS TO THE PLANNING COMMITTEE

*Weekly List of Delegated Applications with recommendation to refuse and/or approve with objections received*

16. Where applications have been delegated to Officers and the decision is to refuse planning permission, **Members of the Council** will be notified by email of the recommendation and the reason for the recommendation. If a recommendation is to approve and objections have been received, **Members of the Council** will also be notified by email of the nature of the objections and how they have been considered. If considered appropriate, Members can then request that an application be referred to the Planning Committee for determination.
17. Planning reasons explaining why the application should be determined by the Planning Committee must accompany all such requests. Members should refer to paragraphs 9 of

DMPN 15 – Councils Schemes of Delegation which offers examples of sound and appropriate reasons for referral<sup>1</sup>.

18. In such cases, Members **must** submit a request to the Planning Unit via email to the [planning@lisburncastlereagh.gov.uk](mailto:planning@lisburncastlereagh.gov.uk) inbox clearly stating the planning reason(s) for the request. A Member has 5 working days from the date of the email notification sent to Members under paragraph 16 above in which to submit a request.
19. On receipt of a request, the Chairperson (or Vice Chairperson where applicable) shall liaise with an authorised officer where the reasons provided are not considered sound or appropriate.
20. Where it is agreed that the reason(s) is not sound or appropriate, the referring Member will be advised accordingly.
21. A notification email will be issued to all Members on a weekly basis to advise which applications have been referred to Planning Committee.
22. The Head of Planning and Capital Development or authorised officer may also consider it prudent to refer a delegated application to the Planning Committee for determination. Where the authorised officer considers it prudent to refer a delegated application to Committee, the matter will be discussed and agreed with the Chairperson presiding on this application.

## FORMAT OF PLANNING COMMITTEE MEETINGS

23. Lisburn & Castlereagh City Council will operate its Planning Committee in accordance with its own Standing Orders. The Schedule of Applications to be determined by the Planning Committee will be posted to the Planning Portal website 5 working days prior to the Committee Meeting.

### *Standard Items*

24. The agenda will allow for the inclusion of the following items:
  - Notice of meeting;
  - Apologies;
  - Approval of the minutes of the previous meeting;
  - Declaration of Interests;
  - Schedule of Planning Applications;
  - Other Reports for Noting
  - Development Plan and Enforcement matters (quarterly)

AOB

### *Committee Papers*

25. All Planning Committee Members will be sent an agenda in advance of the Committee meeting. The following papers (where appropriate) will also be provided:
  - Minutes of the previous meeting for approval as a complete record;

---

<sup>1</sup> [https://www.infrastructure-ni.gov.uk/sites/default/files/publications/infrastructure/dmpn-15-scheme-of-delegation-v1-april-2015\\_0.pdf](https://www.infrastructure-ni.gov.uk/sites/default/files/publications/infrastructure/dmpn-15-scheme-of-delegation-v1-april-2015_0.pdf)

- Schedule of Applications to be Determined (including those brought back following deferral) for consideration by the Committee;
  - Details of applications of regional significance which will have an impact upon the Council area and the Council is a statutory consultee or where it may wish to make a representation;
  - Performance Management Reports;
  - Details of Local Development Plan issues (as required);
  - Details of relevant Enforcement Matters (as required); and
  - Details of proposed Pre-determination hearings (as required).
26. A Pre-Planning Committee Meeting may be held with the Chairperson and Vice Chairperson and other officials in advance of the scheduled Committee meeting taking place.
27. Where necessary, Planning Officers will prepare an addendum report to provide Members with any relevant updates since the agenda was issued.
28. Planning Committee meetings will be open to the public except when access may be restricted in accordance with Section 42 of the Local Government Act (Northern Ireland) 2014.

#### *Declaration of Interests*

29. At the beginning of **every** meeting, Members will be asked to declare whether they have a pecuniary and/or significant private or personal non-pecuniary interest in any item on the agenda.
30. Should a Member declare such an interest they must have regard for the Members Code of Conduct and it is recommended that they leave the meeting room for the duration of that item unless they have registered to speak on the item. Members will then be invited to return to the meeting room and notified of the Committee's decision before the meeting recommences. In this circumstance the Member will be invited into the room to address the Committee and answer questions at an appropriate time.
30. Where a Member, in advance of the relevant Committee meeting, has taken a firm view on a planning application (in essence they have "pre-determined" the application) that Member should make an open declaration at the beginning of the relevant meeting and leave the meeting room for that entire item unless they have registered to speak on the item. In this circumstance the Member will be invited into the room to address the Committee and answer questions at an appropriate time.
31. Once discussions are complete, the Member(s) will be invited to return to the meeting room. Notification of the Committee decision will be provided to the Member(s) before the meeting reconvenes.

#### **PRE-DETERMINATION HEARINGS**

32. The Planning Committee has a **mandatory** requirement to hold pre-determination hearings for those major applications which have been referred to the Department for Infrastructure for call-in consideration but returned to the Council for determination. The pre-determination

hearing should be heard by the Planning Committee and the related application should be decided by the Planning Committee.

33. The Council may also hold pre-determination hearings, at their own discretion, where it is considered necessary to take on board local community views as well as those in support of the development. In deciding whether to apply discretion, Members will take into account the following:
- Relevance of the objections in planning terms;
  - The extent to which relevant objections are representative of the community, particularly in the context of pre-application community consultation and
  - The numbers of representations against the proposal in relation to where the proposal is and the number of people likely to be affected by the proposal.
34. Applicants and those who have submitted relevant representations will be afforded an opportunity to be heard by the Council before it takes a decision. When holding a pre-determination hearing, the procedures will be the same as those applied to normal Planning Committee meetings. The Planning Officer will produce a report detailing the processing of the application to date, and the planning issues to be considered. In circumstances whereby the Committee decides to hold the hearing on the same day as it wishes to consider and determine the application, the report to Members will also include a recommendation.
35. Pre-determination hearings should take place **after** the expiry of the period for making representations on the application but **before** the Committee meets to discuss the application. Whilst the Committee will endeavour to hold its pre-determination hearings out with the Committee meeting at which the application will be considered, it is recognised that this may not always be possible.

## PUBLIC SPEAKING

### *Procedures for Public Speaking*

36. The following procedures will apply to Lisburn & Castlereagh City Council Planning Committee meetings.

### *Registering Requests*

37. Failure to comply with the following criteria will result in an invalid request to speak:
- Requests to speak should be received in writing to the Planning Unit or by email to [planning@lisburncastlereagh.gov.uk](mailto:planning@lisburncastlereagh.gov.uk) no later than 12 noon on the last working day prior to the scheduled Committee meeting.
  - The request must state whether they wish to speak in support or in opposition to a planning application.
  - Requests must be accompanied with a legible written representation of no longer than two sides of an A4 page. This can be written or typically typed in a font such as Arial, minimum size 10, summarising the points to be addressed and provide supplementary information (to include, for example, photographs or otherwise) in support of their case. The written submission is not intended to replace a speaking note if a speaker wishes

to expand on the points raised in the meeting. Exceptions to this, so as to accommodate equality of access, will be at the discretion of the Chairperson.

- A contact number and/or email address must be provided to allow individuals to be invited to/participate in meetings either in person or remotely through on-line access.
- Late requests may be accepted by the Chairperson in exceptional circumstances.

#### *Circulation of Information*

38. The written representation submitted when registering to speak will be circulated to Members in advance of the Committee meeting. Any written representation received after this time will **not** be circulated unless it is agreed by the Chairperson.
39. No documentation must be circulated at the meeting to Members by speakers. If speaking remotely the sharing of any media will not be permitted.
40. MPs/MLAs and all Members may speak about an application. They will be afforded **3 minutes**. Where more than one elected representative is registered to speak for or against a proposal they are encouraged to seek areas of common ground to avoid duplication of issues and questions. Where possible elected representatives are encouraged to share the speaking time allowed.
41. Members of the public in support or objection to a proposal will be afforded **3 minutes** to speak about an application. Where more than one person is registered to speak for or against a proposal only one person from those objecting to the proposal and one person in support of the proposal will be allowed to speak.

#### *Questions of Clarification*

42. Members of the Planning Committee can seek clarification from those individuals who have addressed the Committee through the Chairperson. Members must not enter into a debate on any issue raised until the Chairperson opens the formal debate of all issues before the Committee.
43. When invited by the Chairperson, Planning Officers can address any issues raised and Planning Committee Members can question Planning Officers through the Chairperson.
44. The Chairperson may agree to accept representations outside these procedures.

#### **COMMITTEE DECISIONS**

45. The main role of the Planning Committee is to consider applications made to the Council as the Local Planning Authority and decide whether or not they should be approved.

#### *Committee Decision Making Options*

46. The Committee will discuss applications presented to it before taking a vote.
47. Where the recommendation by the officer is accepted the following options are available;
  - Approve the application with conditions as recommended;
  - Approve the application with amended conditions;
  - Refuse the application for the reasons recommended;

- Refuse the application with additional or different reasons recommended
48. Where the recommendation by the officer is not accepted the following options are available:
- Approve the application demonstrating how the relevant policy has been fully engaged with appropriate conditions in consultation with an authorised officer;
  - Approve the application with conditions to be drafted by an authorised officer and approved by Members at the next Planning Committee meeting;
  - Refuse the application with a precise reason or reasons for refusal demonstrating how the relevant policy has been fully engaged.
49. Members must be present for the complete discussion on the item otherwise they cannot take part in the debate or vote on that item.
50. The Chairperson of the Planning Committee has a casting vote.

#### *Decisions Contrary to officer recommendation*

51. The decision as to whether planning permission should be approved or refused lies with the Committee. The views, opinions and recommendations of Planning Officers may on occasion be at odds with the views, opinions or decision of the Planning Committee or its Members. This is acceptable where planning issues are finely balanced.
52. The Committee can accept or place a different interpretation on, or give different weight to the various arguments and material considerations.
53. If the Committee is minded to make a decision contrary to Officer recommendation in accordance with paragraph 48 then:
- The proposer of the motion to go against the Planning Officer's recommendation, or the Chairperson, should state the planning reasons for the proposed decision before a vote is taken. The reasons should be clear, necessary, reasonable and be based on material planning considerations;
  - The Authorised Planning Officer present at the meeting should be given the opportunity to comment upon whether the proposed reasons for the decision are valid and, if an approval is proposed, to recommend appropriate conditions;
  - A detailed minute of the Committee's reasons for departing from the recommendation should be taken and a copy placed on the application file.

#### *Appeal contrary to officer recommendation*

54. In the event of an appeal against a refusal of planning permission contrary to Officer recommendation, the Committee should decide who should attend the appeal to defend the decision. The following options are available:
- Members who proposed and seconded a motion to refuse contrary to Officer recommendation may be called as Council witnesses; and
  - Different Planning Officers from those who made the original recommendation and/or decision making process may be used.

#### *Decisions Contrary to Local Development Plans*

55. Councils are required by the Planning (Notification of Applications) Direction 2017 to formally notify the Department where they are minded to grant planning permission for certain types of application.

56. The direction restricts the grant of planning permission and requires a council to send information to the Department.
57. The schedule attached to the notification direction sets out the following circumstances when councils should notify the Department.
- A major development application which would significantly prejudice the implementation of the local development plans objectives and policies;
  - A major development application which would not be in accordance with any appropriate marine plan adopted under the Marine Act (Northern Ireland) 2013; or
  - A government department or statutory consultee has raised a significant objection to a major development application.
58. If a Committee Member proposes, seconds or supports a decision which is contrary to the Local Development Plan or which will significantly prejudice the implementation of the Local Development Plan's objectives and policies, they will need to provide valid planning reasons to justify their decision and/or clearly explain why their decision will not significantly prejudice the implementation of the Local Development Plan's objectives and policies.
59. If the decision would significantly prejudice the implementation of the current and/or emerging Local Development Plan's objectives and policies then the Planning Officer must be given the opportunity to comment on the reasons provided by Members under paragraph 58 above and on whether the decision requires referral to the Department for Infrastructure.
60. The reasons for any decisions which are made contrary to the Local Development Plan will be formally recorded in the minutes and a copy placed on the application file.

## DEFERRALS

61. The Planning Committee can decide to defer consideration of an application to a future meeting for the following reasons:
- For further information;
  - Further negotiations; and/or
  - For a site visit.
62. Members should be aware that deferrals will inevitably have an adverse effect on processing times, and therefore should be an exception. Deferral of a decision to a later Committee meeting can, however also be used to allow time for reflection, where the Committee is minded to refuse a proposal against officer recommendation. This can allow time to reconsider, manage the risk associated with the action, seek legal advice and ensure that Planning Officers can provide additional reports and draft reasons for refusal.

## SITE VISITS

63. It is important that requests for site visits are handled in a consistent and organised manner, and that administrative and procedural arrangements on site are understood. The reasons for a site visit should be clearly stated and minuted.
64. Site visits form part of the meeting of the Planning Committee and Members intending to declare a pecuniary and/or significant private or personal non-pecuniary interest in an application or who have pre-determined an application should not attend the site visit. As minimum, those Members who proposed and seconded the site visit should make every

effort to attend, so that they understand the issues when the matter is considered at the following Planning Committee meeting. If a Member is unable to attend as site visit they should give consideration to their ability to participate in the decision making process when the item is returned to a later meeting.

#### *Arranging a site visit*

65. Where a site visit is deemed to be required by Members, the site visit will be carried out in accordance with relevant legislation and guidance in place at the time of the site visit.
66. A Planning Officer will contact the applicant/agent to arrange access to the site. Invitations will be sent to Members of the Planning Committee. Only Members of the Planning Committee, Planning Officers and Council Officials will be permitted to attend the site visit.
67. The full Planning Committee should attend unless there are good reasons not to.
68. It is important for the integrity of the planning process that Planning Committee Members do not carry out their own unaccompanied site visits.
69. A record of the date of the site visit, attendees and any other relevant information will be retained.

#### *Site Visit Procedure*

70. The Chairperson of the Planning Committee will oversee the conduct of site visits. They will start promptly at the time notified to Members and interested persons. At the request of the Committee Chairperson, the Planning Officer may be invited to describe the proposal to Members. Whilst Committee Members will be expected to be familiar with the Planning Officer's report, plans/drawings may be used where necessary.
71. The Planning Officer may indicate 'matters of fact' in relation to the proposal and surrounding land which Members can then take account of. Through the Committee Chairperson, Members can ask the Planning Officer for factual clarification on any planning matter relating to the proposal or surrounding land, such as distances to adjoining properties or the location of proposed car parking.
72. At no time during the site visit should Members debate the merits of the planning application. To do so out with the Planning Committee meeting might imply that Members had made their minds up.
73. At no time during the site visit should the applicant, their agent, any objector or any other Member of the public be allowed to address Members. The public right to address the Planning Committee does not arise until the item is reached on the Committee agenda.
74. In order to assist Members to retain their objectivity, they should keep together in one group with the Chairperson, Planning Officers and Council Officials and should avoid breaking away into smaller groups. Once the site visit is concluded, Members should leave the site promptly.

#### *Record Keeping*

75. The Council will keep a record of Member's attendance at the site visit.
76. The record will be presented to the next meeting of the Planning Committee scheduled to discuss the particular application.

### REVIEW OF DECISIONS

77. Best practice suggests that in order to assess the quality of decision making, Members should inspect a sample of implemented planning decisions on an annual basis.
78. Lisburn & Castlereagh City Council's Planning Committee will on an annual basis inspect a sample of implemented planning decisions to assess the quality of the decision making.
79. In addition, to give assurances that the Scheme of Delegation is operating effectively, this inspection will also include a sample of decisions delegated to officers.

### LEGAL ADVISER

80. The Lisburn & Castlereagh City Council Planning Committee will have access to legal advice on planning matters at each of its meetings.

### REVIEW OF PROTOCOL

81. The reform of local government saw the majority of planning functions transfer to Local Councils in April 2015. This Protocol will therefore be monitored and procedures reviewed as necessary to ensure that they remain current and relevant to the operational needs of the Lisburn & Castlereagh City Council Planning Committee.

### TRAINING

82. A Member shall not participate in decision making at meetings of the Planning Committee if they have not attended the training prescribed by the Council.
83. Members of the Planning Committee shall also endeavour to attend any other specialised training sessions provided, since these are designed to extend the knowledge of the Member on planning law, regulations, procedures and development plans and to generally assist the Member in carrying out their role properly and effectively.

# Alliance

## NOTICE OF MOTION:

That this Council recognises that poverty is a pervasive issue across Northern Ireland. The Department for Communities reported in October 2023 that 60,000 children were living in absolute poverty – and 1 in 4 children are living in relative poverty.

Council acknowledges the high cost of living – particularly fuel, housing, essential goods, childcare and transport, combined with a low wage economy have created particularly dire economic conditions for many. This combined with the austerity budget of 23/24 has had devastating consequences for the most vulnerable in society.

Council recognises that the Assembly still does not have an Anti-Poverty Strategy “based on objective need” – almost 20 years after the St. Andrew’s agreement placed a legal requirement on the Executive to enact a Strategy.

Council commits to supporting the call by the Equality Coalition, NI Anti-Poverty Network (NIAPN), Barnardo’s and others for the creation and implementation of an Anti-Poverty Strategy based on objective need to be a priority for the Northern Ireland Executive.

Council will:

1. Invite a representative from NIAPN or the Equality Coalition to present to the council about the key asks for an anti-poverty strategy
2. Endorse the recommended vision for the anti-poverty strategy:  
*“Northern Ireland is an equal society where poverty and its impacts are eradicated, and that respects, protects, promotes and fulfils the rights of those at risk of poverty to ensure they achieve their aspirations.”*
3. Increase the visibility of the council’s anti-poverty action plans, including the resources available to those within the council area experiencing poverty.

Signed:

*Claire Kemp*

CLlr Claire Kemp



1

**Wendy Hughes**

141

**Subject:** FW: Notice of motion**From:** Pat Catney <Pat.Catney@lisburncastlereagh.gov.uk>**To:** David Burns <David.Burns@lisburncastlereagh.gov.uk>**Subject:** Notice of motion*Notice of Motion**Lisburn and Castlereagh City Council;*

*Recognises the historic impact of the abolitionist Frederick Douglass' visit to Ireland in 1845 as he campaigned against slavery, including an address at Lisburn First Presbyterian Church on Monday 29<sup>th</sup> December 1845;*

*Acknowledges that despite the district having the third highest population of an ethnic minority group in Northern Ireland (Census 2021), there are currently few examples of public commemoration for ethnic minority people or their history;*

*Condemns all forms of slavery and commends those involved in contemporary efforts to end modern day slavery; and*

*Resolves to undertake a feasibility study, including planning considerations and costings for further review by Members, to erect a statue or memorial in Market Square, adjacent to Lisburn First Presbyterian Church, in commemoration of Frederick Douglass' address there in 1845.*

Patrick Catney.

Sent from my iPhone



②

<b>Committee:</b>	Council Meeting
<b>Date:</b>	25 March 2024
<b>Report from:</b>	Chief Executive

## **CONFIDENTIAL REPORT**

<b>Reason why the report is confidential:</b>	Information relating to the financial or business affairs of any particular person (including the Council)
<b>When will the report become available:</b>	After the agreement is signed and sealed
<b>When will a redacted report become available:</b>	
<b>The report will never become available:</b>	

<b>Item for:</b>	Decision
<b>Subject:</b>	Requirement to enter into a Section 76 planning agreement for planning application LA05/2023/0292/F

1.0	<p><b><u>Background</u></b></p> <ol style="list-style-type: none"> <li>1. Section 76 (1) of the Planning Act (Northern Ireland) 2011 (the Act) provides that any person with an estate in land may enter into an agreement with the relevant authority to: <ul style="list-style-type: none"> <li>▪ Facilitate or restrict the development or use of land in any specified way;</li> <li>▪ Require specified operations or activities to be carried out in, on, under or over land;</li> <li>▪ Require the land to be used in a specified way;</li> <li>▪ Require a sum or sums to be paid to the planning authority or to a Northern Ireland government department on specified date/dates or periodically.</li> </ul> </li> </ol> <p><b><u>Key Issues</u></b></p> <ol style="list-style-type: none"> <li>1. It was resolved at a meeting of the planning committee on 05 February 2024 to grant planning permission for a proposed residential development comprising 81 dwellings, including open space and landscaping, and all associated site and access works (amendment to approval Y/2009/0114/F) on lands south of Mealough Road, west of Saintfield Road, to the rear and west of 615 Saintfield Road, and circa 200 metres north of Blenheim Park, Carryduff</li> <li>2. The recommendation presented was subject to the developer entering into a Section 76 planning agreement to ensure that adequate provision is made for affordable housing as an integral part of the development in accordance with Policy HOU10 of the Lisburn and Castlereagh City Council Local Development Plan.</li> <li>3. The agent confirmed in an email dated 27 November 2023 that 17 dwellings will be provided as affordable housing to meet the requirement of the policy.</li> </ol>
-----	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

4. A scheme is not yet designed for the proposed affordable housing due to a time constraint but this is counterbalanced against the need to keep existing construction personnel on site delivering this and other phases of approved development.
5. The section 76 agreement includes timescales for a separate affordable housing planning application to be submitted within 12 weeks of this application being approved.
6. A map was sent to the Council on 19 December 2023 indicating where the affordable housing is proposed within the wider development. The areas proposed for the housing are located in the southeast portion of the site at sites 27-44, and the northern portion at sites 107-123. This detail is captured in the text of the Section 76 agreement.
7. The specific requirements of the agreement are to:
  - that prior to the occupation of the 22nd residential unit associated with this current application the affordable housing element (approved by way of the separate planning application) must be commenced;
  - that 8 residential units associated with the affordable housing application to be available for occupation prior to the occupation of the 35<sup>th</sup> residential unit associated with this current application; and
  - The affordable housing will also have to be delivered in full before the 60th residential unit associated with this current application is occupied.
8. These triggers are aimed at ensuring the full delivery of the affordable housing element of the mix tenure scheme consistent with requirements of policy HOU10 and in tandem with the other homes for private sale
9. A copy of the Agreement is attached (see Appendix) and is also to be entered into under Article 8 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 2002 and Section 79 of the Local Government Act (Northern Ireland) 2014 and all other enabling powers must also accord with the Strategic Planning Policy Statement for Northern Ireland.
10. Under the Planning Act (NI) 2011 the Agreement must be sealed by the Council under the Councils constitution the signing of legal documents and the affixing of the corporate seal is delegated to the Chief Executive.

2.0 **Recommendation**

It is recommended that the Council consider the above and that approval be granted to the signing and sealing of this Agreement by the Mayor and Chief Executive.

3.0 **Finance and Resource Implications**

In accordance with the miscellaneous provisions set out at section 6 of the agreement:

The Developers shall pay to the Council on completion of this Deed the legal costs of the Council incurred in the negotiation, preparation and execution of this Deed.

	The Developers shall pay to the Council on completion of this Deed a fee of five thousand pounds (£5000.00) as a contribution towards the Council's costs of monitoring the implementation of this Deed.	
4.0	<b><u>Equality/Good Relations and Rural Needs Impact Assessments</u></b>	
4.1	Has an equality and good relations screening been carried out?	N/A
4.2	This a legal agreement necessary for a planning decision. The policies that informed the decision have been subject to EQIA screening	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	N/A
4.4	This a legal agreement necessary for a planning decision. The policies that informed the decision have been subject to RNIA screening.	

<b>Appendices:</b>	<b>APPENDIX 1CONFID – Section 76 Agreement</b>
--------------------	------------------------------------------------

Dated

2024

LISBURN & CASTLEREAGH CITY COUNCIL (1)

and

JAVIAN LIMITED (2)

---

PLANNING AGREEMENT UNDER SECTION 76 OF THE PLANNING ACT (NORTHERN IRELAND)  
2011 RELATING TO LANDS AT 28-34 BALLYNAHINCH ROAD, CARRYDUFF BT8 8DL

---

## TABLE OF CONTENTS

1.	INTERPRETATION.....	1
2.	STATUTORY PROVISIONS.....	5
3.	CONDITIONALITY.....	5
4.	COVENANTS TO THE COUNCIL.....	6
5.	RELEASE.....	6
6.	DETERMINATION OF DEED.....	6
7.	STATUTORY CHARGE.....	6
8.	COUNCIL'S COSTS.....	7
9.	INTEREST ON LATE PAYMENT.....	7
10.	OWNERSHIP.....	7
11.	REASONABLENESS.....	7
12.	CANCELLATION OF ENTRIES.....	7
13.	DISPUTES.....	7
14.	NO FETTER OF DISCRETION.....	7
15.	WAIVER.....	8
16.	FUTURE PERMISSIONS.....	8
17.	AGREEMENTS AND DECLARATIONS.....	8
18.	NOTICES.....	8
19.	THIRD PARTY RIGHTS.....	9
20.	VALUE ADDED TAX.....	9
21.	GOVERNING LAW.....	9
	SCHEDULE 1 COVENANTS TO THE COUNCIL.....	12
	ANNEX A – PLAN 1 – MEALOUGH LAND.....	13

THIS DEED is made on the                    day of                    2024

**BETWEEN**

- (1) **LISBURN & CASTLEREAGH CITY COUNCIL** of Civic Centre, Lagan Valley Island, Lisburn, BT27 4RL (“the **COUNCIL**”);
- (2) **JAVIAN LIMITED** having its registered office at Unit 2 232-240 Belmont Road, Belfast, Northern Ireland, BT4 2AW (the “**DEVELOPER**”);
- (3) **Fraser Homes Limited** having its registered office at 72-74 Omagh Road, Dromore, Omagh, Northern Ireland, BT78 3AJ (“**Homes**”)

**BACKGROUND**

- (A) The Council is the local planning authority for the purposes of the Planning Act (Northern Ireland) 2011 for the area in which the Mealough Land is situated.
- (B) The Developer is the owner of the Mealough Land.
- (C) The Developer has made the Mealough Planning Application and is proposing to carry out the development of the Mealough Land in accordance with the Mealough Planning Permission.
- (D) The Council having regard to the provisions of the Local Plan and to all other material considerations has required the Developer to make provision for affordable housing within the Mealough Land for a total of 17 Residential Units
- (E) The Council resolved at its meeting on                    to grant approval for the Mealough Land Planning Application, subject to the prior completion of this agreement.
- (F) Homes has a charge over part of the Mealough Land and consents and agrees to this agreement.

**AGREED TERMS**

**1. INTERPRETATION**

The following definitions and rules of interpretation apply in this deed:

1.1 Definitions:

**“Affordable Housing”** means housing that is provided outside of the general market for those whose needs are not met by the market. Affordable housing which is funded by Government must remain affordable or alternatively there must be provision for the public subsidy to be repaid or recycled in the provision of new affordable housing and includes any of:

- a) Social Rented Housing;

b) Intermediate Housing for Sale; or

c) Intermediate Housing for Rent.

**“Affordable Housing Application”** means an application for planning approval for Affordable Housing on the Mealough Land

**“Affordable Housing Permission”** means the planning permission resolved to be issued by the planning Committee of the Council on foot of the Affordable Housing Application

**“Affordable Housing Units”** A minimum of 17 Residential Units to be provided for Affordable Housing within the Mealough Land within the area shaded green on Plan 2 at Annex A.

**“Available Occupation”** for means together the following:

- a) available for Occupation; and
- b) the issuance of a Building Regulations Completion Certificate pursuant to the Building Regulations (Northern Ireland) 2012 (as amended)

**"Base Rate"** the higher of 2% and the base rate from time to time of the Bank of England.

**"Commencement of Development"** of the carrying out in relation to the Development of any material operation as defined by section 63 of the Planning Act but disregarding for the purposes of this deed and for no other purpose, the following operations:

- demolition works;
- site clearance;
- ground investigations;
- site survey works;
- temporary access construction works;

- archaeological investigation; and
- erection of any fences and hoardings around the Property.

**Commence, Commenced** and **Commences** shall be construed accordingly.

**"Commencement Date"** the date the Commencement of Development occurs.

**"Default Interest Rate"** 2% per annum above the Base Rate.

**"Development"** the development of the Mealough Land authorised by the Mealough Planning Permission.

**"Intermediate Housing"** means those Residential Units which shall be co-ownership, shared ownership or Intermediate Housing for Rent or such other product to be agreed in writing by the Council. Intermediate Housing means housing that is made available at a cost lower than private market rent but higher than social rented housing rent, usually at a set percentage below prevailing local market rents and usually only made available to prospective tenants based on the household's total income or the proportion of the total income likely to be spent on housing costs.

**"Intermediate Housing for Rent"** means housing delivered by a Registered Housing Association that is made available at a cost lower than private market rent but higher than social rented housing rent, usually at a set percentage below prevailing local market rent and usually only made available to prospective tenants based on the household's total income or the proportion of the total income likely to be spent on housing costs.

**"Local Development Plan"** means the Lisburn & Castlereagh Local Development Plan 2032.

**"Mealough Land"** the land owned by the Developer and situate at Mealough Road, Carryduff and shown edged red on Plan 1 at **Annex A**.

**“Mealough Land Planning Application”** the application for full planning permission on the Mealough Land submitted to the Council and assigned reference LA05/2023/0292/F

**“Mealough Planning Permission”** the planning permission resolved to be issued by the Planning Committee of the Council on foot of the Mealough Land Planning Application.

**“Occupation”** Actual occupation of any Residential Unit at the Development but shall not include occupation for the purposes of construction or fitting out or for marketing purposes or for any substation leases granted to NIE. **Occupy** and **Occupied** shall be construed accordingly.

**“Residential Unit”** a building or part of a building constructed pursuant to the Planning Permission intended for use as a separate dwelling in the occupation of one household and which shall include, without prejudice to the generality for the foregoing, an apartment, a maisonette, a semi-detached dwelling, a town house or terrace property or a detached dwelling house.

**“Social Rented Housing”** those Residential Units to be provided at an affordable rent by a Registered Housing Association made available to households in housing need and offered in accordance with the common selection scheme administered by NIHE which prioritises households living in unsuitable or insecure accommodation.

**“VAT”** value added tax chargeable under the Value Added Tax Act 1994 and any similar replacement tax and any similar additional tax.

**“Working Day”** any day which is not a Saturday, a Sunday, a bank holiday or a public holiday in Northern Ireland.

- 1.2 Clause headings shall not affect the interpretation of this deed.
- 1.3 A **person** includes a natural person, corporate or unincorporated body (whether or not having separate legal personality).
- 1.4 A reference to a **company** shall include any company, corporation or other body corporate, wherever and however incorporated or established.
- 1.5 Unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular.
- 1.6 Unless the context otherwise requires, a reference to one gender shall include a reference to the other genders.

- 1.7 A reference to any party shall include that party's personal representatives, successors and permitted assigns and in the case of the Council the successors to its respective statutory functions.
- 1.8 Unless the context otherwise requires, a reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time.
- 1.9 Unless the context otherwise requires, a reference to a statute or statutory provision shall include any subordinate legislation made from time to time under that statute or statutory provision.
- 1.10 A reference to **writing** or **written** excludes faxes and e-mail.
- 1.11 A reference to **this deed** or to any other deed or document referred to in this deed is a reference to this deed or such other deed or document as varied or novated (in each case, other than in breach of the provisions of this deed) from time to time.
- 1.12 References to clauses and Schedules are to the clauses and Schedules of this deed.
- 1.13 An obligation on a party not to do something includes an obligation not to allow that thing to be done.
- 1.14 Any words following the terms **including, include, in particular, for example** or any similar expression shall be construed as illustrative and shall not limit the sense of the words, description, definition, phrase or term preceding those terms.
- 1.15 Where an obligation falls to be performed by more than one person, the obligation can be enforced against every person so bound jointly and against each of them individually.

## **2. STATUTORY PROVISIONS**

- 2.1 This deed constitutes a planning agreement for the purposes of section 76 of the Planning Act.
- 2.2 The covenants, restrictions and obligations contained in this deed are planning obligations for the purposes of section 76 of the Planning Act and are entered into by the Developer, in the knowledge that they bind the Mealough Land.
- 2.3 The covenants, restrictions and obligations contained in this deed are enforceable by the Council in accordance with section 76 of the Planning Act.
- 2.4 Insofar as any of the covenants, restrictions or obligations contained in this deed are not planning obligations within the meaning of the Planning Act, they are entered into freely by the Council, and the Developer pursuant to Article 8 of The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 2002, Article 79 of the Local Government Act (Northern Ireland) 2014 and all other enabling powers with the intention that they bind the interests held by the Developer in the Mealough Land, and their successors and assigns.

## **3. CONDITIONALITY**

- 3.1 All obligations contained within this deed shall come into effect and bind the Mealough Land from the date of grant of the Mealough Planning Permission.

- 3.2 Homes consents to the terms of this Deed Provided That Homes shall not be liable for any breach of the obligations in this Deed unless committed or continuing when Homes is in possession of that part of the Mealough Land over which Homes has a charge.

#### **4. COVENANTS TO THE COUNCIL AND COVENANTS BY THE COUNCIL**

- 4.1 The Developer covenants with the Council to observe and perform the covenants, restrictions and obligations contained in Schedule 1.
- 4.2 The Council covenants with the Developer that it shall;  
immediately upon the execution of this agreement issue the Mealough Planning Permission and  
expeditiously and efficiently process the Affordable Housing Application.

#### **5. RELEASE**

No person shall be liable for any breach of a covenant, restriction or obligation contained in this deed after parting with all of its interest in the Mealough Land except in respect of any breach subsisting prior to parting with such interest.

#### **6. DETERMINATION OF DEED**

- 6.1 The obligations in this deed (with the exception of clause 8) shall cease to have effect if before the Commencement of Development, the Mealough Planning Permission:
- 6.1.1 expires;
  - 6.1.2 is varied or revoked other than at the request of the Developer; or
  - 6.1.3 is quashed following a successful legal challenge (including on foot of an application for judicial review pursuant to Order 53 of The Rules of the Court of Judicature (NI) 1980).

#### **7. STATUTORY CHARGE**

This deed shall be registered as a statutory charge in the statutory charges register pursuant to section 245 of the Planning Act.

**8. COUNCIL'S COSTS**

8.1 The Developer shall pay to the Council on or before the date of this deed the Council's reasonable and proper legal costs together with all disbursements incurred in connection with the negotiation, completion and registration of this deed.

8.2 The Developer shall pay to the Council on or before the date of this deed a fee of £5000 as a contribution towards the Council's costs of monitoring the implementation of this Deed.

**9. INTEREST ON LATE PAYMENT**

If any sum or amount has not been paid to the Council by the date it is due under this deed, the Developer shall pay the Council interest on that amount at the Default Interest Rate (both before and after any judgment). Such interest shall accrue on a daily basis for the period from the due date to and including the date of payment.

**10. OWNERSHIP**

The Developer warrants that no person other than the Developer and Homes has any legal or equitable interest in the Mealough Land.

**11. REASONABLENESS**

Any approval, consent, direction, authority, agreement or action to be given by the Council under this deed shall not be unreasonably withheld or delayed.

**12. CANCELLATION OF ENTRIES**

If this deed is determined pursuant to clause 6 (and subject to the payment of the Council's reasonable and proper costs and charges) the Council will on the written request of the Developer or any successors in title cancel all entries made in the statutory charges register in respect of this deed.

**13. DISPUTES**

Any dispute or difference arising between the parties with regard to their respective rights and obligations as to any matter or thing in any way arising out of or connected with the Deed will, except as otherwise expressly provided, be referred to the Courts of Northern Ireland for final determination and the parties agree that the courts of Northern Ireland shall have exclusive jurisdiction in respect of all matters under or in connection with this Deed.

**14. NO FETTER OF DISCRETION**

Nothing (contained or implied) in this deed shall fetter or restrict the Council's statutory rights, powers, discretions and responsibilities. In particular, nothing in this deed shall fetter

the powers of the Council under the Planning Act relating to its determination of any planning application lodged in the future relating to the Mealough Land.

**15. WAIVER**

No failure or delay by the Council to exercise any right or remedy provided under this deed or by law shall constitute a waiver of that or any other right or remedy. No single or partial exercise of such right or remedy shall prevent or restrict the further exercise of that or any other right or remedy.

**16. FUTURE PERMISSIONS**

16.1 This deed, to the extent outlined in the First Schedule, restricts the use of the Mealough Land, to the extent outlined in First Schedule, in perpetuity in accordance with Section 76 of the Planning Act unless otherwise agreed by amendment to this deed in accordance with the Planning Act.

16.2 Nothing in this deed shall prohibit or limit the right to develop any part of the Mealough Land in accordance with any planning permission granted after the date of the Mealough Planning Permission.

**17. AGREEMENTS AND DECLARATIONS**

17.1 The parties agree that:

17.1.1 nothing in this deed (including the covenants contained within Schedule 1 to this deed) constitutes a planning permission or an obligation to grant planning permission; and

17.1.2 nothing in this deed grants planning permission or any other approval, consent or permission required from the Council in the exercise of any other statutory function.

**18. NOTICES**

18.1 Any notice or other communication to be given under this deed must be in writing and must be:

18.1.1 delivered by hand; or

18.1.2 sent by pre-paid first class post or other next working day delivery service.

18.2 Any notice or other communication to be given under this deed must be sent to the relevant party as follows:

18.2.1 to the Council at the Council's Civic Headquarters, Lagan Valley Island, Lisburn, BT27 4RL marked for the attention of the Head of Planning;

18.2.2 to the Developer at the address shown in this agreement; and  
or as otherwise specified by the relevant party by notice in writing to each other party.

18.3 Any notice or other communication given in accordance with clause 18.1 and clause 18.2 will be deemed to have been received:

18.3.1 if delivered by hand, on signature of a delivery receipt provided that if delivery occurs before 9.00 am on a Working Day, the notice will be deemed to have been received at 9.00 am on that day, and if delivery occurs after 5.00 pm on a Working Day, or on a day which is not a Working Day, the notice will be deemed to have been received at 9.00 am on the next Working Day; or

18.3.2 if sent by pre-paid first class post or other next working day delivery service, at 9 a.m. on the second Working Day after posting.

18.4 This clause does not apply to the service of any proceedings or other documents in any legal action or, where applicable, any arbitration or other method of dispute resolution.

## **19. THIRD PARTY RIGHTS**

A person who is not a party to this deed shall not have any rights under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of this deed.

## **20. VALUE ADDED TAX**

20.1 Each amount stated to be payable by the Council, or the Developer to the other under or pursuant to this deed is exclusive of VAT (if any).

## **21. GOVERNING LAW**

This deed and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of Northern Ireland.

This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

Signed as a deed by a duly authorised  
proper officer of the Council in the presence  
of:

.....

COUNCIL PROPER OFFICER

.....

SIGNATURE OF WITNESS

NAME

ADDRESS

OCCUPATION

Executed as a deed by

**JAVIAN LIMITED**

acting by a director in the presence of:

.....

Director

.....

SIGNATURE OF WITNESS

NAME

ADDRESS

OCCUPATION

Executed as a deed by

**FRASER HOMES LIMITED**

acting by a director in the presence of:

.....

Director

.....

SIGNATURE OF WITNESS

NAME

ADDRESS

OCCUPATION

**SCHEDULE 1  
COVENANTS TO THE COUNCIL**

The Developer, obligates to the Council as follows:

**AFFORDABLE HOUSING**

The Developer hereby agrees that:

1. Prior to the expiration of 12 weeks from the date of the approval of the Mealough Planning Application, the Developer, or a party contracted or connected to the Developer, shall submit the Affordable Housing Application to the Council.
  
2. Prior to the earlier of the following;
  - a. the Occupation of the 22<sup>nd</sup> Residential Unit permitted by the Mealough Planning Permission; or
  - b. the Commencement of the 61<sup>st</sup> Residential Unit permitted by Mealough Planning Permission

the Affordable Housing Permission must be Commenced.

3. Prior to Occupation of 35<sup>th</sup> Residential Unit permitted by the Mealough Planning Permission a minimum of 9 Residential Units permitted by the Affordable Housing Permission shall be Available for Occupation.
  
4. Prior to the Occupation of the 60<sup>th</sup> Residential Unit permitted by the Mealough Planning Permission a further 8 Residential Units permitted by the Affordable Housing Permission shall be Available for Occupation.
  
5. Nothing in this Deed prejudices the operation of or compliance by the parties with the Agreement dated 27 September 2018 made pursuant to section 76 of the Planning Act (Northern Ireland) 2011 between the Council (1) Fraser Houses (NI) Limited, Fraser Homes Limited, CHJ (125) Limited and Mealough Developments Limited (2) AIB Group (UK) PLC and the Governor and Company of the Bank of Ireland (3) in relation to planning permissions with references Y/2007/0455/F, Y/2008/0224/F and Y/2009/0114/F.

ANNEX A – PLAN 1 – MEALOUGH LAND

ANNEX A – PLAN 2 – AFFORDABLE HOUSING LOCATION

<b>Committee:</b>	Council Meeting
<b>Date:</b>	25 March 2024
<b>Report from:</b>	Chief Executive

## CONFIDENTIAL REPORT

<b>Reason why the report is confidential:</b>	Information relating to the financial or business affairs of any particular person (including the Council)
<b>When will the report become available:</b>	After the agreement is signed and sealed
<b>When will a redacted report become available:</b>	
<b>The report will never become available:</b>	

<b>Item for:</b>	Decision
<b>Subject:</b>	Requirement to enter into a Section 76 planning agreement for planning application LA05/2023/0662/F

1.0	<p><b><u>Background</u></b></p> <p>1. Section 76 (1) of the Planning Act (Northern Ireland) 2011 (the Act) provides that any person with an estate in land may enter into an agreement with the relevant authority to:</p> <ul style="list-style-type: none"> <li>▪ Facilitate or restrict the development or use of land in any specified way;</li> <li>▪ Require specified operations or activities to be carried out in, on, under or over land;</li> <li>▪ Require the land to be used in a specified way;</li> <li>▪ Require a sum or sums to be paid to the planning authority or to a Northern Ireland government department on specified date/dates or periodically.</li> </ul> <p><b><u>Key Issues</u></b></p> <p>1. It was resolved at a meeting of the planning committee on 04 March 2024 to grant planning permission for amendments to planning permission Y/2009/0160/F for a change of apartment type and amendments to the plot boundary at sites 106 to 117 inclusive to provide 12 (CAT 2) apartments. The proposal also provided for the retention of roads/footways and open space as approved with minor amendments to landscape proposals.</p> <p>2. The recommendation presented was subject to the developer entering into a Section 76 planning agreement to ensure that adequate provision is made for affordable housing as an integral part of the development in accordance with Policy HOU10 of the Lisburn and Castlereagh City Council Local Development Plan.</p> <p>3. The applicant indicates in their submission that the proposal is for social rented accommodation and the building is redesigned to meet the standard required for</p>
-----	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

grant funding as Housing Association accommodation. If all the units were not subsequently let, they could still be sold as affordable intermediate housing consistent with the definition of affordable housing.

4. The specific requirements of the agreement are as follows:
  - On the commencement of Development, the Developer hereby agrees to restrict the development of the Property for Affordable Housing only.
  - Within 3 months of receipt of the Affordable housing permission, the Developer shall provide the Council with written notification on any agreement being reached with a Registered Housing Association to procure the Affordable Housing Units on the Property.
5. A copy of the Agreement is attached (**see Appendix**) and is also to be entered into under Article 8 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 2002 and Section 79 of the Local Government Act (Northern Ireland) 2014 and all other enabling powers must also accord with the Strategic Planning Policy Statement for Northern Ireland.
6. Under the Planning Act (NI) 2011 the Agreement must be sealed by the Council under the Council's constitution the signing of legal documents and the affixing of the corporate seal is delegated to the Chief Executive.

2.0 **Recommendation**

It is recommended that the Council consider the above and that approval be granted to the signing and sealing of this Agreement by the Mayor and Chief Executive.

3.0 **Finance and Resource Implications**

1. In accordance with the miscellaneous provisions set out at section 6 of the agreement:
  - 1.1. The Developers shall pay to the Council on completion of this Deed the legal costs of the Council incurred in the negotiation, preparation and execution of this Deed.
  - 1.2. The Developers shall pay to the Council on completion of this Deed a fee of five thousand pounds (£1500.00) as a contribution towards the Council's costs of monitoring the implementation of this Deed.

4.0 **Equality/Good Relations and Rural Needs Impact Assessments**

4.1	Has an equality and good relations screening been carried out?	N/A
-----	----------------------------------------------------------------	-----

4.2	This a legal agreement necessary for a planning decision. The policies that informed the decision have been subject to EQIA screening	
-----	---------------------------------------------------------------------------------------------------------------------------------------	--

4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	N/A
-----	------------------------------------------------------------	-----

grant funding as Housing Association accommodation. If all the units were not subsequently let, they could still be sold as affordable intermediate housing consistent with the definition of affordable housing.

4. The specific requirements of the agreement are as follows:
  - On the commencement of Development, the Developer hereby agrees to restrict the development of the Property for Affordable Housing only.
  - Within 3 months of receipt of the Affordable housing permission, the Developer shall provide the Council with written notification on any agreement being reached with a Registered Housing Association to procure the Affordable Housing Units on the Property.
5. A copy of the Agreement is attached (**see Appendix**) and is also to be entered into under Article 8 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 2002 and Section 79 of the Local Government Act (Northern Ireland) 2014 and all other enabling powers must also accord with the Strategic Planning Policy Statement for Northern Ireland.
6. Under the Planning Act (NI) 2011 the Agreement must be sealed by the Council under the Council's constitution the signing of legal documents and the affixing of the corporate seal is delegated to the Chief Executive.

2.0 **Recommendation**

It is recommended that the Council consider the above and that approval be granted to the signing and sealing of this Agreement by the Mayor and Chief Executive.

3.0 **Finance and Resource Implications**

1. In accordance with the miscellaneous provisions set out at section 6 of the agreement:
  - 1.1. The Developers shall pay to the Council on completion of this Deed the legal costs of the Council incurred in the negotiation, preparation and execution of this Deed.
  - 1.2. The Developers shall pay to the Council on completion of this Deed a fee of five thousand pounds (£1500.00) as a contribution towards the Council's costs of monitoring the implementation of this Deed.

4.0 **Equality/Good Relations and Rural Needs Impact Assessments**

4.1	Has an equality and good relations screening been carried out?	N/A
-----	----------------------------------------------------------------	-----

4.2	This a legal agreement necessary for a planning decision. The policies that informed the decision have been subject to EQIA screening	
-----	---------------------------------------------------------------------------------------------------------------------------------------	--

4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	N/A
-----	------------------------------------------------------------	-----

4.4	This a legal agreement necessary for a planning decision. The policies that informed the decision have been subject to RNIA screening.	
-----	----------------------------------------------------------------------------------------------------------------------------------------	--

<b>Appendices:</b>	<b>APPENDIX 1</b> CONFID – Section 76 Agreement – LA05/2023/0662/F
--------------------	--------------------------------------------------------------------

**Dated**

**2024**

**LISBURN & CASTLEREAGH CITY COUNCIL (1)**

**and**

**FRASER HOMES LTD (2)**

**and**

**THE GOVERNOR AND COMPANY OF THE BANK OF IRELAND (3)**

---

**PLANNING AGREEMENT UNDER SECTION 76 OF THE PLANNING ACT  
(NORTHERN IRELAND) 2011 RELATING TO THE BARONSGRANGE  
DEVELOPMENT, COMBER ROAD, CARRYDUFF, BT8 8AN**

---

## TABLE OF CONTENTS

1.	INTERPRETATION .....	2
2.	STATUTORY PROVISIONS.....	5
3.	CONDITIONALITY .....	6
4.	COVENANTS TO THE COUNCIL .....	6
5.	MORTGAGEE'S CONSENT.....	6
6.	RELEASE.....	6
7.	DETERMINATION OF DEED .....	6
8.	STATUTORY CHARGE .....	7
9.	COUNCIL'S COSTS.....	7
10.	INTEREST ON LATE PAYMENT .....	7
11.	OWNERSHIP .....	7
12.	REASONABLENESS .....	7
13.	CANCELLATION OF ENTRIES.....	8
14.	DISPUTES .....	8
15.	NO FETTER OF DISCRETION .....	8
16.	WAIVER .....	8
17.	FUTURE PERMISSIONS .....	8
18.	AGREEMENTS AND DECLARATIONS .....	8
19.	NOTICES .....	9
20.	THIRD PARTY RIGHTS .....	9
21.	GOVERNING LAW.....	10
	SCHEDULE 1 COVENANTS TO THE COUNCIL.....	13
	 ANNEX A – PLAN 1 – THE PROPERTY .....	 17

**THIS DEED** is made on the      day of March 2024

**BETWEEN**

- (1)      **LISBURN & CASTLEREAGH CITY COUNCIL** of Civic Centre, Lagan Valley Island, Lisburn, BT27 4RL (“the **COUNCIL**”);
- (2)      **FRASER HOMES LIMITED** of 72-74 Omagh Road, Dromore, Omagh, Northern Ireland, BT78 3AJ (the “**DEVELOPER**”); **and**
- (3)      **THE GOVERNOR AND COMPANY OF THE BANK OF IRELAND** of 1 Donegal Square South, Belfast, BT1 5LR (the “**MORTGAGEE**”).

**BACKGROUND**

- (A)      The Council is the local planning authority for the purposes of the Planning Act (Northern Ireland) 2011 for the area in which the Property is situated.
- (B)      The Developer is the freehold owner of the Property which is free from encumbrances save that part of the Property included in Folios DN130143 and DN263102 County Down are currently subject to a pending application to Land Registry for Northern Ireland to register a charge (application reference 2023/480606) (“the Charge”) in favour of The Governor and Company of the Bank of Ireland.
- (C)      The Mortgagee has confirmed its consent to the Affordable Housing Application and to this deed being registered on the Statutory Charges Register in accordance with Clause 8 below.
- (D)      The Developer has made the Affordable Housing Application and is proposing to carry out the Development upon the Property.
- (E)      This deed seeks to secure the delivery of affordable housing at the Property. The delivery will be secured by the Developers Covenants to the Council within Schedule 1 of this deed.
- (F)      The Council having regard to the provisions of the Local Plan and to all other material considerations resolved at its meeting on 4<sup>th</sup> March 2024 to grant the Affordable Housing Application subject to the prior completion of this agreement.

## AGREED TERMS

### 1. INTERPRETATION

The following definitions and rules of interpretation apply in this deed:

#### 1.1 Definitions:

- “Affordable Housing”** means housing that is provided outside of the general market for those whose needs are not met by the market. Affordable housing which is funded by Government must remain affordable or alternatively there must be provision for the public subsidy to be repaid or recycled in the provision of new affordable housing and includes any of:
- a) Social Rented Housing;
  - b) Intermediate Housing for sale; or
  - c) Intermediate Housing for Rent.
- “Affordable Housing Application”** a full planning application for *“Amendments to planning permission reference Y/2009/0160/F: change of apartment type and plot boundary amendments to approved apartments on plots 106 to 117 inclusive to provide 12 No. CAT 1 apartments. Retention of roads/footways and open space as approved by Y/2009/0160/F with minor amendments to landscape proposals”* at Baronsgrange Development (under construction) Comber Road, Carryduff, BT8 8AN. The application reference is LA05/2023/0662/F.
- “Affordable Housing Permission”** the planning permission granted by the Council on foot of the Affordable Housing Application.
- “Affordable Housing Units”** Residential Units to be provided for Affordable Housing.

<b>"Base Rate"</b>	the higher of 2% and the base rate from time to time of the Bank of England.
<b>"Commencement of Development"</b>	<p>the carrying out in relation to the Development of any material operation as defined by section 63 of the Planning Act but disregarding for the purposes of this deed and for no other purpose, the following operations:</p> <ul style="list-style-type: none"> <li>• demolition works;</li> <li>• site clearance;</li> <li>• ground investigations;</li> <li>• site survey works;</li> <li>• temporary access construction works;</li> <li>• archaeological investigation; and</li> <li>• erection of any fences and hoardings around the Property.</li> </ul> <p><b>Commence</b> and <b>Commences</b> shall be construed accordingly.</p>
<b>"Commencement Date"</b>	the date the Commencement of Development occurs.
<b>"Default Interest Rate"</b>	2% per annum above the Base Rate.
<b>"Development"</b>	the development of the Property authorised by the Affordable Housing Permission.
<b>"Intermediate Housing"</b>	means those Residential Units which shall be co-ownership, shared ownership or Intermediate Housing for Rent or such other product to be agreed in writing by the Council. Intermediate Housing means housing that is made available at a cost lower than private market rent but higher than social rented housing rent, usually at a set percentage below prevailing local market rents and usually only made available to prospective tenants based on the household's total income or the proportion of the total income likely to be spent on housing costs.
<b>"Intermediate Housing for Rent"</b>	means housing delivered by a Registered Housing Association that is made available at a cost lower than private market rent but higher than social rented housing rent, usually at a set percentage below prevailing local market rent and usually only made available to prospective tenants based on the household's total income or the proportion of the total income likely to be spent on housing costs.

<b>"Local Plan"</b>	Lisburn & Castlereagh Local Development Plan 2032.
<b>"Plan"</b>	means the plan showing the Property edged in red and attached to this Deed at Annex 1.
<b>"Planning Act"</b>	Planning Act (Northern Ireland) 2011
<b>"Property"</b>	all those lands comprised within the lands delineated in red on the plan held on Plan 1 at ANNEX A forming part of the lands comprised in Folios DN263101, DN136005, DN130143, DN130778 and DN263102 County Down.
<b>"Residential Unit(s)"</b>	a building or part of a building constructed pursuant to the Affordable Housing Permission intended for use as a separate dwelling in the occupation of one household and which shall include, without prejudice to the generality for the foregoing, an apartment, a maisonette, a semi-detached dwelling, a town house or terrace property or a detached dwelling house.
<b>"Social Rented Housing"</b>	those Residential Units to be provided at an affordable rent by a Registered Housing Association made available to households in housing need and offered in accordance with the common selection scheme administered by NIHE which prioritises households living in unsuitable or insecure accommodation.
<b>"Working Day"</b>	any day which is not a Saturday, a Sunday, a bank holiday or a public holiday in Northern Ireland.

- 1.2 Clause headings shall not affect the interpretation of this deed.
- 1.3 A **person** includes a natural person, corporate or unincorporated body (whether or not having separate legal personality).
- 1.4 A reference to a **company** shall include any company, corporation or other body corporate, wherever and however incorporated or established.
- 1.5 Unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular.
- 1.6 Unless the context otherwise requires, a reference to one gender shall include a reference to the other genders.
- 1.7 A reference to any party shall include:-
- 1.7.1 that party's personal representatives, successors and permitted assigns; and
- 1.7.2 in the case of the Council, the successors to its respective statutory functions; and
- 1.7.3 and in the case of the Mortgagee, any appointed receiver, administrative receiver, administrator, or any other person appointed under any security documentation to enable the Mortgagee to realise its security.
- 1.8 .

- 1.9 Unless the context otherwise requires, a reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time.
- 1.10 Unless the context otherwise requires, a reference to a statute or statutory provision shall include any subordinate legislation made from time to time under that statute or statutory provision.
- 1.11 A reference to **writing** or **written** excludes faxes and e-mail.
- 1.12 A reference to **this deed** or to any other deed or document referred to in this deed is a reference to this deed or such other deed or document as varied or novated (in each case, other than in breach of the provisions of this deed) from time to time.
- 1.13 References to clauses and Schedules are to the clauses and Schedules of this deed.
- 1.14 An obligation on a party not to do something includes an obligation not to allow that thing to be done.
- 1.15 Any words following the terms **including, include, in particular, for example** or any similar expression shall be construed as illustrative and shall not limit the sense of the words, description, definition, phrase or term preceding those terms.
- 1.16 Where an obligation falls to be performed by more than one person, the obligation can be enforced against every person so bound jointly and against each of them individually.

## **2. STATUTORY PROVISIONS**

- 2.1 This deed constitutes a planning agreement for the purposes of section 76 of the Planning Act.
- 2.2 The covenants, restrictions and obligations contained in this deed are planning obligations for the purposes of section 76 of the Planning Act and are entered into by the Council, the Developer and the Mortgagee with the knowledge that they bind the interests held by those persons in the Property.
- 2.3 The covenants, restrictions and obligations contained in this deed are enforceable by the Council in accordance with section 76 of the Planning Act.
- 2.4 Insofar as any of the covenants, restrictions or obligations contained in this deed are not planning obligations within the meaning of the Planning Act, they are entered into freely by the Council, the Developer and the Mortgagee pursuant to Article 8 of The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 2002, Article 79 of the Local Government Act (Northern Ireland) 2014 and all other enabling powers with the intention that they bind the interests held by those persons in the Property, and their successors and assigns.
- 2.5 No planning obligation contained in this deed shall be binding on any land held by any of the statutory utilities for their operational purposes.

### **3. CONDITIONALITY**

All obligations contained within this deed shall come into effect and bind the Property from the date of the Commencement of Development.

### **4. COVENANTS TO THE COUNCIL**

The Developer covenants with the Council to observe and perform the covenants, restrictions and obligations contained in Schedule 1.

### **5. MORTGAGEE'S CONSENT**

- 5.1 The Mortgagee consents to the completion of this deed and declares that its interest in the Property shall be bound by the terms of this deed, as if it had been executed and registered as a statutory charge prior to the creation of the Mortgagee's interest in the Property.
- 5.2 The Mortgagee shall not be personally liable for any breach of the obligations in this deed unless committed or continuing at a time when the Mortgagee is in possession of all or any part of the Property.
- 5.3 Subject to the provisions of clause 5.2 the Mortgagee accepts and acknowledges that it shall continue to be bound by the terms of this deed, in circumstances where the Mortgagee (or its successor(s) in title) has appointed a receiver, administrative receiver, administrator, or any other person appointed under any security documentation to enable the Mortgagee to realise its security.
- 5.4
- 5.5 Clauses 5.1 to 5.2 will apply equally to any future mortgagee from time to time holding a charge over the Property.

### **6. RELEASE**

- 6.1 No person shall be liable for any breach of a covenant, restriction or obligation contained in this deed after parting with all of its interest in the Property to which the breach relates, except in respect of any breach subsisting prior to parting with such interest.
- 6.2 Any individual occupier or purchaser of a Residential Unit within the Development shall not be held liable for a breach any breach of a covenant, restriction or obligation contained in this deed.

### **7. DETERMINATION OF DEED**

- 7.1 The obligations in this deed shall cease to have effect if before the Commencement of Development, the Affordable Housing Permission:

- 7.1.1 expires;
- 7.1.2 is varied or revoked other than at the request of the Developer; or
- 7.1.3 is quashed following a successful legal challenge (including on foot of an application for judicial review pursuant to Order 53 of The Rules of the Court of Judicature (NI) 1980).

## **8. STATUTORY CHARGE**

This deed shall be registered as a statutory charge in the statutory charges register pursuant to section 245 of the Planning Act.

## **9. COUNCIL'S COSTS**

The Developer shall pay to the Council on or before the date of this deed the Council's reasonable and proper legal costs together with all disbursements incurred in connection with the negotiation, completion and registration of this deed.

## **10. INTEREST ON LATE PAYMENT**

If any sum or amount has not been paid to the Council by the date it is due under this deed, the Developer shall pay the Council interest on that amount at the Default Interest Rate (both before and after any judgment). Such interest shall accrue on a daily basis for the period from the due date to and including the date of payment.

## **11. OWNERSHIP**

The Developer warrants that no person other than the Developer has any legal or equitable interest in the Property save for the Mortgagee (which consents to this deed) and the parties entitled to the benefit of easements for services registered against the Property (which do not hinder or prevent the Development of the Property).

## **12. REASONABLENESS**

Any approval, consent, direction, authority, agreement or action to be given by the Council under this deed shall not be unreasonably withheld or delayed.

**13. CANCELLATION OF ENTRIES**

If this deed is determined pursuant to clause 7 (and subject to the payment of the Council's reasonable and proper costs and charges) the Council will on the written request of the Developer or any successors in title cancel all entries made in the statutory charges register in respect of this deed.

**14. DISPUTES**

Any dispute or difference arising between the parties with regard to their respective rights and obligations as to any matter or thing in any way arising out of or connected with the Deed will, except as otherwise expressly provided, be referred to the Courts of Northern Ireland for final determination and the parties agree that the courts of Northern Ireland shall have exclusive jurisdiction in respect of all matters under or in connection with this Deed.

**15. NO FETTER OF DISCRETION**

Nothing (contained or implied) in this deed shall fetter or restrict the Council's statutory rights, powers, discretions and responsibilities. In particular, nothing in this deed shall fetter the powers of the Council under the Planning Act relating to its determination of any planning application lodged in the future relating to the Property.

**16. WAIVER**

No failure or delay by the Council to exercise any right or remedy provided under this deed or by law shall constitute a waiver of that or any other right or remedy. No single or partial exercise of such right or remedy shall prevent or restrict the further exercise of that or any other right or remedy.

**17. FUTURE PERMISSIONS**

17.1 This deed, to the extent outlined in the First Schedule restricts the use of the Property pursuant to the Affordable Housing Permission in accordance with Section 76 of the Planning Act unless otherwise agreed by amendment to this deed in accordance with the Planning Act.

17.2 Nothing in this deed shall prohibit or limit the right to develop any part of the Property in accordance with any planning permission (except for the Affordable Housing Permission or any modification, variation or amendment thereof pursuant to section 54 of the Planning Act which shall be so bound) granted after the date of the Affordable Housing Permission.

**18. AGREEMENTS AND DECLARATIONS**

18.1 The parties agree that:

- 18.1.1 nothing in this deed (including the covenants contained within Schedule 1 to this deed) constitutes a planning permission or an obligation to grant planning permission; and
- 18.1.2 nothing in this deed grants planning permission or any other approval, consent or permission required from the Council in the exercise of any other statutory function.

## **19. NOTICES**

- 19.1 Any notice or other communication to be given under this deed must be in writing and must be:
  - 19.1.1 delivered by hand; or
  - 19.1.2 sent by pre-paid first class post or other next working day delivery service.
- 19.2 Any notice or other communication to be given under this deed must be sent to the relevant party as follows:
  - 19.2.1 to the Council at the Council's Civic Headquarters, Lagan Valley Island, Lisburn, BT27 4RL marked for the attention of the Head of Planning;
  - 19.2.2 to the Developer at the address shown in this agreement,  
or as otherwise specified by the relevant party by notice in writing to each other party;  
and,
  - 19.2.3 to the Mortgagee at the address shown in this agreement.
- 19.3 Any notice or other communication given in accordance with clause 18.1 and clause 18.2 will be deemed to have been received:
  - 19.3.1 if delivered by hand, on signature of a delivery receipt provided that if delivery occurs before 9.00 am on a Working Day, the notice will be deemed to have been received at 9.00 am on that day, and if delivery occurs after 5.00 pm on a Working Day, or on a day which is not a Working Day, the notice will be deemed to have been received at 9.00 am on the next Working Day; or
  - 19.3.2 if sent by pre-paid first class post or other next working day delivery service, at 9 a.m. on the second Working Day after posting.
- 19.4 This clause does not apply to the service of any proceedings or other documents in any legal action or, where applicable, any arbitration or other method of dispute resolution.

## **20. THIRD PARTY RIGHTS**

A person who is not a party to this deed shall not have any rights under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of this deed.

**21. GOVERNING LAW**

This deed and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of Northern Ireland.

This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

THE COMMON SEAL OF THE COUNCIL  
was affixed in the presence of:

Authorised Signatory:

Executed as a deed by

**FRASER HOMES LIMITED** acting by a  
director in the presence of:

.....

Director

.....

SIGNATURE OF WITNESS

NAME

ADDRESS

OCCUPATION

**SCHEDULE 1  
COVENANTS TO THE COUNCIL**

The Developer covenants with the Council as follows:

**1. AFFORDABLE HOUSING**

- 1.1 On the Commencement of Development, the Developer hereby agrees to restrict the development of the Property for Affordable Housing only.
- 1.2 Within 3 months of receipt of the Affordable Housing Permission, the Developer shall provide the Council with written notification of any agreement being reached with a Registered Housing Association to procure the Affordable Housing Units on the Property.

**2. MONITORING FEE**

- 2.1 On or before the date of Commencement of Development, the Developer shall pay to the Council a monitoring fee in the sum of £1,500 for the purposes of monitoring compliance with agreement.

## **ANNEX A – PLAN 1 – THE PROPERTY**