



**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE COUNCIL HELD
AT MOSSLEY MILL ON MONDAY 27 NOVEMBER 2023 AT 6.30 PM**

- In the Chair** : Mayor (Councillor M Cooper)
- Members Present (In Person)** : Aldermen – L Boyle, L Clarke, M Cosgrove, M Magill,
P Michael, S Ross and J Smyth
- Councillors – J Archibald-Brown, A Bennington, M Brady,
J Burbank, S Cosgrove, H Cushinan, P Dunlop, R Foster,
J Gilmour, M Goodman, N Kelly, R Kinnear, R Lynch, H Magill,
B Mallon, A McAuley, E McLaughlin, V McWilliam,
M Ní Chonghaile, L O'Hagan, A O'Lone, L Smyth, S Ward,
B Webb and S Wilson
- Members Present (Remote)** : Aldermen – P Bradley, T Campbell and J McGrath
Councillors - S Flanagan, AM Logue, T McGrann and
M Stewart
- In Attendance (In person)** : James Clarke, Objector
Angela Barton, Objector
Richard McLaughlin, Solicitor for the Rabbit Hotel
Jonny McKay, Safety & Compliance Manager Galgorm
Collection
- Officers Present (In Person)** : Chief Executive – R Baker
Director of Economic Development and Planning - M McAlister
Director of Finance and Governance – S Cole
Director of Community Planning - U Fay
Director of Sustainability – M Lavery
Director of Parks and Leisure Operations – M McDowell
Director of Organisation Development – J Close
Director of Corporate Strategy – H Hall
Deputy Director of Governance – L Johnston
Council Lawyer– A McDowell
Head of Environmental Health and Wellbeing – C Kelly
ICT Change Officer – A Cole
ICT Helpdesk Officer – J Wilson
Member Services Officer – S Boyd
Member Services Manager – A Duffy
- Officers Present (Remote)** : Borough Lawyer and Head of Legal Services – P Casey

1 BIBLE READING, PRAYER AND WELCOME

The Mayor welcomed all present to the meeting, and advised Members of the audio recording procedures.

The meeting opened with a Bible reading and prayer by Pastor George McKim.

Alderman Boyle and Councillors Burbank, Cushinan, Goodman, Logue, Kelly, McLaughlin, McGrann, Ní Chonghaile and O'Hagan joined the meeting.

2 APOLOGIES

None

3 DECLARATIONS OF INTEREST

Item 9.1 – Councillor McAuley
Item 11.2 – Councillor McGrann
Item 11.4 – Councillor Mallon
Item 13.6 – Councillor Foster

The Deputy Mayor, Councillor Kinnear joined the meeting at this point.

4 MINUTES OF THE ANTRIM AND NEWTOWNABBEY BOROUGH COUNCIL MEETING

Moved by Councillor Foster
Seconded by Alderman Bradley and

RESOLVED - that the Minutes of the proceedings of the Antrim and Newtownabbey Borough Council Meeting of Monday 30 October 2023 be taken as read and signed as correct.

5 MINUTES OF THE OPERATIONS COMMITTEE MEETING

Moved by Councillor Burbank
Seconded by Councillor Logue and

RESOLVED - that the Minutes of the proceedings of the Operations Committee Meeting of Monday 6 November 2023 be taken as read and signed as correct.

6 MINUTES OF THE POLICY AND GOVERNANCE COMMITTEE MEETING

Moved by Alderman Clarke
Seconded by Councillor Stewart and

RESOLVED - that the Minutes of the proceedings of the Policy and Governance Committee Meeting of Tuesday 7 November 2023 be approved and adopted.

7 MINUTES OF THE COMMUNITY PLANNING COMMITTEE MEETING

Moved by Councillor McGrann
Seconded by Councillor Lynch and

RESOLVED - that the Minutes of the proceedings of the Community Planning Committee Meeting of Monday 13 November 2023 be approved and adopted.

8(a) MINUTES OF THE PLANNING COMMITTEE MEETING, PART 1

Moved by Councillor Foster
Seconded by Councillor Cushinan and

RESOLVED - that the Minutes of the proceedings of the Planning Committee Meeting of Monday 20 November 2023 Part 1 be taken as read and signed as correct.

8(b) MINUTES OF THE PLANNING COMMITTEE MEETING, PART 2

Moved by Councillor Foster
Seconded by Councillor Cushinan and

RESOLVED - that the Minutes of the proceedings of the Planning Committee Meeting of Monday 20 November 2023 Part 2 be approved and adopted.

9 ITEMS FOR DECISION

Alderman Michael and Councillor McAuley left the Chamber at this point of the meeting.

Aldermen Campbell and McGrath joined the meeting remotely during Item 9.1 and were therefore unable to vote.

Alderman Magill and Councillor O'Lone left and returned to the Chamber during Item 9.1 and were therefore unable to vote.

Councillor Stewart left and returned to the meeting remotely during Item 9.1 and was therefore unable to vote.

Councillors Flanagan, Logue and McGrann experienced technical difficulties remotely during Item 9.1 and were therefore unable to vote.

Councillor Lynch left the meeting remotely during Item 9.1.

Councillors Dunlop and Mallon left the meeting during Item 9.1.

9.1 EL/140 APPLICATION FOR RENEWAL OF AN ENTERTAINMENTS LICENCE, THE RABBIT, 882 ANTRIM ROAD, TEMPLEPATRICK, BT39 0AH

The Mayor invited the Council Lawyer to read the code of conduct.

An application had been received for the renewal of an Entertainments Licence for the following premises.

Licensee	Location of Premises	Type(s) and hours of Entertainment	File No.	New Application Or Renewal
Lynsey Gordon	The Rabbit, 882 Antrim Road, Templepatrick, BT39 0AH.	Dancing, singing, music or other similar entertainment. Mon – Sun 11.00am – 1.00am	EL140	Renewal

In line with the Council Protocol for the Hearing of Entertainments Licence Applications, approved in December 2016, the application must be considered at a full meeting of Council.

The Council could decide the following:

- (i) Grant the licence;
- (ii) Grant the licence with specific additional terms, conditions and restrictions;
- (iii) Refuse the licence;
- (iv) Defer an application for further consideration or to obtain further information.

If the Council made a decision against an Officer's recommendation, then Members must state their reasons for doing so and in such circumstances a recorded vote would be taken.

Documents disclosed to all parties were circulated including the written submissions of the applicant and the objectors. Both parties were afforded the opportunity to address the Council at the meeting, in line with the protocol.

Background

An Entertainments Licence application made by Ms Lynsey Gordon (the Applicant) was received on 17 July 2023. The current Entertainments Licence for The Rabbit expired on 30 September 2023, with a public advertisement placed in the Antrim Guardian on 14 July 2023, as required under the applicable legislation.

Within the public consultation period, two objections were received.

Objections

Objections had been received from the following:

- 1. Mr J Clarke, 3 The Halls, Templepatrick, BT39 0FF;
- 2. Mrs A Barton, 5 Temple Well, Templepatrick, BT39 0AB.

In summary the nature of the objections that were relevant to this case alleged the following:

1. Since July 2022 there have been increasing frequency and levels of background and entertainment noise emanating from the premises causing disturbance;
2. Furthermore, that this disturbance has increased more notably in recent months;
3. Insufficient management and oversight by The Rabbit management regarding the control of entertainment noise levels, especially in the specific area referred to as The Loft on the first floor;
4. The disruption caused by the noise is impacting on the objectors' use or enjoyment of their homes and outdoor spaces.

The written objections of both complainants were available for Members' review.

Criteria for deciding to grant an application (in accordance with The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985)

In considering any application for the grant, renewal or transfer of a licence the Council shall have regard to the following:

1. Any observations submitted to it by the appropriate PSNI Sub-Divisional Commander and the NI Fire and Rescue Service;
2. A licence may not be granted, renewed or transferred if the applicant has been convicted of an offence of either providing unlicensed entertainment, or providing entertainment otherwise than in accordance with the licence terms and conditions within 5 years preceding the date of the application;
3. Give the applicant an opportunity of appearing before and of being heard by the Council;
4. Any oral representation by any person who gave notice (not later than 28 days after the date of the application) to the Council stating in general terms the nature of the representation;
5. Any other public safety and/or public order considerations.

Investigation Findings

A chronological synopsis of this complaint investigation was circulated for Members' review.

In summary, a total of 6 complainants had raised issues with the entertainment noise and associated disturbance from The Rabbit. These

complainants include Mr Clarke and Mrs Barton. Environmental Health had been investigating the issue by in-person monitoring and taking recordings from nearby properties. Council officers had monitored noise levels on 12 occasions with 6 incidents of noise from the entertainment activities audible beyond the boundaries of The Rabbit.

Upon examination of the complaints received by Environmental Health between July 2022 and October 2023, it was determined that none of the complaints concerning alleged noise disturbance were assessed as constituting a statutory noise nuisance under The Clean Neighbourhoods and Environment Act (Northern Ireland) 2011.

According to Schedule 1, Paragraph 3 of the Local Government Miscellaneous Provisions (NI) Order 1985, which pertains to Entertainments Licences, it was essential to consider the aspect of "preventing persons in the neighbourhood being unreasonably disturbed by noise".

As stated above, officers recorded 6 occasions when noise from the entertainment activities could be heard beyond the premises' boundaries. In these instances, it was concluded that there was potential to cause undue annoyance or disturbance to neighbouring properties, although as stated, noise was not at a level, frequency or duration to be deemed a statutory nuisance.

No objections were received from the statutory consultees (PSNI and NI Fire and Rescue Service) and there were no relevant convictions in relation to the applicant.

An annual renewal inspection for the premises was completed on 24 August 2023 by authorised officers. The applicant had carried out a noise impact assessment for the premises. This assessment had been completed by a competent person, who had subsequently provided recommendations, which the applicant had accepted. These recommendations were contained in the noise impact assessment circulated and this had subsequently been reviewed by officers as part of their development of the conditions for the licence approval.

Having considered all the evidence, including submissions on behalf of the applicant and objectors, as well as our own investigations, officers were of the opinion that there was no substantive evidence to prevent the renewal of the Entertainments Licence. However, it was recommended that the licence be granted with appropriate condition(s) placed on the licence which the applicant must ensure are met. Such conditions would include the implementation of an agreed noise management plan requiring the construction of a new entrance lobby area, in addition, access to the external terrace was not permitted by patrons from a designated time (except for emergency access), and monitoring by The Rabbit management and staff to ensure internal noise levels were kept within agreed boundaries.

The Head of Environmental Health and Wellbeing introduced the report to Council and each deputation was allocated five (5) minutes meaning that

speakers on behalf of the Objectors had five (5) minutes in total, and all speakers on behalf of the applicant had five (5) minutes in total.

The undernoted public speakers addressed Council and responded to questions from Members as requested –

James Clarke – In Objection (2 ½ minutes)

Angela Barton – In Objection (2 ½ minutes)

Richard McLaughlin – In Support (Solicitor for the Applicant, 5 minutes)

At 7.26pm the Mayor advised that there would be a short recess and the meeting recommenced at 7.30pm.

The Mayor invited Mr McKay, Safety and Compliance Manager for Galgorm Collection to answer Members questions relating to Operational matters.

The Mayor invited any speakers to address any factual inaccuracies that may have arisen from the other speakers' oral submission. Each speaker was allocated one (1) minute to do so and clarified this was not to be used to repeat submissions already made, or make any new submissions.

The following speakers further addressed Members –:

James Clarke – In Objection (1 minute)

Angela Barton – In Objection (1 minute)

Following Members questions the Head of Environmental Health and Wellbeing provided clarity relating to noise monitoring, restricting usage to the hotel's own sound system/limiters, and advised that monitoring inside residents' properties would require their permission.

The Mayor and Chief Executive both advised Members that a deferral would be based upon the requirement for new information which is practically obtainable and relevant, a position confirmed by the Head of Environmental Health and Wellbeing.

At 8.25pm the Mayor called a further recess and the meeting recommenced at 9.10pm when the Mayor provided further clarification in relation to deferring the decision. Furthermore, as it was not included in the recommendation that noise limiters be introduced or be compulsory, Members may wish to consider this as a further condition.

Moved by Alderman Cosgrove

Seconded by Councillor Goodman that an Entertainments Licence be granted to the applicant with a further additional condition relating to the compulsory use of the hotel's own sound system including the use of noise limiters by artists and bands.

On the proposal being put to the meeting 26 Members voted in favour, 1 against and 0 abstentions and it was

RESOLVED: that an Entertainments Licence be granted to the applicant, Ms Lynsey Gordon, The Rabbit, 882 Antrim Road, Templepatrick, BT39 0AH, subject to compliance with the Council's 'Conditions and Management Rules for Places of Indoor and Outdoor Entertainment' and the following additional conditions:

- the applicant must implement the content of the noise management plan, including monitoring of internal noise levels, access to external terrace is not permitted by patrons during designated times, the construction of a new entrance lobby area;

Dancing, Singing, Music or other entertainment of like kind -

Areas of Premises to be licensed - The Loft/Restaurant/Bar/Garden Room and Grill/Lounge/The Boathouse (new for 2023/2024 licence)

Monday to Sunday 11am to 1am

- compulsory use of the hotel's own sound system including the use of noise limiters by artists and bands.

ACTION BY: Colin Kelly, Head of Environmental Health and Wellbeing

Alderman Michael and Councillor McAuley returned to the Chamber at this point of the meeting.

10 PRESENTATION

10.1 PRESENTATION BY NORTHERN IRELAND HOUSING EXECUTIVE

Members were advised that the presentation for the 2023 annual update on the Housing Investment Plan (circulated), had been deferred to a future meeting of the Council.

ACTION BY: Member Services

11 ITEMS FOR DECISION

11.1 PBS/BC/003 VOL 2 STREET NAMING RESUBMISSION – BALLYEASTON ROAD, BALLYCLARE

A development naming application was received from Anthony Hamilton on behalf of APD Architects regarding the naming of a residential development off Ballyeaston Road, Ballyclare. The development consists of 133No dwellings, these being a mixture of detached and semi-detached. The development names and developer's rationale had been submitted as outlined below, with the developer's application, location map and site plan circulated.

Please note that the previous names submitted were rejected at September's Full Council meeting and those outlined below are alternative proposals.

1 – Sycamore - Sycamore was one of the tree types on site

2 – Ash – Ash was another name of tree type on site

3 – Hawthorn – Hawthorn was another name of tree type on site

If Council chose one of those names it was proposed that Building Control would add suffixes as required.

Please note there is a Hawthorn Way existing in Ballyclare.

Should the Council not wish to select one of the above names, the matter would be referred back to the developer via the Building Control section for further consideration.

A proposal of the name Hazelwood by Councillor Stewart did not receive a seconder.

Moved by Councillor McWilliam
Seconded by Councillor Archibald-Brown and

RESOLVED: that the name Ash be selected and Officers be given discretion to add suffixes as appropriate.

ACTION BY: Liam McFadden, Principal Building Control Surveyor

Alderman Ross left and returned to the Chamber during Item 11.2.

11.2 CCS/EDP/025 DUAL LANGUAGE STREET SIGN APPLICATION UPDATE

Members were advised that in line with the Dual Language Street Sign Policy adopted by Council on the 30 May 2022 the following update was presented which details the current status of applications received.

Application Status

Stage 1: Petition Verification

Three applications received were currently at Stage 1:

Requesting signage to be erected in Irish for the following areas:

1. GLENVILLE MEWS, NEWTOWNABBIEY, BT37 0ZU
2. BAWNMORE TERRACE, NEWTOWNABBIEY, BT36 7BY
3. MOUNT STREET, NEWTOWNABBIEY, BT36 7BZ

The occupiers signing the petitions had been evidenced by their listing on the current Electoral Register and meet the one third threshold as required within the approved Policy.

In addition, one further application had been received and as per Council policy a maximum of three applications per month would be processed on a first come basis.

Stage 2: Residents Canvass

There were three applications that had now progressed to Stage 2:

- Bawnmore Grove, Bawnmore Place and Newton Gardens.

Stage 3: Street Sign Installation

No applications at Stage 3.

Moved by Councillor Goodman

Seconded by Councillor Ní Chonghaile and

RESOLVED: that a canvas of the residents of the respective streets in Stage 1; Glenville Mews, Bawnmore Terrace and Mount Street be approved.

ACTION BY: Ellen Boyd, Accessibility and Inclusion Officer

11.3 PBS/BC/001 RESPONSE TO PRE-CONSULTATION DOCUMENT ON THE REVIEW OF ENERGY EFFICIENCY REQUIREMENT AND RELATED AREAS OF BUILDING REGULATIONS

The NI Executive published the 'Energy Strategy – The Path to Net Zero Energy' in 2021. This document outlined a roadmap to 2030 aiming to deliver a 56% reduction in our energy related emissions, on the pathway to deliver the 2050 vision of net zero carbon and affordable energy. An Action Plan was also published in 2022 which included a range of actions including the improvement of energy efficiency of new buildings. As such, a phased approach was put forward to uplift the requirements of building regulations, to deliver this aspect.

The Strategy seeks to ensure that new buildings are designed and constructed to net zero ready standards from no later than 2026/27. Regulatory requirements would need to move quickly for the net zero future demanded by our Climate Change legislation.

Therefore, the Department of Finance, which had responsibility for maintaining the building regulations in Northern Ireland, had issued a pre-consultation discussion document as the second phase of a five phase programme to realign building regulations with climate change commitments. Phase 1 of the programme provided some minor amendments to building regulations technical guidance to deliver a pragmatic uplift as quickly as possible. This was published in March 2022 and came into effect on 30 June 2022. The intention of the current pre-consultation document was to provide an early outline of potential proposals (Phases 3 to 5) to introduce significant change to building regulations in order to improve energy efficiency and reduce emissions from buildings. The pre-consultation aims to inform and explore the challenges, to consider any alternative approaches that other regions may provide and to encourage industry and society to prepare for change.

The extent of change proposed was significant. There was a clear intention to transition away from conventional heating systems, (making the highest carbon fuels such as oil and coal unviable for new-build situations) and to introduce the electrification of heat supply, increase requirements on building fabric standards and require the installation of renewable technologies to generate energy.

Future uplifts in the Department's programme indicate an expectation that all new build homes would be fitted with low carbon heat sources (i.e. heat pumps) from 2026/27. The final phase of the programme, intended for 2029/30, suggests that replacement heating in existing buildings should be a low carbon heat source.

The Building Control service recognises the need to introduce these significant changes to building regulations. Increased focus on building performance brings greater levels of complexity and staff would need training and support to effectively deliver the enhanced service expectations, particularly when the construction industry and society generally would rely on our professional expertise to assist them in achieving compliance with these new requirements.

The pre-consultation document and associated draft consultation response which had been drafted primarily from a Building Control perspective on behalf of the Council was circulated. The consultation was technical in nature due to the proposed changes for Building Regulations. The discussion document covers a range of building regulations technical areas which are mutually influential including Part F – Conservation of fuel and power; Part K – ventilation; a new Part on mitigation of overheating in dwellings and a new Part for potential electric vehicle infrastructure.

The initial consultation response date of 15th November 2023 had now been extended to 15 December 2023.

In terms of the wider implications of the move towards net zero, it was important that the Council had a full understanding of the changes so that it could consider the impact on all residents, the impact on its services as well as the impact on investment within the Borough. It was also noted that the Department for Communities, which had responsibility for new build social housing and work with the NI Housing Executive, had commenced work on a fuel poverty strategy and that providers were considering the impact on the electricity network. As such a draft letter was circulated for Members' consideration inviting representatives from the Department of Finance to provide a briefing to Elected Members including an update on the Action Plan and consultation on Building Control Regulations.

Moved by Alderman Cosgrove
Seconded by Councillor Brady and

RESOLVED: that the draft pre-consultation response be approved and submitted and the Chief Executive requests officials from The Department of Finance to provide a briefing and update to the Council.

ACTION BY: Stephen Hipkins, Head of Building Control

11.4 ED/GEN/006 REVO AWARDS – ECONOMIC DEVELOPMENT AND THE JUNCTION RETAIL AND LEISURE PARK

Earlier this year, the Council's Economic Development Team entered the National REVO Awards in partnership with The Lotus Group and The Junction Retail and Leisure Park.

The REVO Awards support the interests and values of the retail, leisure, and placemaking real estate community, and is the forum for its members to network, share experience, provoke thinking and lead the evolution of the built environment.

The joint bid was submitted to highlight the collaborative approach that had been taken to enhance and develop the Junction Retail and Leisure Park, this includes:

1. The Council's support for Dobbies and the £10m investment and transformation of the 150,000sqft space. The Council/LMP supported this through recruitment events, training events and funding two customer service academies to ensure that local residents could avail of the new job opportunities.
2. Working collaboratively with the Council's Economic Development Team, The Junction played host to the first ever outdoor job fair in Antrim and Newtownabbey. Widely accepted to be one of the most successful ever held the event attracted 25 exhibitors, 2,490 attendees and as a result of the engagement 204 local residents moved into employment.
3. ANBC host a number of significant tourism events in the award-winning Antrim Castle Gardens throughout the year. Through the new partnership The Junction and ANBC combined resources to utilise the extensive car park at The Junction and offer a free shuttle bus to the events, including Garden Show Ireland (GSI). This allowed visitors to the Show to enjoy a stress-free journey, but also saw thousands of extra visitors to The Junction where they were able to enjoy the wide variety of retail and hospitality options. Retail stores reported a marked increase in recorded sales over that weekend.

The bid had now been shortlisted against two other bids in the '**Best Local Authority/Retail Partnership**' category. The Council as an applicant had been awarded two tickets to attend the award finals.

The finals would take place in London on the 6th December 2023 at the Control Room A, Turbine Hall A, Battersea Power Station.

Moved by Alderman Cosgrove
Seconded by Councillor Smyth and

RESOLVED: that approval be granted for the attendance of the Mayor, or nominee and a relevant Council Officer at the awards final, the cost of which will be met through the Economic Development budget.

ACTION BY: Steven Norris, Deputy Director of Regeneration and Infrastructure

11.5 ED/GEN/006 INVITATION: NATIONAL ASSOCIATION OF COUNCILLORS (NAC) NI 2023/24 LEADERSHIP SERIES

Members were reminded of the recent invitation received from National Association of Councillors (NAC) Northern Ireland Region to attend the 2023/24 Leadership Series, Events 2 and 3, entitled "Developing a New Economy" The events are aimed at Councillors and Senior Officers with a strong passion to improve their understanding of future economic thinking and delivery.

The sessions would outline the challenges Councils and Councillors face in leading our future local economies and provide insights from speakers, experts and panellists in how to embrace these challenges, towards new enterprise perspectives and effective support for local businesses.

The free events were due to take place on Friday 19 January 2024 and Friday 26 January 2024 as follows;

- Event II: Friday 19 January 2024 – 12.00pm to 4.45pm, Ulster University, York Street Campus, Belfast
- Event III: Friday 26 January 2024 – 12.00pm to 4.45pm, Ulster University, Magee Campus, Derry/Londonderry

Places were limited and must be booked in advance. Further information was circulated.

Relevant Officers from the Economic Development team would be in attendance.

Moved by Councillor Cosgrove
Seconded by Councillor Webb and

RESOLVED: that Members advise Member Services if they wish to attend either of the two events.

ACTION BY: Tara McCormick, Executive Officer, Economic Development and Member Services

12 ITEMS FOR NOTING

12.1 G/MSMO/14 MOTION – DERRY CITY AND STRABANE DISTRICT COUNCIL – RIGHTS OF NATURE FOR LOUGH NEAGH

Members were advised that correspondence had been received from Derry and Strabane District Council regarding a Motion adopted by their Council in relation to Lough Neagh (copy circulated).

Members would recall the motion adopted by this Council on Lough Neagh at the September meeting.

"That Antrim and Newtownabbey Borough Council calls on the local Government Association (NILGA) to immediately establish a working group made up of DAERA and its respective agencies including NIEA, Inland Fisheries and others, along with representatives from the four Councils that border Lough Neagh, and other relevant agencies including NI water and the Public Health agency and Food Standards Agency in order to hold the department(s) and agencies accountable for the development of a time bound targeted strategy to address the poor water quality and in particular the impact of toxic Blue Green algae affecting Lough Neagh, and its impact on the environment, the loughs residents, businesses and recreational users. NILGA will convene (and act as the independent oversight for) the working group and strategy to address the issue".

It was also agreed that the Chief Executive would write a robust letter to DAERA and statutory Agencies requesting they present at a further Council Meeting, addressing their proposals on this issue.

Responses from DAERA and NILGA were noted at the October Council meeting as follows:

- DAERA had established an Operational Task Team as well as a Water Quality Steering Group (WQSG) comprising of senior officials from DAERA, NIEA and DfI. They also stated that the process of developing an action plan was ongoing and they would therefore be in touch in due course to offer a briefing session.
- NILGA would write to the four Councils surrounding Lough Neagh with proposed next steps once they had met both DAERA and NIEA to understand the status of the working group which had already been established and the action that both organisations have in progress

Derry and Strabane District Council have asked if the Council would be willing to attend a meeting to explore the potential of legally recognised Rights of Nature for Lough Neagh and/or if there are any other existing forums that are dealing with Lough Neagh at which this matter could be explored.

Officers would contact Derry and Strabane District Council to update them on actions currently being taken by the Council.

Moved by Councillor Foster
Seconded by Alderman Boyle and

RESOLVED: that the correspondence from Derry City and Strabane District Council be noted.

NO ACTION

12.2 CP/PCSP/081 INDEPENDENT MEMBERS TO THE NORTHERN IRELAND POLICING BOARD

Members were advised that correspondence (circulated) had been received from the Secretary of State for Northern Ireland, Chris Heaton-Harris MP in relation to planned recruitment of Independent Members to the Northern Ireland Policing Board.

The Secretary of State advised that the Department of Justice (DOJ) would shortly commence a recruitment process in order to recruit three Board members given that the term of current members was due to expire at the end of March 2024.

Moved by Councillor Foster
Seconded by Alderman Boyle and

RESOLVED: that the report be noted.

NO ACTION

MOTION TO PROCEED 'IN COMMITTEE'

Moved by Councillor Foster
Seconded by Alderman Magill

RESOLVED - that the Council proceeds to conduct the following business 'In Committee'.

Members were advised that the live stream and audio recording would cease at this point.

13 ITEMS IN CONFIDENCE

13.1 IN-CONFIDENCE ED/ED/195 Vol.2 MINUTES OF THE GOVERNANCE MEETINGS OF THE LEVELLING UP FUND PROJECT BOARD HELD ON 6th JULY, 31ST AUGUST, 11TH OCTOBER 2023

The Levelling Up Fund award required that a governance structure be put in place to oversee the management and implementation of the approved schemes:

- LUF0037 Glengormley Integrated Economic and Physical Regeneration Scheme
 - LUF0080 Antrim Integrated Economic and Physical Regeneration Scheme
- This included an internal project board made up of relevant Officers involved in delivery: Capital Development; Economic Development; Public Relations & Marketing; Legal Services; Building Control.

The Levelling up Fund Project Board met on the 6th July, 31st August and 11th October 2023 to monitor progress and to provide direction for the schemes.

Copies of the minutes from the meetings were circulated for Members' consideration.

Moved by Councillor Goodman
Seconded by Alderman Cosgrove and

RESOLVED: that the minutes of the Levelling Up Fund Project Board meetings held on 6th July, 31st August and 11th October 2023 be approved.

ACTION BY: Majella McAlister, Director of Economic Development and Planning

13.2 IN CONFIDENCE G-LEG-12-300 & PBS/PS/012 STRATEGIC ASSET MANAGEMENT - SALE OF LAND AT HOLLYBUSH GARDENS, BALLYCLARE

Members were reminded that the previous work undertaken to review the land assets held by the Council and the subsequent decisions regarding disposal.

In June 2020 the Council agreed to dispose of land at Hollybush Gardens (map circulated) and that this should be marketed via an estate agent. Subsequently in September 2020 approval was given to sell the land to a developer for £[REDACTED]. Unfortunately, the sale did not complete and the contract had now been withdrawn.

The site extends to 0.5 hectares and was zoned for housing, in the Belfast Metropolitan Area Plan. It was also stated that the housing development should be a minimum gross density of 25 dwellings per hectare and access shall be from Collinview Drive, subject to planning permission.

Outline Planning Permission was granted to legacy Newtownabbey Borough Council in April 2009 for a residential development comprising of 12 bungalows on the site by the then Department of the Environment with access to be taken from Collinview Drive. This permission had now expired therefore any future development would entail the submission of a new planning application.

While marketing of this land for sale in 2020, complaints were received from residents of Collinview Drive, expressing concerns regarding the potential development. Complainants were advised that such matters should be raised through the normal planning process.

Osborne King had revalued the site at [REDACTED]
[REDACTED]

Moved by Alderman Cosgrove
Seconded by Councillor McWilliam and

RESOLVED: that the Council places the land at Hollybush Gardens, Ballyclare on the open market for sale via an estate agent.

ACTION BY: Liz Johnston, Deputy Director of Governance

The Deputy Mayor, Councillor Kinnear left the Chamber during Item 13.3.

13.3 IN CONFIDENCE WM/CON/005 PROCUREMENT OF INTERIM RESIDUAL WASTE TREATMENT CONTRACT

[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Moved by Councillor McAuley
Seconded by Alderman Cosgrove and

RESOLVED: that the Council progresses the procurement of a new interim residual waste treatment contract through the existing arc21 process.

ACTION BY: Lynsey Daly, Head of Waste Strategy & Sustainability

13.4 IN CONFIDENCE FI/PRO/TEN/526 PROVISION OF VR STYLE DRIVER TRAINING PROGRAMME

Vehicle related accidents had consistently been the most frequently reported health and safety incidents in the last 5 years and cost the Council approximately £250,000 in direct and indirect charges, with each incident costing approximately £1,000 on average. This also had an adverse impact on the negotiation of Council's annual insurance premiums year on year. Council driving staff, as professional drivers, do receive mandatory training in order to maintain their specialist driving qualifications, however, this is solely classroom based and many of the attendees feel it lacks relevant and engaging content. As a result, there was minimal reduction of vehicle incident statistics following this style of training which indicates that its impact on driver behaviour was low.

In order to improve the impact of training, Council Officers investigated alternative teaching approaches that could deliver a more engaging and impactful training programme for both the Council's professional drivers and those who drive as a part of their job role (Grey fleet). The use of modern

technology to incorporate a virtual reality element into training content would bring to life dangerous and realistic scenarios and therefore, increase the learning value of the training content.

It was envisaged that the proposed training would reduce the frequency and severity of vehicle incidents resulting in both lower costs and risks for the Council. It was anticipated that this new approach to training could reduce Council vehicle accidents by up to 20% with potential cost savings of approximately £10,000 per annum, resulting in a payback on investment of less than 6 years.

Furthermore, a more modern training programme utilising a virtual reality element could also be delivered as part of a wider road safety campaign, assisting those small/medium businesses with vehicle fleets that would not otherwise be able to access this style of training. Thus, it could also reduce the risk of vehicle accidents within the Borough and improve the competitiveness of participating businesses.

With the above in mind, Council Officers carried out a procurement exercise to assess the training solutions available in the market. The tender opportunity was made available on eSourcingNI on 2 October 2023. Four tender responses were opened via the eSourcingNI Portal on 24 October 2023 and referred to the evaluation panel for assessment. The tenders were evaluated on a two stage basis as follows:

STAGE 1 – SELECTION STAGE

The tenders were evaluated on a pass/fail basis for tenderers' professional conduct, economic and financial standing, management systems and practices, previous relevant experience, and declarations and form of tender. One tender failed to meet the requirements of this stage and did not proceed further in the evaluation. The remaining three tenders met the requirements of Stage 1 of the evaluation process and proceeded to Stage 2.

STAGE 2 – AWARD STAGE

Sub-Stage 1 – Technical Assessment

The tenders were evaluated on a pass/fail basis for compliance with the specification. The tenders met the requirements of this stage and proceeded to the next stage of evaluation.

Sub-Stage 2 – Quality & Commercial Assessment

The tenders were evaluated on the programme implementation plan (10%), programme content and delivery (30%), contract management and customer focus (10%) and cost (50%). One tender failed to meet the quality threshold and therefore did not proceed further in the evaluation. The recommendation was as follows:

Rank	Supplier	Quality Assessment (Out of 50%)	Cost Assessment (out of 50%)	Total % Score	Total Estimated 3 Year Cost (£) (Excl. VAT)
1	FrancisKodak Design Lab Ltd	50%	50%	100%	£ [REDACTED]

Moved by Alderman Cosgrove
Seconded by Councillor Webb and

RESOLVED: that having achieved a score of 100%, FrancisKodak Design Lab Ltd be appointed for the Provision of VR Style Driver Training Programme at a total 3 year cost of £ [REDACTED] excl. VAT).

ACTION BY: Melissa Kenning, Procurement Manager

The Deputy Mayor, Councillor Kinnear returned to the meeting during Item 13.4.

13.5 IN CONFIDENCE FI/PRO/TEN/459 TENDER FOR PROVISION OF CONTRACTOR FOR GLENGORMLEY OFFICE REGENERATION

At the Council meeting on 30 August 2022 Members agreed to proceed with the Glengormley Office development, as part of the Levelling-up Fund (LuF) opportunities outlined for Glengormley. The current budget approved for the project was £ [REDACTED] which was comprised of a LuF funding contribution of £ [REDACTED] and a Council contribution of £ [REDACTED].

This report presented the outcome of the recent tender exercise to appoint the contractor for the works contract and update the project budget.

PROJECT SCOPE

The project involves the creation of flexible office accommodation in Glengormley town centre which would include: provision of workspace, communal collaborative space, meeting/conference facilities, catering facilities, showering facilities and storage space. The office block would be accessible 24/7 and be c 2,000 m² over 3 floors and include a parking area and plaza with hard and minor soft landscaping.

PROCUREMENT

This above threshold tender opportunity for the works contract was made available on Find a Tender/eSourcingNI on 20 June 2022. Eight completed Pre-Qualification Questionnaires (PQQs) were evaluated using the criteria of past performance, economic and financial standing, professional conduct, health and safety and technical & professional ability. The seven highest scoring contractors were selected for Invitation to Tender (ITT).




Five contractors submitted tenders.

TENDER ANALYSIS

Tenders were evaluated on the basis of quality, social value and price.

The highest scoring tender was received from Connolly & Fee Limited as detailed below.

Contractor	Quality/Social Value Score (30)	Cost Score (70)	Total Score (100)
Connolly & Fee Limited	30	70	100

Total of the Prices	Model Compensation Event Total	Tender Assessment Total Price
		

**The Total of the Prices is the Contractor's price to carry out the works.*

***The model compensation event was included in the evaluation exercise to assess the cost impact of change resulting from potential future compensation events (variations due to unforeseen items). It includes costs for people, materials and equipment.*

****The Tender Assessment Total Price is the Total of the Prices + the Model Compensation Event Total and was used solely for tender comparison purposes*

A representative from Connolly & Fee Limited was interviewed on 31 October 2023 to clarify their tender prices. They confirmed they can meet the works specifications for the prices submitted and the challenging programme completion date.

SOCIAL VALUE

A report was brought to Members in June 2023 updating Members on the requirements and operation of Social Value within the procurement of contracts.

For procurement of construction contracts over threshold (£4.4m) and other larger contracts, bidders are asked to complete a points matrix of their social value commitments from a range of Council priority groups and themes.

The Council's priority groups are

- a person who is in education or has left education in the last 12 months and is seeking employment and is resident in the Borough
- a person aged under 25 that has been unemployed for more than 26 weeks and is seeking employment and is resident in the Borough
- a person aged over 25 that has been unemployed for more than 52 weeks and is seeking employment and is resident in the Borough
- people who are underrepresented and new to the sector and are seeking employment and are resident in the Borough
- people with a disability and are resident in the Borough
- another person who faces barriers to employment or who is at risk of social exclusion and is seeking employment, as accepted by the Council, at the Council's discretion and is resident in the Borough

For each Council contract a minimum points value must be achieved by the bidder within their Social Value Delivery Plan with a minimum of 100 Social Value points per £1million of contract value.

As part of their Social Value Delivery Plan the Contractor plans to provide paid employment to people from Council's Priority Groups. Specifically, the Contractor has committed to the following:

- A) 80 weeks paid employment for persons from the priority groups. To achieve this the contractor would engage with;
 - local stakeholders such as The Bytes Project, Loughview Training Services, QUB, UUJ, NRC
 - Working Well- NIACRO's employment support programme for people with convictions
- B) 208 weeks paid employment via 4 number apprenticeships including Women in Construction via the Construction Industry Training Board
- C) 80 weeks' student placement/professional trainee
- D) Inclusion of 1x social enterprise (SE) resource in the supply chain recruited from the Borough /Glengormley Urban DEA

As required in the works specification following award the Contractor would engage in a workshop with Elected Members and Key Stakeholders for the area regarding the implementation of the Social Value Delivery Plan. The Social Value Delivery Plan would be monitored during the contract period to ensure Social Value had been delivered as per the tender.

COST SUMMARY OF CONSTRUCTION WORKS

Based on the tender submitted for the full scope of works from Connolly & Fee Limited the revised construction works budget was estimated as follows:

Total of the Prices		
Model Compensation Event		
Tender Assessment Total Price		
IT equipment		
Professional Fees, Statutory Fees and Surveys		
Additional Contingency		
Estimated Total Construction Works Budget		
LuF Funding		
Revised Council Contribution		

An additional contingency sum of £ [REDACTED] had been included in the revised budget to cover a range of items which were not able to be fully closed out at tender stage and included within the tender documents. These include NIE substation, NIW requirements and design development of some issues.

Based on the lowest tender return from Connolly & Fee Ltd, the estimated total construction works budget is £ [REDACTED] above the current Council approved budget of £ [REDACTED]

In order to meet the estimated total construction works, budget a revised contribution from the Council of £ [REDACTED] would be required.

FURNITURE

The delivery of a high-quality furniture contract was currently being procured via a separate contract and a separate report is being presented to Members.

PROGRAMME

Based on proceeding with a contract award in December 2023, works could start on site in January 2024 with an 80-week completions programme. A detailed programme of works and detailed expenditure profile would be developed post award.

Moved by Councillor Bennington
Seconded by Alderman Cosgrove and

RESOLVED:

- that the construction works contract at the tendered total of the prices in the sum of £ [REDACTED] (excl. VAT) from Connolly & Fee Limited be approved, giving a tendered assessment total price of £ [REDACTED] (excl. VAT);

- the total estimated construction works budget of £[REDACTED] with a Council contribution of £[REDACTED] be approved; and
- build sustainability into all elements of the project

ACTION BY: Michael Lavery, Director of Sustainability/Reggie Hillen, Head of Capital Development

Having declared an interest in Item 13.6 Councillor Foster left the Chamber at this point of the meeting.

13.6 IN CONFIDENCE FI/PRO/TEN/510 ANTRIM LUF HUB FURNITURE CONTRACT

Members were reminded that in May 2023, the Council approved the works contract for the Antrim Levelling Up Fund (LUF) Workspace Hub. At the same time, it was reported that a separate high-quality furniture contract was being developed with a further update report to be provided to Members.

Officers are progressing with this procurement contract. The tenders would be evaluated as follows:

STAGE 1 – SELECTION STAGE

The tenders would be evaluated on a pass/fail basis for mandatory exclusion and financial compliance, economic and financial standing, management systems and practices, previous relevant experience, and declarations and form of tender. Where tenderers pass all aspects of this stage, they would progress to Stage 2.

STAGE 2 – AWARD STAGE

Technical Assessment

The tenders would be evaluated on a pass/fail basis for compliance with the specification. If they meet all the requirements of this stage they would progress to the Quality and Commercial Assessment.

Quality/Commercial Assessment (60%/40%)

The tenders would be evaluated on the basis of management of the work (30%), management of defects (18%), the quality element of added value (12%) and cost (40%).

The contract would be awarded to the highest scoring tenderer who passes all stages of the process as long as the total cost is in line with budgetary approvals.

Tender Approach

The approach taken would be to initially procure and award the furniture contract for the Antrim hub with the option under the contract provisions to also award for the Glengormley hub subject to a pricing exercise.

The budget estimated for both hubs was £ [REDACTED] £ [REDACTED] for Antrim and £ [REDACTED] for Glengormley.

There was a long lead in time for supply of furniture. In order to avoid delay in the implementation of the project, it was proposed to give delegated authority to the Chief Executive to approve the appointment of the furniture contractor. This was subject to the tender returns being within the budget, as agreed by the Elected Members.

Moved by Alderman Cosgrove
Seconded Councillor Webb by and

RESOLVED: that

- a) an indicative budget of £ [REDACTED] for the furniture contract for both Antrim and Glengormley Workspace Hubs be approved;**
- b) delegated authority be granted to the Chief Executive to award the furniture contract once the evaluation exercise had been completed as outlined above;**
- c) an updated report on the contract award be brought back to Elected Members in January 2024.**

ACTION BY: Melissa Kenning, Procurement Manager.

Councillor Foster returned to the Chamber at this point of the meeting.

13.7 IN CONFIDENCE HR/HR/10 LOCAL GOVERNMENT SERVICES PAY AGREEMENT 2023

Members were advised that the Council had received notification from the Northern Ireland Local Government Association that agreement had been reached on the 2023 pay awards for local government services 'Green Book' employees and local authority Chief Executives. A copy of the correspondence was circulated for Members' information.

Both agreements cover the period 1 April 2023 to 31 March 2024, with effect from 1 April 2023.

Provision had been made in the 2023/24 projected financial performance presented at the Corporate Workshop on 26 October for the implementation of this pay award.

Moved by Alderman Cosgrove
Seconded by Councillor Cosgrove and

RESOLVED: that the report be noted.

NO ACTION

13.8 IN CONFIDENCE PT/CI/057 CORPORATE PLANNING WORKSHOP - FINANCE

Members were reminded that the Corporate Planning Workshop - Finance was held in Mossley Mill, Council Chamber on Thursday 26 October 2023.

A copy of the minutes was circulated and any actions arising from the minutes would be brought back through the relevant Committee.

Moved by Alderman Magill
Seconded by Councillor Foster and

RESOLVED: that the report be noted.

NO ACTION

MOTION TO PROCEED 'OUT OF COMMITTEE'

Moved by Councillor Foster
Seconded by Councillor Cosgrove and

RESOLVED - that the Council proceeds to conduct any remaining business 'In Public'.

Members were advised that the audio recording would restart at this point.

The Mayor thanked everyone for attending and the meeting concluded at 9.42 pm.

MAYOR

Council Minutes have been redacted in accordance with the Freedom of Information Act 2000, the Data Protection Act 2018, the General Data Protection Regulation, and legal advice.