

Causeway Coast & Glens

District Council

Organisation Development Committee Thursday 12th March 2015

Table of recommendations

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5.1	Convergence of Street Trading Fees	<i>Set fees as presented and establish Sub Committee</i>
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5.5	Scheme of Officer Authorisation and Delegation of Powers	<i>Approve 1-4</i>
6.	Leisure & Development	
6.1	Draft Community Development Strategy	<i>Accept</i>
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Organisation Development Committee

Minutes of the Meeting of Causeway Coast & Glens Shadow Council Organisation Development Committee, held in the Council Chamber, Ballymoney Borough Council on Thursday 12th March 2015 at 7.00pm.

- In the Chair: Councillor D Nicholl (Chair)
- Members present: Councillors Blair, Callan, Campbell, Chivers, Clarke, Douglas, Hickey, Loftus, McCandless, McCaul, McLean, McKillop MA, McShane P, Mulholland, Robinson, Stevenson, Wilson
- In attendance: Mr D Jackson, Chief Executive Designate
Ms S Kelly, Lead Officer Organisation Development
Mr S McMaw, Head of Convergence
Mr R Baker, Lead Officer Leisure & Development
Mr A McPeake, Lead Officer Environmental Services
Mrs P Donaghy, Committee Administrator
- Mr W Cameron, DSD (Item 3)
- M Quinn, J Welsh, L Scullion, K McCollum, P O'Brien, A Jeffers

1. Apologies

Apologies were recorded from Councillors Duddy, Holmes and Hunter

2. Declarations of Interest

There were no declarations of interest recorded.

3. Presentation – Portrush Regeneration Strategy

Committee AGREED: **to consider the item 'in committee'**.

The Chair welcomed Mr William Cameron, Department for Social Development to the meeting and invited him to give his presentation, attached Appendix 1.

Following the presentation Mr Cameron responded to Members' questions regarding the success of the Irish Open in Portrush, the potential opportunities for the area from the British Open in 2019 and future funding.

After the presentation and questions Committee AGREED: **to resolve itself out 'of committee'**.

*Mr Cameron left the meeting at 7.25pm.

4. Minutes of meeting held 22nd January 2015

The minutes of the meeting held on 22nd January 2015 were confirmed as a correct record.

5. Environmental Services

5.1 Convergence of Street Trading Fees (OD150122.7; SC150226)

The Lead Officer Environmental Services presented the report, previously circulated and as undernoted.

Background

It has been determined through the work of the Environmental Health Cluster Working Group that there is a variation in the levels of fees charged for Street Trading Licences in the four councils. The following are recommendations to set new fees based on the recovery of costs to Council in administering the licensing scheme under the Street Trading Act (N.I.) 2001 as well as costs incurred in refuse disposal and cleaning of streets as a result of street trading.

Proposed fee structure

Under Section 15 of the Street Trading (NI) Act 2001 the Council may determine fees for following:

- 1. Stationary Trading Licence Fee;***
- 2. Mobile Trading Licence Fee;***
- 3. Temporary Trading Licence Fee;***
- 4. Lammis Fair Trading Licence Fee;***
- 5. Causeway Speciality Market Licence Fee;***
- 6. Application for the variation of licence conditions.***

In determining such fees the Council may recover from the holders of licences such amounts as may be sufficient, taking one year with another, to cover any reasonable costs in connection with its functions under the Act. This allows a Council to estimate costs for a particular year until actual costs are known and it may then adjust the licence fee for the next year as appropriate.

These costs include administrative and any other costs such as additional refuse collection and cleansing in so far as that cleansing is attributable to street trading. Recent case law and the introduction of European Directives has emphasised that Councils cannot charge for the cost of enforcing the requirements of the Act incurred against unlicensed trading activities.

The Act limits the maximum fee amount to only that required to cover the Council's costs in administering the scheme. Council is denied the right to use the street trading licensing system to generate revenue generally

and in the event of any challenge to the level of fees, may be called upon to justify them.

Although Councils are permitted to recover costs for cleansing/litter clearing through licence fees, in practice it has been found that the presence of traders does not incur any additional costs over and above every day cleansing costs (with the exception of Lammas Fair trading). Licence trading conditions generally also require traders to provide receptacles for any rubbish they generate and that these, along with any litter deposited in the vicinity, are removed by the licensee at the conclusion of trading. It is therefore proposed not to include cleansing costs within licence fees at this stage (except for the Lammas Fair) however this will be kept under review.

Separate licence fees are recommended for the Lammas Fair and Causeway Speciality Market as although these are issued as stationary licences these are not annual licences. The Lammas Fair and Causeway Speciality Market licence fees have been calculated based on the costs of administering the licence scheme for each market with cleansing costs attributable to trading included within the Lammas Fair fee.

It is anticipated that Council will review licence fees and designated street trading areas annually. The Act sets out procedures for amending fees and rescinding or varying designating resolutions which includes publishing notices in newspapers circulating within the district. It is proposed that these costs be apportioned among licence holders as appropriate.

The method used to determine the fee levels is attached as appendix 2. Summary information on the current licence fees and the numbers of licences currently issued annually within the four Councils is attached as appendix 2.

Once Council has determined the level of fees the following process must be followed:

- 1) Public Notice of the proposed fees to be placed in two or more newspapers circulating in the district Council area.**
- 2) Notification of the proposed fees given to all licence holders.**
- 3) A minimum 28 day consultation period will be permitted.**
- 4) After the consultation period Council must take into consideration any representations made before reaching a final decision on the level of fees.**
- 5) Council must notify all licence holders of the final decision on the level of fees and place a public notice of the decision in at least two newspapers circulating in the district Council area.**

Summary of Proposed Fees

Stationary Street Trading Licence (Annual)

Application fee (non-refundable)	Enforcement Fee	Total Licence Fee
£100	£190	£290

Mobile Street Trading Licence Fee (Annual)

<i>Application fee (non-refundable)</i>	<i>Enforcement Fee</i>	<i>Total Licence Fee</i>
£90	£300	£390

Temporary Street Trading Licence Fee

<i>Application fee (non-refundable)</i>	<i>Enforcement Fee</i>	<i>Total Licence Fee</i>
£60	£40	£100

Lammas Fair Licence Trading Licence Fee

<i>Licence Type</i>	<i>Total Licence Fee</i>
Stationary/Temporary Trading	£175
Mobile	£90

Policy on refunds specified in Lammas Fair licensing procedures.

Causeway Speciality Market Licence Fee £25

Variation of Licence Conditions:

<i>Application for the variation of licence conditions (non-refundable)</i>	£45
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IT IS RECOMMENDED that members set the above fees in relation to Street Trading within the District.

IT IS FURTHER RECOMMENDED that a Sub-Committee be established to discuss and agree policies and procedures on all trading matters including trading at events.

It was proposed by Councillor Loftus, seconded by Councillor P McShane and AGREED to recommend that: **Council sets the above fees in relation to Street Trading within the District and that a Sub-Committee be established to discuss and agree policies and procedures on all trading matters including trading at events.**

5.2 Arrangements for Out of Hours Communication and Response

The Lead Officer Environmental Services presented the report, previously circulated and as undernoted.

Introduction

Each of the four legacy Councils provide an out of hours response for a number of services: e.g.

Dog Control, defined as investigation of attacks on persons, livestock and animals. (There is a discretionary response for stray dogs).

Food, including Investigation of infectious diseases (food poisoning) and other food related incidents

Health and Safety, investigation of fatalities in workplaces where Council is the enforcing authority

Emergency planning e.g. opening of community assistance centres in the event of a local Emergency. Note new arrangements for this function are to be put in place from 1st April 2015.

This paper has only considered those services within the remit of the Environmental Health function.

There are marked differences in terms and conditions and hours of service offered across each of the four legacy Councils which will require harmonisation within Year 1 of Causeway Coast and Glens District Council. However in order to ensure continuity of service for all ratepayers and external statutory agencies, e.g. Food Standards Agency, Public Health Agency, Health and Safety Executive NI, PSNI etc, it is proposed that the current out of hours arrangements will continue until a service review is completed and any proposed changes agreed by Council prior to implementation.

The current arrangements in each of the four legacy Council area as follows:

Legacy Council	Contact Number	Hours available	Service Summary
Ballymoney	077 7593 8003	1700-0900 weekdays 24 hours Saturday, Sunday and public Holidays	Dog Control, food control, Health & safety
Coleraine	078 5057 0763 077 2301 7510	1700-2200 weekdays 24 hours Saturday, Sunday and public Holidays excluding Christmas Day, Boxing Day, New Year's Day and Easter Sunday	Dog Control, food control, Health & safety, Emergency Planning, Other Council Services
Limavady	077 9416 5161	1700-0900 weekdays 24 hours Saturday, Sunday and public Holidays	Dog Control, food control, Health & safety
Moyle	078 8970 7083	1700-0900 weekdays 24 hours Saturday, Sunday and public Holidays	Dog Control, food control, Health & safety

IT IS RECOMMENDED that the current arrangements for out of hour's response within legacy Councils continue until a service review is completed and any proposed changes agreed by Council prior to implementation.

IT IS FURTHER RECOMMENDED that appropriate external statutory agencies be advised of this arrangements in the interest of business continuity.

Committee AGREED to recommend that: **the current arrangements for out of hour's response within legacy Councils continue until a service review is completed and any proposed changes agreed by Council prior to implementation and that appropriate**

external statutory agencies be advised of this arrangements in the interest of business continuity.

5.3 Environmental Services Enforcement Policy

The Lead Officer Environmental Services presented the report, previously circulated and as undernoted.

Background

The Causeway Coast and Glens Council is the enforcing authority for a wide range of legislation. This enforcement role has been delegated to the staff of the Environmental Services Directorate.

The Council's aim is to provide a better environment for its citizens both for the present and the future. It will achieve much of this through education by providing advice and regulating the activities of others. Securing compliance with legal regulatory requirements using enforcement powers, including prosecution, is an important part of achieving this aim.

Environmental Services Enforcement Policy

The Environmental Services Enforcement Policy, appendix 3, sets out the principles and approach which the Council's Environmental Services Directorate and its officers will follow so as to provide an effective and fair service, and to ensure consistent and open enforcement. It is written for the guidance of the Council and its officers and will be made available to any business representatives or members of the public who enquire about our policies and procedures. It applies to all dealings whether formal or informal between officers of the Council and businesses and members of the public in relation to Environmental Services matters.

Please note that additional information in relation to how Council intends to deal with litter and dog control offences is enclosed within the Policy.

IT IS RECOMMENDED that Council, with effect from 1st April 2015, adopt the Environmental Services Enforcement Policy.

Committee AGREED to recommend that: **Council, with effect from 1st April 2015, adopt the Environmental Services Enforcement Policy.**

5.4 Emergency Plan

The Lead Officer Environmental Services presented the report, previously circulated and as undernoted.

The Aims of the Council's Emergency Plan

The Causeway Coast and Glens District Council may be involved in responding to a wide variety of different situations. The plan therefore does not define a set response to specific situations but rather puts in place a structure to allow decisions to be made and an appropriate response to be provided with a

minimum of delay, regardless of the type of Emergency. Specifically the plan will:

- *Give guidance on the circumstances in which the Council will activate its plan.*
- *Put in place a team which will allow appropriate and timely decisions to be made regarding the Council's role in a major incident and the direct assistance it can provide to the affected community and the emergency services.*
- *Provide a procedure which will ensure that the Council can respond 24 hours a day and provide systems for mobilising staff, equipment and facilities.*
- *Provide a mechanism for liaising with and facilitating the co-ordination of the services provided by other agencies.*

The Objective of the Council's Plan

- *To mitigate the effects of any major incident and enable a planned and co-ordinated recovery of the local communities from any major incident.*
- *The fulfilment of any statutory duty which may result from a major incident.*
- *To safeguard the health, safety and welfare of all Council staff throughout the stages of any major incident.*
- *The maintenance of a qualitative risk assessment specific to the Council area and the necessary preparation and planning for any occurrence identified in that risk assessment.*
- *The identification of essential Council services to the community and their continuation throughout any major incident.*

New Council Arrangements from 1st April 2015

The proposed Causeway Coast and Glens District Council Emergency Plan seeks to unify the existing plans from each of the legacy Councils and includes best practice guidelines for Emergency Planning procedures.

It is recommended that Council, with effect from 1st April 2015, approve the Causeway Coast & Glens District Council Emergency Plan, attached appendix 4.

Committee AGREED to recommend that: **with effect from 1st April 2015 Council adopts the Causeway Coast & Glens District Council Emergency Plan.**

5.5 Scheme of Officer Authorisation and Delegation of Powers

The Lead Officer Environmental Services presented the report, previously circulated and as undernoted.

An approved Scheme of Officer Authorisation and Delegation of Powers is required for the new Council to formally identify what council enforcement officers are authorised to do under the broad scope of environmental health and building control statutory functions, and what delegated authority has been given to officers at various levels to act on behalf of the council.

Currently each cluster council has its own approved Scheme in place. The new Scheme will confirm officer authorisations and delegated authorities for all relevant staff within Causeway Coast & Glens District Council, and allow all staff to exercise these functions across the new council area.

The Environmental Health & Building Control Cluster Working Group for the Causeway Coast & Glens District Council Area, have undertaken a review of the existing council schemes and have amalgamated these into a comprehensive and consistent format.

Within the Scheme:

- 1. The Council, in pursuit of its powers under Section 47(A) of the Local Government Act (NI) 1972, as inserted by Article 26 of The Local Government (Miscellaneous Provisions) (NI) Order 1985, having considered the competence of the Chief Executive, Director of Environmental Services and Head of Health and Built Environment, authorises them to discharge its functions relating to :**
 - (1) The authorisation of staff in, or acting on behalf of, the Environmental Services Department.**
 - (2) The authorisation of staff to serve statutory notices, where individual officers are deemed proper and competent (as specified in personal authorisation documentation) by the Head of Health and Built Environment.**
- 2. Named officers (or post holders) are authorised to exercise the powers, functions and duties of an authorised officer for the purposes of implementing environmental health and building control legislation as specified in the attached Appendix I.**
- 3. Council in exercise of its powers agrees to delegate to the Head of Health and Built Environment the power to approve matters of a routine nature during Council's summer recess period, subject to the Chief Executive or Director of Environmental Services being consulted on any extraordinary matters relating to such decision, and a subsequent report being presented to the appropriate Committee on the said issues.**
- 4. Where a person has been offered the opportunity to discharge any liability to conviction of an offence under:**
 - Dogs (NI) Order 1983 (as amended)**
 - The Litter (NI) Order 1994 (as amended)**
 - The Clean Neighbourhoods and Environment Act (NI) 2011**
 - Street Trading Act (NI) 2001**
 - Noise Act (NI) 1996**

- ***The Smoking (NI) Order 2006***
- ***The Tenancy Deposit Scheme Regulations (NI) 2012***
- ***The Landlord Registration Scheme Regulations 2014***
- ***Pollution Control and Local Government (NI) Order 1978***
- ***Sunbed Act (NI) 2011***
- ***Energy Performance of Buildings (Certificate and Inspection) Amendment Regulations 2014***

and the fixed penalty has not been paid, the Council delegate authority under Section 47A of the Local Government Act (NI) 1972 as amended by Article 26 of The Local Government (Miscellaneous Provisions) (NI) Order 1985 to the Chief Executive, Director of Environmental Services or Head of Health and Built Environment to instigate legal proceedings for the offence on behalf of the Council.

- 5. The Council, in pursuit of its powers under Section 47(A) of the Local Government Act (NI) 1972, as amended by Article 26 of The Local Government (Miscellaneous Provisions) (NI) Order 1985, having considered the competence of the Chief Executive, Director of Environmental Services and Head of Health and Built Environment, authorises them to discharge its functions relating to :***

the making of recommendations for prosecution on behalf of Council (where legislative provisions permit) and referral of case files to the Council's solicitor for legal action on behalf of the Environmental Health Service without prior approval of Council.

Effectively delegating powers, functions and duties to appropriate staff to ensure efficient regulatory activities can be performed by the Environmental Services Department in accordance with the Causeway Coast & Glens District Council Enforcement Policy.

It is recommended that members:

- (1) Approve parts 1, 2, and 3 of the Scheme, regarding authorisation of officers.
- (2) Approve parts 6-31 inclusive of the Scheme of Officer Authorisation and Delegation of Powers – Environmental Services (Appendix 5) regarding authorised officers being given delegated authority to carry out routine council functions such as the service of notices.
- (3) Determine if council wishes to delegate the power to instigate legal proceedings for the prosecution of non-payment of fixed penalties as stated in Part 4, and if so, approve same.
- (4) Determine if council wishes to delegate the power to instigate legal proceedings for all other offences as stated in Part 5, and if so, approve same.

Committee AGREED to recommend that Council:

- (1) **Approve parts 1, 2, and 3 of the Scheme, regarding authorisation of officers.**

- (2) Approve parts 6-31 inclusive of the Scheme of Officer Authorisation and Delegation of Powers – Environmental Services (Appendix 5) regarding authorised officers being given delegated authority to carry out routine council functions such as the service of notices.
- (3) Determine if council wishes to delegate the power to instigate legal proceedings for the prosecution of non-payment of fixed penalties as stated in Part 4, and if so, approve same.
- (4) Determine if council wishes to delegate the power to instigate legal proceedings for all other offences as stated in Part 5, and if so, approve same.

6. Leisure & Development

6.1 Draft Community Development Strategy

The Community Services Manager, Moyle District Council presented the draft strategy, attached and report, previously circulated and attached, appendix 6.

Following the presentation officers responded to queries from Members regarding access to funding, funding for community events, use and management of community facilities and staffing structures.

It was recommended that Council accepts the Community Development Strategy, interim 2015-16 Action Plan and financial contribution of £322,661 for Community Development and £47,035 contribution toward Community Festivals Fund to facilitate continuation of service delivery for the new Council area in the 2015-2016 period.

Committee AGREED to recommend that: **Council accepts the Community Development Strategy, interim 2015-16 Action Plan and financial contribution of £322,661 for Community Development and £47,035 contribution toward Community Festivals Fund to facilitate continuation of service delivery for the new Council area in the 2015-2016 period.**

6.2 Draft Economic Development Strategy

The Lead Officer Leisure and Development presented the report, previously circulated and as undernoted.

The purpose of this report is to seek approval of members on the vision, strategic aims, strategic themes and role of Council for the new Economic Development Strategy for the period 2015-2018.

The Local Government (Miscellaneous Provisions) Bill (2002) provides the current legislative framework within which council-led local economic development activity is undertaken in Northern Ireland. The legislation permits local government to incur expenditure “for the purpose of taking such steps, as the council considers appropriate, for promoting economic development of its district and to acquire, hold and develop land for economic development purposes”.

In September 2014 Causeway Coast and Glens District Council commissioned the development of its first Economic Development Strategy and Action Plan for the three-year period 2015 - 2018. Elected members have participated in 3 separate strategy development workshops for the development of the strategy. At a workshop with elected members on Thursday 26th February the draft strategy and action plan was presented:

Vision:

“Our Vision is of a high value-added, skilled, innovative and enterprising economy.”

Strategic Aims:

- ***To assist local businesses to grow and become more competitive and innovative***
- ***To strategically position Causeway Coast and Glens as a place to do business***
- ***To expand and develop the tourism sector in the area***
- ***To develop business opportunities arising from the Renewable Energy sector, Digital Causeway, the Knowledge Industry and Agri-Food Sector.***
- ***To ensure that local infrastructure meets business needs.***

Strategic themes:

- 1. Competitive Causeway - Business Development***
- 2. Connected Causeway - Developing the Infrastructure***
- 3. Collaborative Causeway***
- 4. Tourism Development***
- 5. Rural Development***
- 6. Investment in new Industry Sectors***

Council's role:

- ***To act as a “pump-primer”***
- ***A facilitator of economic development***
- ***To create the environment to do business in the Borough by lobbying and advocating on strategic issues***
- ***To create the opportunities for greater integration and co-ordination of economic development in the Borough.***

IT IS RECOMMENDED that Causeway Coast and Glens District Council agrees the vision, strategic aims, strategic themes and role of Council for the new Economic Development Strategy for the period 2015-2018.

Committee AGREED to recommend that: **Council agrees the vision, strategic aims, strategic themes and role of Council for the new Economic Development Strategy for the period 2015-2018.**

6.3 Rural Development Programme 2014-2020

The Economic Development Manager, Coleraine Borough Council presented the report, previously circulated and as undernoted.

The purpose of this report is to seek the approval of members to recruit a Rural Development Manager to facilitate the LAG, and develop an interim Rural Development Strategy.

Background

Causeway Coast and Glens District Council will be responsible for providing administrative and advisory services to the Local Action Group (LAG) for the delivery of the new Rural Development Programme for the period 2014-2020.

At its meeting on 29 January 2015, Causeway Coast and Glens District Council nominated 8 elected members onto the Local Action Group (LAG). The process of appointing social partners on to the LAG has now been completed. The following social partners have been appointed:

<i>Moyle Representatives</i>	<i>Ballymoney Representatives</i>	<i>Coleraine Representatives</i>	<i>Limavady Representatives</i>
<i>Martin Magee</i>	<i>Angela O’Hagan</i>	<i>Patsy Bradley</i>	<i>Alan Hunter</i>
<i>Susan McLaughlin</i>		<i>James Cassidy</i>	<i>Conor Nicholl</i>
		<i>Anna Clyde</i>	
		<i>Anthony McGarvey</i>	
		<i>Karl McKillop</i>	

The LAG has now been established and the first meeting is likely to take place before the end of March. The Rural Development Council will facilitate the first meeting with subsequent meetings being facilitated by Council Officers from Causeway Coast & Glens District Council.

In January the Council agreed to submit an application to the Department for Rural Development (DARD) for funds to enable the Council to appoint staff to facilitate the LAG. DARD are working through the process and will be issuing a Service Level Agreement to Causeway Coast & Glens Council. The purpose of this Service Level Agreement is to formalise an arrangement between DARD and the Causeway Coast & Glens District Council to deliver administrative, and advisory support services to the LAG during the period prior to the LAG formally contracting with DARD.

IT IS RECOMMENDED that Causeway Coast & Glens District Council proceed with the recruitment of a Rural Development Manager to facilitate the LAG and develop an Interim Rural Development Strategy for the Causeway Coast and Glens area.

In response to a query from Councillor Stevenson regarding the number of Elected Members to be appointed to the LAG the Lead Officer undertook to check this.

Councillor Loftus asked if the recruitment of the Rural Development Manager would be done by way of public competition. The Chief Executive advised that Council would have to apply vacancy control procedures. He undertook to clarify the position of other Councils regarding the recruitment of similar posts.

Committee AGREED to recommend that Council: **proceeds with the recruitment of a Rural Development Manager to facilitate the LAG and develop an Interim Rural Development Strategy for the Causeway Coast and Glens area.**

6.4 Lansdowne Shelter, Portrush – Expressions of Interest Request

The Regeneration Manager, Coleraine Borough Council presented the report, previously circulated and as undernoted.

The purpose of this report is to seek approval of members on the Expressions of Interest and Assessment Documentation for the leasing of Lansdowne Shelter Portrush, allowing the process to commence on the 1st April 2015.

Background

In October 2014 Coleraine Borough Council adopted the Lansdowne Masterplan which includes the area around the Lansdowne Shelter. The document was prepared in response to a series of potential development threats within the Lansdowne area of Portrush. The masterplan was consequently taken forward as a 'light touch' high level defensive measure by Council.

A multiagency public sector steering group directed the study including the appointment of The Paul Hogarth Company to advise and support both the Steering Group and Council.

Following extensive public consultation, including both residents and visitors together with broad key stakeholder consultations including the Portrush Regeneration Group, the masterplan proposals were brought forward with the Leisure & Development Committee's recommendations for Council's consideration in October 2014.

Council requested that the masterplan should also be subsumed within the broader Portrush Regeneration Strategy (Western Peninsula) which was adopted in 2007. This provided the masterplan with both strategic planning context and parity within the broader Portrush regeneration programme.

The masterplan is a high level strategic document and further work will be required before progressing any individual initiative to the status of a 'live project'.

Expressions of Interest Proposals

In October 2014, as a first initiative arising from the masterplan process, Council also requested the preparation of an Expressions of Interest proposal for the Lansdowne Shelter linked to the adjacent harbour.

The draft Expressions of Interest promotion document was previously circulated for Committee's consideration and attached.

The document allows adequate flexibility to accommodate a range of proposals from public, private and community sectors.

Subject to Council's approval the document could be marketed from 1st April 2015 allowing over 9 weeks before the closing date for submissions on 5th June 2015. This is considered a generous timescale within the property industry and should facilitate all serious proposers.

Assessment

Valid responses will be assessed by Council officers advised by O'Connor Kennedy Turtle and Pinsent Mason as required. It is anticipated recommendations will be advised to Council for consideration in July 2015.

It was recommended that Council both approves the Expressions of Interest and assessment documentation and that the process should commence on 1st April 2015.

It was proposed by Councillor P McShane, seconded by Councillor Wilson and AGREED to recommend that: **Council both approves the Expressions of Interest and assessment documentation and that the process should commence on 1st April 2015.**

6.5 Portrush Recreation Grounds Regeneration Proposal

The Regeneration Manager, Coleraine Borough Council, presented the report, previously circulated and as undernoted.

The purpose of this report is to seek the approval of members on the Portrush Recreation Grounds Regeneration Proposal and to proceed to procurement stage.

Background

The regeneration of the Portrush Recreation Grounds is a key initiative in delivering the Portrush Regeneration Strategy. The Grounds are an underperforming asset with no current defining competitive advantage except their location and potential. The need for physical regeneration intervention is self-evident.

Two independent soft market testing studies have been completed addressing the scope for appropriate commercial development within the Portrush Recreation Grounds. The studies completed in 2011 and 2014 highlighted the potential which exists for private sector interests to develop part of the Recreation Grounds at minimal capital and revenue cost to Council.

The 2014 soft marketing testing report completed by V4 Ltd. was adopted by Council in 2014 and proposed securing the development of an 18 holes (possibly 36 holes) 'adventure golf' attraction, a new pavilion and a new play park, towards the northern end of the Grounds.

The intention is to appoint a contractor to build and then operate the facilities over a 25-40 year period. The funding required for the development is estimated to be in the region of £2.0 million which will be provided by the contractor.

The proposal requires the relocation and construction of a new pavilion.

There are currently no plans to reconfigure the southern end of the Grounds outside the area for regeneration identified. However the intention is to explore the viability and commercial attractiveness of a successful contractor also managing the other leisure assets on the site e.g. tennis court fees, bowling green fees, play park management, public toilet management and sundry associated services.

It is anticipated the partly redeveloped Grounds including the new attractions will be open to the public in Spring 2017.

Procurement Strategy

Legal advice from Messrs. Pinsent Mason has recommended Council pursue this regeneration proposal as a public services concession contract. This type of contract requires the provision of a service to Council with the contractor's remuneration coming from fees paid by the public through the use of the service over the contract period, and not from the contracting authority (Council).

As there may be broader EU interest, legal advice recommends the contract should be advertised and procured as follows:

Advertisement

To ensure Council complies with its procurement obligations the opportunity should be advertised as an OJEU notice making it clear that the notice is published on a voluntary basis and that the Council is not opting into compliance with the full requirements of the Public Contracts Regulations 2006.

Award procedure

Pinsent Mason advocate a two-stage procurement process involving:

- a pre-qualification stage.**
- a subsequent competitive dialogue phase, with only those organisations passing the pre-qualification being invited to participate.**

Council will invite pre-qualified bidders to submit outline solutions of their proposals for the site. Separate meetings with each of the bidders will take place before and/or after their submission.

Council may reduce the number of bidders during the dialogue stage by applying pre-determined award criteria to the outline solutions and the subsequent detailed solutions submitted at a later stage during the dialogue phase. Alternatively Council may retain all the bidders until the final stage of the competition. Council retain the flexibility to change and/or adapt the process whilst it is ongoing.

Once Council is confident that bidders are offering acceptable solutions, final bids would be invited. These would probably be followed by clarification meetings before the evaluation of the final bids against pre-determined award criteria. Council then makes the award.

Timings

Bidders will be given sufficient time to fully and properly prepare meaningful submissions.

The aim is to award the contract by September 2016 at the latest allowing an opening in Spring 2017.

Procurement cost

It is not possible to provide an exact procurement cost at present as the complexity of the process itself will determine the final figure. Pinsent Mason have been procured to provide legal services for this and other Council projects. They have advised their costs should not exceed £ 22,500 covering the procurement procedure up until the award of the contract.

It was recommended that Council proceeds with the outlined services concession procurement process with a maximum total legal fee expenditure of £22,500 and that Council requires a specific procurement break point on conclusion of the pre-qualification questionnaire stage, at which time Council will be both appraised of progress to date and may approve progressing the project to request outline solutions from successful pre-qualified candidates.

Committee AGREED to recommend that Council: **proceeds with the outlined services concession procurement process with a maximum total legal fee expenditure of £22,500 and that Council requires a specific procurement break point on conclusion of the pre-qualification questionnaire stage, at which time Council will be both appraised of progress to date and may approve progressing the project to request outline solutions from successful pre-qualified candidates.**

7. Organisation Development

7.1 Redundancy Discretions Policy Local Government Reform

The Lead Officer Organisation Development presented the report, previously circulated, as undernoted.

Background

At the Organisational Development Committee in February 2015 members agreed to implement Circular LGRJF/11 – February 2015 ‘RPA Staff Severance Scheme for Local Government Staff,’ and the related guidance document, Guidance on the Interpretation and application of the RPA Staff Severance Scheme Circular LGRJF/11 February 2015.

Circular LGRFJ/11, applies specifically in cases of both voluntary and compulsory redundancy which is linked exclusively to the Reform of Local Government.

To implement this circular it is necessary for Council to have in place a Pensions Discretionary Policy and a Redundancy Discretions Policy. The Pensions Discretions policy, was agreed by the Organisational Development Committee in February 2015 and details of the Redundancy Discretions Policy are outlined below. The policy is set out in appendix 7.

The detail contained within this Policy is based on the recommended guidance as outlined within the NILGOSC Circular 14/2014. In addition it is important to take into account the provisions of the following regulations:

- **The Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (Northern Ireland) 2007**
- **The Local Government Pension Scheme Regulations (Northern Ireland)**

The Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (Northern Ireland) 2007 (SRNI 2007 No.93)

These Regulation set out a framework for the payment of discretionary compensation to persons whose employment is terminated due to redundancy, on efficiency grounds or where there has been a joint appointment and the other holder has left. This framework includes a discretionary power to increase statutory redundancy payments by using an actual week's pay instead of the statutory limits, a provision to award a discretionary compensation lump sum of up to 104 weeks' pay and also the requirement for employers to have a policy statement in place to cover both discretions.

The Local Government Pension Scheme Regulations (Northern Ireland) 2014 (SRNI 2014 No. 188).

These regulations provide for early payment of unreduced pension benefits due to redundancy or business efficiency providing the member is aged 55 or over. An additional discretionary provision enables the employer to award additional pension of up to £6,500 per annum (as at 2015/16). Once again Council is required to have policy statements in place stating these discretions will be exercised.

The attached Redundancy Discretions Policy – Local Government Reform sets out Councils discretions as required in both of these Regulations.

It is recommended that Council adopt the Redundancy Discretions Policy for the purposes of implementing Circular LGRJF/11 – February 2015, RPA Staff Severance Scheme, Local Government Reform.

It was proposed by Councillor Stevenson, seconded by Councillor Douglas and AGREED to recommend that Council: **adopts the Redundancy Discretions Policy for the purposes of implementing Circular LGRJF/11 – February 2015, RPA Staff Severance Scheme, Local Government Reform.**

7.2 Directors' Appointments

The Lead Officer Organisation Development presented the report, previously circulated and as undernoted.

At the Organisational Development Committee on Thursday 21st August 2014 members agreed a high level structure for the Causeway Coast and Glens District Council.

At a subsequent meeting in November 2014 members agreed the Job Descriptions, Job Specifications and grades for these posts.

Following a selection process on Friday 27th February 2015 the following employees have been confirmed as follows:

- ***Mrs Moira Quinn, Director of Performance (Deputy Chief Executive)***
- ***Mr Aidan McPeake, Director of Environmental Services***
- ***Mr Richard Baker, Director of Leisure and Development***

All of the officers have accepted the position and they will take up their post with effect from 1st April 2015.

Members wished the officers well in their new posts.

The Chair thanked Members for their input to the work of the Committee.

The meeting closed at 9.25pm.

Appendices

- Appendix 1 – [DSD Presentation Portrush Regeneration Strategy](#)
- Appendix 2 – [Convergence of Street Trading Fees](#)
- Appendix 3 - [Environmental Services Enforcement Policy](#)
- Appendix 4 – [Emergency Plan](#)
- Appendix 5 - [Scheme of Authorisation and Delegation of Powers](#)
- Appendix 6 - [Draft Community Development Strategy](#) & [Report](#)
- Appendix 7 - [Redundancy Discretions Policy](#)