

## **CASTLEREAGH BOROUGH COUNCIL**

Minutes of the proceedings of the Technical & Environmental Services Committee Meeting, held, in committee, in the Function Suite, Civic & Administrative Offices, Bradford Court, Upper Galwally, Castlereagh, BT8 6RB on Tuesday 4 October 2005 at 7.00 p.m.

**ALDERMEN:** J Norris (In Chair)  
G Rice (until 9.25 p.m.)

**COUNCILLORS:** A M Beattie  
J Beattie  
M Chambers  
D Drysdale  
S Duncan  
B Hanvey  
M Henderson (from 9.00 p.m.)  
T Jeffers  
A Ramsey  
J Spratt

**IN ATTENDANCE:** Director of Technical & Environmental Services,  
Building Control Manager, Environmental Health  
Manager, Client Manager, Operational Services  
Manager and Assistant Members' Services Officer.

### **MATTERS ARISING**

#### **T&ESC/2005/307: MINUTES OF TECHNICAL & ENVIRONMENTAL SERVICES COMMITTEE MEETING OF 6 SEPTEMBER 2005**

Noted.

#### **T&ES/2005/308: PRESENTATION BY REPRESENTATIVES OF THE BOWLING CLUBS**

The Operational Services Manager updated Members on the current situation in respect of the outstanding issues with the bowlers, and reported that as requested at previous Committee meetings representatives from the Bowling fraternity had been invited to tonight's meeting.

Prior to the Bowlers being invited to enter the meeting the Operational Services Manager endeavoured to try and outline the current situation, he reported that the following issues were still outstanding:

- The Bowling Clubs are still refusing to sign the Council's Terms and Conditions of hire
- Facility Charge for 2004/05 (All Clubs)
- Setting of Alarm (Dungoyne & Braniel)
- Non use of upstairs room on Friday evenings (Braniel)
- Book and pay the appropriate rate for the use of the kitchen facilities where required for catering purposes. (All Clubs)

The Chairman welcomed 10 Bowling representatives to the meeting.

During discussion between the Bowlers and Councillors the Bowlers confirmed that their main concerns and issues related to the Public Liability Insurance, which now faced the Bowling Clubs, and ultimately they stated that they were not willing to sign the Council's Terms and Conditions of Hire Agreement.

Lengthy discussion ensued. The Chairman reiterated that the Public Liability Insurance for Clubs was an issue that was entirely out of the Council's hands. Councillor Jeffers clarified that all small community groups and organisations and not just Bowlers now required public liability insurance.

Members recognised that this was a serious problem facing such groups and organisations.

In relation to the facility charge the Bowlers objected to being asked to pay an additional charge for facilities, which they previously availed off as part of their green fees charge.

At this stage in proceedings the Bowling representatives left the meeting.

Councillor Beattie suggested that it may be appropriate for the Chairman along with the Operational Services Manager and the Director of Technical and Environmental Services and Director of Administration & Community Services to meet with the Bowlers to try and progress all outstanding issues.

Councillor Mrs Chambers indicated that as the Chairman of the Central Services Committee she too would like to be involved in these proceedings.

Following detailed consideration and negotiations it was

RESOLVED: - Members recommended

- (a) That initially, the Chairman of the Technical & Environmental Services Committee, the Chairman of the Finance & General Purposes Committee, the Chairman of the Central Services Committee, the Mayor, the Director of Technical & Environmental Services and the Operational Services

Manager would meet with the Bowlers with a view to clarifying and progressing the outstanding issues and concerns;

- (b) That Officers clarify how the Public Liability Insurance for Clubs issue was being addressed by other Councils in Northern Ireland, and report back to the Committee accordingly;
- (c) Clarify whether the Public Liability Insurance for Clubs issue was affecting other community groups and associations, seek legal advice if necessary, and report back to the Committee accordingly;

### **T&ESC/2005/309: PRESENTATION REGARDING CLELAND MAUSOLEUM**

The Client Manager provided Members with a brief background to the Cleland Mausoleum and advised that Members of St Elizabeth's Parish Church wished to make a short proposal to the Committee regarding the future care of this monument.

Councillor Jeffers declared an interest and left the meeting.

The Chairman welcomed representatives from the Select Vestry of St Elizabeth's Parish Church, Dundonald to the meeting.

On behalf of the Select Vestry, Mrs Patricia Morton thanked Members for the opportunity to make this presentation.

She advised that Elizabeth Cleland of Stormont Castle erected the Cleland Mausoleum in 1842 in memory of her husband. It is a monument above an under-ground vault, wherein are laid seven coffins. The Mausoleum is one of the highest and largest of its kind in Ireland, deliberately designed to be visible from Stormont Castle, the Cleland family home.

Mrs Morton continued that the general condition of the monument, and in particular the instability of the cupola, was an issue of serious concern to the Select Vestry.

She referred to a previous approach made to the Council in 1997, however, it was felt that this had not progressed due to a lack of access. The new proposal was then outlined to Members in detail. In summary the Parish Church proposed to donate the Mausoleum and a piece of land, which would enable vehicular access to the Mausoleum from Moat Park. The Council would then have ownership and responsibility for the Mausoleum.

Members of the Select Vestry then addressed a number of queries following which they left the meeting.

At this stage in the proceedings Councillor Jeffers re-entered the meeting.

Discussion ensued, however, Members were cautious in respect of this request as there were several other Mausoleums within Castlereagh Council area and there was a worry that a precedent may be set.

Councillor Duncan suggested that the Monument might be of interest to the Government, due to the Cleland family link with Stormont Estate.

Detailed discussion ensued, following which Councillor Spratt proposed that the Select Vestry be advised to urgently pursue this matter with the State, with a view to the Mausoleum being taken into State Control by the Environment and Heritage Service, as a historic monument.

Councillor Chambers seconded this proposal, and it was subsequently

RESOLVED: - Members recommended that

- (a) the Client Manager write to the Select Vestry of St Elizabeth's Parish Church, Dundonald advising that the Council would not be in a position to accede to their request to take over ownership of the Cleland Mausoleum;
- (b) they be advised to urgently pursue this matter with the State, with a view to the Mausoleum being taken into State Control by the Environment and Heritage Service, as a historic monument.

## **REPORT FROM BUILDING CONTROL MANAGER**

### **T&ESC/2005/310: SCHEDULE OF APPLICATIONS**

The Building Control Manager outlined the schedule of applications approved by the Building Control Service for the period of 01/08/2005 to 31/08/2005 for Members information.

Noted.

### **T&ESC/2005/311: REPORTS ON APPLICATIONS, INSPECTIONS AND SOLICITORS ENQUIRIES**

Noted.

### **T&ESC/2005/312: PERFORMANCE INDICATORS – FULL PLAN APPLICATIONS FOR APRIL 2005 TO JUNE 2005**

The Building Control Manager reminded Members that the Business Plan 2005-2006 for the Building Control Service set out a number of performance indicators for the Service.

He then referred Members to the number of Full Plan and Amended Plan applications received by the Building Control Service and the times in which these had been actioned by the Service.

Councillor Duncan welcomed the targets achieved.

Noted.

**T&ESC/2005/313: BUILDING CONTROL NORTHERN IRELAND, FIRE SAFETY PANEL**

RESOLVED: - Members recommended that the Senior Building Control Officer be authorised to attend the annual Fire Safety Conference, at the Lodge Hotel, Coleraine, on the 26 and 27 of October 2005 at a cost of £150.00 + VAT.

**T&ESC/2005/314: STREET NAMING**

As the requests outlined by the Building Control Manager in his report meet with the requirements of the Council's Street Naming Policy, it was

RESOLVED: - Members recommended

- (a) that the street name of 'Grand Prix Mews' be allocated to the 6 No. Dwellings, under construction by Magill Contracts, at Grand Prix Park, Dundonald;
- (b) that the street name of 'Grace Hill' be allocated to the 15 No. Dwellings, under construction by McAlister Homes, at 8-10 Grahams Bridge Road, Dundonald.

**REPORT FROM OPERATIONAL SERVICES MANAGER**

**T&ESC/2005/315: REPORT ON USAGE OF FACILITIES AT BILLY NEILL MBE SOCCER CENTRE OF EXCELLENCE – MID AUGUST 2004 TO END MAY 2005**

The Officer advised that during the period mid August 2004 – end May 2005 the following bookings had taken place: -

499 senior soccer matches  
139 junior soccer matches  
7 International training sessions

## 10 Milk Cup Training Sessions

He added, that throughout the season there were no pitch cancellations due to inclement weather and the facility hosted 31 tournaments and 24 events in the pavilion.

Noted.

### **T&ESC/2005/316: OPERATIONAL SERVICES AND CLIENT SERVICES BUDGET REALLOCATION**

The Operational Services Manager advised that during CCT the former Direct Services Organisation codes, under 1602, 1702, 1802 and 0434 were shown as one line and related only to the contracts for services which the Direct Services Organisation provided. He continued, that in order to make the estimating and budgeting process more meaningful it was proposed to allocate additional budget headings from Client Services to the Operational Services therefore ensuring a more even spread of budgets across the two services.

Following a query the Director confirmed that this situation arose due to the recent reorganisation of the Department, involving Client Services and Operational Services.

RESOLVED: - Members recommended that Officers be permitted to carry out a budget reallocation, allocating additional budget headings from Client Services to Operational Services ensuring a more even spread of budgets across the two services, which reflected budget holder responsibilities.

### **T&ESC/2005/317: CASTLEREAGH HILLS GOLF CLUB MEMBERSHIP RATES**

The Operational Services Manager advised that while setting the membership rates for the new Castlereagh Hills Golf Club a special discounted rate of £450.00 was set for all the existing Gilnahirk Golf Club members who joined the new Club. He added that Council Members and staff who were considering joining the Club had enquired about a discounted rate. To date the only discount offered to Council Members and staff was that they did not have to pay the joining fee. Therefore, Council Members and staff were being treated more unfavourably than the Gilnahirk Golf Club members.

He suggested that to address this issue it was being recommended that the same discount offered to the Gilnahirk Club Members should be offered to Council Members and staff.

It was therefore

RESOLVED: - Members recommended that the same discount offered to the existing Gilnahirk Golf Club Members of £450.00, should be offered to Council Members and staff, until 31 March 2006 and thereafter to be reviewed.

**T&ESC/2005/318: CASTLEREAGH HILLS GOLF CLUB INCOME REPORT AND PROJECTION (COPY CIRCULATED AT MEETING)**

The Operational Services Manager referred Members to the above report.

Councillor Jeffers congratulated Officers on the facility and how well it was being run.

Members concurred.

Noted.

**T&ESC/2005/319: STAFF TRAINING**

The Operational Services Manager reported that three members of the Parks Section would benefit from undertaking Amenity Horticulture NVQ Level 2 and four members from undertaking Greenkeeping and Sportsturf Management both (day-release) at Greenmount College. He advised that this course was totally funded by the Department of Agriculture and Regional Development; therefore, the only cost to the Council would be to release the staff to attend on a day release basis.

RESOLVED: - Members recommended

- (a) that three members of staff from the Parks Section be authorised to undertake an Amenity Horticulture NVQ, Level 2 on a day release basis;
- (b) that four Members of staff from the Parks Section be authorised to undertake a Greenkeeping and Sportsturf Management course, on a day release basis.

At this stage in proceedings Councillor Henderson entered the meeting.

**REPORT FROM THE ENVIRONMENTAL HEALTH MANAGER**

**T&ESC/2005/320: PUBLIC HEALTH (IRELAND) ACTS 1878 TO 1907 - STATUTORY NOTICES**

The Environmental Health Manager detailed that Statutory Notices had been served regarding the abatement of Public Health nuisances/conditions prejudicial to health.

Noted.

### **T&ESC/2005/321: UPDATE ON AIR QUALITY IN CASTLEREAGH BOROUGH COUNCIL**

The Environmental Health Manager advised that Castlereagh Borough Council Environmental Health Service had been monitoring local air quality proactively since 2000, a report had been produced in June 2000 detailing the outcome of the action and results at that time. This report was part of Castlereagh Borough Council's voluntary commitment to monitor air quality in the absence of statute. The report concluded that further analysis was required of 4 named pollutants.

The Officer continued that with the introduction of The Environment (NI) Order 2002, a statutory framework for the management of local air quality was established. The legislation detailed when reports had to be compiled and how to gather information required for these reports.

She reported that the Environmental Health Service secured funding made available by the Environment and Heritage Service to enable the Council to meet its statutory obligation to assess local air quality. The funding was used to procure air quality monitoring equipment and to extend the present air quality monitoring programme. At this time the amount of grant secured amounted to over £100,000.

The report in June 2000 indicated traffic and domestic coal burning as the two major sources of pollution, the Council purchased an automated continuous roadside station located at Loughview Drive and an automated continuous urban station located in Clonduff to monitor pollutants from domestic coal burning.

The Environmental Health Service continued to monitor, gather information and analyse this data and as per the framework produced a further report in July 2004. She drew Members' attention to a copy of the conclusions and recommendations drawn in this report.

The Officer reminded Members that a summary report was also submitted in April 2005 and again this report concluded that Castlereagh Borough Council's local air quality did not exceed the standard and as a result, the Council did not have to declare any Air Quality Management Areas. The Officer advised that the declaration of an Air Quality Management Area would place severe repercussions on the Council, including the responsibility to reduce the pollution levels within those areas through initiatives, schemes, etc in association with other stakeholders and partners.

She advised that the continuing monitoring had identified that there may be traffic pollution hot spots in Dundonald village and as such, more in-depth research

analysis was required in this area to determine if the Council needed to declare an Air Quality Management Area.

Monitoring had also identified that pollution due to domestic fuel burning in the Clonduff area was significantly below the standards, it had also identified the townland of Carryduff as an area which may require further analysis due to the fact that there was limited data for this area and also that the domestic fuels were not smokeless.

She advised that a further progress report was due for submission in Summer 2006 the current monitoring programme would continue until the submission of the report. This should ensure that all the data retrieved was representative and conclusive before the Council's air quality monitoring programme was amended.

RESOLVED: - Members noted the above information with a view to carrying out additional analysis in Dundonald Village and the townland of Carryduff, as identified by the ongoing monitoring.

### **T&ESC/2005/322: ENVIRONMENT (NI) ORDER 2002**

The Environmental Health Manager advised that funding for monitoring of local air quality was essential in order for Castlereagh Borough Council to meet its statutory obligation as determined under the above legislation. She added that the present equipment used by the Department had been secured through funding provided by the Environment and Heritage Service.

She outlined that the purpose of this report was to advise Members of the financial cost likely to be associated with the work of the Environmental Health Service in meeting the statutory obligation of air quality monitoring. She stated that Members should be aware that, as in previous years, funding was likely to be secured to the value of 75% of the project cost, however, it should be noted that this funding was not guaranteed.

1. The present monitoring programme costs £29,000. If funding was secured the cost to the council would be £7,250.00.
2. If the current monitoring programme was expanded to include the increased traffic pollution in Dundonald village it would cost £58,000. Should funding be secured, the cost to the Council would be £14,500.
3. If the provision of air quality monitoring were extended to include both the extra traffic pollution in Dundonald and the monitoring of domestic coal burning in Carryduff would cost £75,000. If funding were secured the cost would be £18,750 for the Council.

4. In summary, the total cost to the council with no funding would be £75,000. If funding became available through grant the cost to the council would be £18,750. It should also be noted that funding from EHS could only be applied for after expenditure for a project could be demonstrated as incurred.

RESOLVED: - Members recommended that provision be made in the estimates 2006-2007, for the requirements of the air quality-monitoring programme. It was further recommended that provision be made on the basis that no funding was available and should funding then become available mid year then this could be applied for and secured.

### **T&ESC/2005/323: COUNCIL CHARGES FOR SERVICES PROVIDED BY THE ENVIRONMENTAL HEALTH SERVICE**

The Environmental Health Manager advised that it had been a number of years since these charges had been reviewed and updated accordingly.

Members perused the proposed charges and it was

RESOLVED: - Members recommended that the revised schedule of charges, as detailed below, should take effect from 1 November 2005:

#### **SCHEDULE OF CHARGES**

<b><u>SERVICE</u></b>	<b><u>PREVIOUS CHARGE</u></b>	<b><u>NEW CHARGE</u></b>
Viewing a register and the information contained therein	No Charge	No Charge
Obtaining a copy of the Food Premises Register	£1.00 per entry	£1.20 per entry
Obtaining a copy of the IPC register	£16.00 per entry	£20.00 per entry
Responding to a Solicitor's request for information on an IPC process or PPC process	Initial charge of £40.00 plus £20.00 per hour thereafter	Initial charge of £50.00 plus £25.00 per hour thereafter
Providing Health Certificates for businesses exporting	No previous charge	£50.00

Pest Control – Poisons	Wasp puffer = £2.00 Rat poison (single) = £1.00 Rat poison (bucket) = £25.00	Wasp puffer = £2.50 Rat poison (single) = £1.20 Rat poison (bucket) = £37.50
Officer's time per hour if required for court attendance in civil case	-	£25.00 per hour

### **T&ESC/2005/324: POISONS (NI) ORDER 1976 - REGISTRATION OF PREMISES**

The Environmental Health Manager advised that applications had been received from the following premises for registration in 2005:

- Peter Woods, 72 Knockbreda Road, Belfast, BT6 0JB.

RESOLVED: - Members recommended that the above premises be registered for the selling of poisons, as required under the Poisons (NI) Order 1976.

### **T&ESC/2005/325: PETROLEUM CONSOLIDATION ACT (NI) 1929 - LICENCE RENEWAL**

The Environmental Health Manager advised that as required by the above legislation, applications had been received for the renewal of a licence to store petroleum at premises, as outlined in her report.

She confirmed that inspections were being carried out to ensure that the premises complied with the requirements of the Act and the Council's Petroleum Licence Terms and Conditions.

RESOLVED: - Members recommended that the licences as outlined in the Environmental Health Manager's report be renewed.

### **T&ESC/2005/326: THE DOGS (NI) ORDER 1983 - DOG CONTROL POLICY**

The Environmental Health Manager advised that the Council through the Environmental Health Service had a number of enforcement policies, which underpin and guide any enforcement action taken by the council. She reported that at a meeting of the Technical and Environmental Services Committee held

on Tuesday 6 September 2005 it was resolved that Members recommended that Council endorse the provisions in the Home Office Circular on the issue of Formal Cautions by the Environmental Health Manager and accept that these be offered for offences where appropriate to do so. It was further recommended that where an offender declines to accept the Formal Caution, that a report then be brought to Committee with a recommendation to instigate legal proceedings (minute reference: T&ESC/2005/255 refers).

The Officer continued that in light of this resolution it was therefore necessary to revise the dog control policy and make provision in it for the issue of a formal caution.

The Environmental Health Manager then proceeded to outline the proposed amendments to the Policy and it was subsequently

RESOLVED: - Members of the Committee recommended that the procedures in Section 7.2 of the Council's Dog Control Policy be amended as follows to allow for the use of Formal Cautions when appropriate.

After 7.2(x) shall be inserted the following:

- (xi) *Having regard to Home Office Circular 59/1990 with regard to the Cautioning of Offenders, a Formal Caution may be offered by the Environmental Health Manager where the circumstances of the attack make it appropriate to do so.*

The existing Section 7.2(xi) shall be amended as follows and renumbered (xii):

- (xii) *Legal opinion to be sought from Solicitor to ascertain strength of Council's case where this is considered necessary by the Environmental Health Manager.*

The existing Section 7.2 (xii) shall be amended as follows and renumbered (xiii):

- (xiii) *Report to Council with a recommendation to instigate legal proceedings and also seek Council approval to request a Destruction Order by the Court if required.*

The two remaining sections of the existing policy will remain unchanged but be renumbered accordingly.

#### **T&ESC/2005/327: STAFF TRAINING – DEALING EFFECTIVELY WITH UNACCEPTABLE EMPLOYEE BEHAVIOUR**

The Environmental Health Manager advised that a one-day seminar on Unacceptable Employee Behaviour was due to be held at the Stormont Hotel on

21 December 2005. She reported that the cost of the course was £99.00 and that there was sufficient budget to cover this charge.

RESOLVED: - Members recommended that Richard Harvey, Senior Environmental Health Officer, attend the Unacceptable Employee Behaviour seminar, to be held at the Stormont Hotel, on 21 December 2005, at a cost of £99.00.

#### **T&ESC/2005/328: TRAINING – WORKING AT HEIGHTS SEMINAR**

The Environmental Health Manager reported that a one-day training seminar had been organised for 5 October 2005 at Cookstown. The seminar was aimed at training officers who would be involved in investigating accidents involving falls from heights.

RESOLVED: - Members recommended that one officer from the Environmental Health Service attend the training course – Working at Heights Seminar, on 5 October 2005, at a cost of £20.00.

#### **T&ESC/2005/329: STAFF TRAINING – MRS EILEEN LOGAN, ENFORCEMENT OFFICER**

The Environmental Health Manager advised that in order to enhance her letter and report writing skills, Mrs Logan had recently undertaken a GCSE course at Castlereagh College of Further Education. She reported that this was an evening course which would run for one year and was being undertaken totally in the Officer's own time. The cost of the course including examination fees was £110.00, and this has already been paid by Mrs Logan.

RESOLVED: - Members of the Committee recommended the reimbursement of the £110.00 fee to Mrs Logan for the educational course undertaken.

### **ENVIRONMENTAL HEALTH – ANY OTHER BUSINESS**

#### **T&ESC/2005/330: AMUSEMENT ARCADE – DUNDONALD**

Councillor Jeffers expressed disappointed that the above facility had opened last Wednesday, despite the fact that it did not have planning permission.

He read an extract from the March meeting of the Technical & Environmental Services Committee (Minute ref: T&ESC/2005/99 refers)

“The entire premises would be restricted to persons over 18 years of age only, and appropriate warning signs and supervision would be required by the Council,

in line with the requirements of the legislation before the premises would be allowed to open to the public”.

Councillor Jeffers expressed disappointment as he felt this extract of the minute was misleading, particularly as the proprietor was now issuing leaflets advertising the use of the facility to persons of 16 years of age and over.

The Environmental Health Manager explained that there were different categories of gaming machines. Up to £8.00 payout machines were not age restricted, however, £25.00 payout machines were restricted to person over 18 years of age only and were subsequently required to be in a restricted area.

The Environmental Health Manager advised that Officers would be strictly monitoring this facility and should youths under 18 years of age be found in a restricted area that would be dealt with accordingly.

Councillor Jeffers asked for it to be recorded that he obviously not in attendance at the aforementioned March meeting of the Committee but felt that the minute was misleading.

The Environmental Health Manager advised that the minute was accurate for the information that was available at that time.

Noted.

At this stage in proceedings Alderman Mrs Rice left the meeting.

## **REPORT FROM CLIENT MANAGER**

### **T&ESC/2005/331: TONNAGES**

The Client Manager advised that the tonnages deposited at landfill during the month of September were not available, these would be brought to the November meeting.

Noted.

### **T&ESC/2005/332: BUILDING REPORTS – PLANNED MAINTENANCE INSPECTIONS**

The Client Manager advised that the Technical and Environmental Services Department carried out annual inspections of buildings that it maintained on behalf of this and other departments.

He referred to the inspection reports that had been designed to keep budget holders informed of routine matters, with regard to building maintenance, and highlight any extra ordinary items as they come to the attention of officers.

The Officer reported that staff within the Client Services Section were currently investigating software packages which would enable these items of work to be tied into other elements of the service, such as Request for Work Forms, Project Tracking, Asset Registers and so on.

Councillor Henderson welcomed the receipt of these reports.

Noted.

**T&ESC/2005/333: VARIANCES IN BUDGET CODES - SPECIAL COLLECTIONS**

The Client Manager advised that during the first five months of the financial year, £9610 was raised through the special collection service, as opposed to the estimate for this period of £16666. He continued that it was anticipated, using these figures, that the sum raised for the full twelve months, would be approximately £23,000, some £17,000 less than the £40,000 anticipated.

Noted.

**T&ESC/2005/334: GAS & ELECTRICITY COSTS**

The Client Manager reminded Members that it was the responsibility of the Client Services section to monitor fuel usage for all Council properties. He reported that the figures for the financial year 04/05 (last full year), and the last 12 months to August 05 were as follows:

<b>Financial Year 04/05</b>		<b>Sept 04 – Aug 05</b>
Natural Gas	£192,995.83	£190,635.86
LPG	£9127.13	£12,009.30
Electricity	£381,151.44	£358,752.37
<b>Total</b>	<b><u>£583,274.40</u></b>	<b><u>£561,397.53</u></b>

The Officer referred to the recent price increase of natural gas (approximately 30%). He reported that based on the 04/05 figures, the impact on a full 12 months, natural gas usage would be an increase in costs of approximately £60,000.00 across all Council premises. The increase announced now for the later half of this year would be greater than 50% of the £60,000.00 as obviously heating costs are substantially greater during the winter months than the summer months.

He continued that was anticipated that the price of LPG would follow that of natural gas, however, because of the modest amount of LPG used by the Council, the impact would be much less, perhaps of the order of £3000.00.

Councillor Beattie stated that he thought that there was a special arrangement that controlled the price of fuel supplied to DIIB.

The Client Manager advised that he would investigate this further.

RESOLVED: - The Client Manager to ascertain whether the price increase for Phoenix Gas was based on the retail price index or on the price increase of natural gas of 30%.

### **T&ESC/2005/335: STAFF COSTS**

The Client Manager reminded Members that the Council had advertised and been unable to fill two posts within the Client Services Section, namely the Capital Projects Officer and the Drawing Office Technician.

He reported that the Capital Projects Officers duties were being covered, in part by a temporary member of staff employed through an agency, for approximately 17 hours per week, this being the amount of time that the salary costs included in the estimates would cover.

The Drawing Office Technician duties were also being covered by a temporary member of staff employed through an agency. These costs were currently greater than the amounts available in the estimates. He added that temporary staff were also being employed to support the Tri-Cycle Scheme. However, these costs would be funded by the EHS Waste Management Grant.

The Officer advised that staff costs within the Client Services Section were currently spread across 21 different budget headings. He stated that rather than requesting for monies to be reallocated across the budget headings, he felt it was more appropriate to advise Members that some of the sums allowed within the estimates would be underspent, whereas others would be overspent. Subsequently he sought Members approval for this situation, provided overall staff costs would not exceed the amounts allowed within the budgets.

RESOLVED: - Members recommended that no transfers of staff costs across headings take place within the Client Services Section, provided the overall costs are kept within the gross amounts included in the estimates, for the year 05/06.

### **T&ESC/2005/336: FUEL COSTS**

The Client Manager reported that the Council purchases approximately £170,000 worth of fuel per year. The principle users of this fuel would be Operational Services and in particular the Refuse Collection Vehicles.

He continued that approximately 90% of the fuel used was “white” diesel, the cost of which had gone up approximately 15% over the last 12 months, 10% of the fuel would be “red” diesel the cost of which had gone up approximately 36% over the last 12 months. The Council uses white diesel to red diesel in the ratio of approximately 10/1. The averaged effect of the increase in fuel prices is 17.1% and if this is applied to the years fuel usage it indicated an increase in fuel costs of approximately £29,000 based solely on fuel prices increases.

Noted.

### **T&ESC/2005/337: CONSULTATION DOCUMENT ON SEATBELT WEARING IN BUSES AND COACHES**

The Client Manager advised that he had received the above document from the Department of the Environment, which he summarised for Members.

He advised that the document related to amendments to the Motor Vehicles (Wearing of Seat Belts) Regulations (Northern Ireland) 1993, which required passengers aged three years and above in the rear of buses and coaches to use seat belts and child restraints when seated, if these were available.

Councillor Chambers advised that the Central Services Committee had recently taken a decision not to hire any buses that were not fitted with seat belts.

RESOLVED: - Any Members who wishing to review the Consultation Document on Seatbelt Wearing in Buses and Coaches should contact the Client Manager.

### **T&ESC/2005/338: UPPER NEWTOWNARDS ROAD, ROBBS ROAD TO QUARRY ROAD CYCLE ROUTE**

The Client Manager reported that he had received drawings from the Roads Service showing the measures proposed to develop the above cycle route. In conjunction with the planned resurfacing works taking place along this section of the Upper Newtownards Road, cycle tracks were being provided along footways along both sides of the dual carriageway. The existing footways were being widened to accommodate shared use with cyclists. The proposal would provide a coherent route between the existing houses at Quarry Corner to the village of Dundonald, and will also pass Dundonald High School.

He advised that a copy of the drawings had been retained within the Technical and Environmental Services Department, should Members wish to peruse them.

Noted.

**T&ESC/2005/339: NEW DUNDONALD PRIMARY SCHOOL – RIGHT OF WAY  
– CAR PARK LICENCE**

The Client Manager reminded Members that the South Eastern Education and Library Board were constructing a new Primary School in Dundonald. Access for the new Primary School had been granted, through Moat Park. The Council also gave permission for the construction of a temporary car park/builders compound on lands at Moat Park, subject to compensation being agreed through the Valuation and Lands Agency and the Council's Valuer, Gordon Jackson Property Link.

He reported that Mr Jackson, of Gordon Jackson Property Link, the Council's Valuer in this instance, had agreed a rate of £225.00 per month (£2700.00 per annum) plus rates, subject to Council approval.

Following a query, the Officer confirmed that the Council could ask for the lands to be reinstated at the end of the agreement, or retain the surface compound.

RESOLVED: - Members recommended that Council approve the licence fee of £225.00 per month (£2700 per annum), plus rates, to be paid by the South Eastern Education and Library Board for the use of lands as a temporary car park/builders compound at Moat Park.

**T&ESC/2005/340: KICKABOUT AREA AT CREGAGH OPEN SPACE**

The Client Manager advised Members that the Contractor had incurred additional costs in the completion of the above project, which he drew Members' attention to. These totalled an estimated £12,030.91 (total cost £57,707.10) and brought the projected final account total to an estimated £57,707.10. He reminded Members that the pre-tender estimate for this work was approximately twice this figure.

RESOLVED: - Members recommended to Council that approval be given to pay the additional sums, an increase of £12,030.91 to the Contractor for the additional costs incurred in the completion of the kickabout area at Cregagh Open Space.

**T&ESC/2005/341: PLAYGROUNDS – SITE VISIT**

The Client Manager reported that a site visit had taken place to various playgrounds, on Monday 3 October 2005.

He advised that the request from the Elim Church for the Council to transfer grounds to the rear of the church had been discussed. Members were

concerned that a further piece of open space would be lost for public use, particularly as there was likelihood that there may be significant further housing development on lands adjacent to the open space in the near future.

The Client Manager advised that Members had then progressed to visit the playground facilities at Loughmoss. He provided Members with a brief background on the original vesting of the land for the playground, construction and subsequent upgrading. He reported that Members had noted at the site visit that there was very little of the original playground equipment left. Members had felt that the best location for a replacement playground would be adjacent to the Loughmoss Centre, where the facility could be developed as a park with sporting and play facilities.

Members highlighted the importance of the Director of Finance collating all previous proposals, from the various different committees, in respect of the Loughmoss development and that these be included in any future report to the Leisure Services Committee.

The Officer reported that they then proceeded to visit one of Belfast City Council's playgrounds at Inverary in the Sydenham area of Belfast.

Members noted the fencing around the site, hard and soft landscaping, and the fact that the playground was divided into three different areas for different age groups, together with a fourth area for basketball and football facilities.

The final stage of the site visit was to the bring facilities at the Old Milltown Road, Belvoir. The Client Manager reminded Members that this had been raised at the previous meeting of the Committee (Minute ref: T&ESC/2005/277 refers), he added that at the site visit Councillor Mrs Beattie had outlined the concerns of the adjacent residents.

Following discussion at the site visit it was felt appropriate to try and ameliorate the inconvenience of the various points raised by the residents and to continue to monitor the situation. Members had suggested that a letter be written to each of the residents in the apartments advising that a site visit had taken place, and stating that attempts were now being made to address each of the concerns of the residents by way of signage and discussing the possibility of parking restrictions.

Following further discussion, it was

RESOLVED: - That

- (a) Council would not proceed to transfer any additional lands to the Elim Church, but where appropriate, would agree to facilitate the use of Council land for Church functions;

- (b) Officers:
- (i) investigate the possibility of implementing sound attenuation measures at the bring facility at Old Milltown Road, changing to cushioned bottle banks if necessary;
  - (ii) investigate the possibility of erecting additional signage and implementing parking restrictions around the facility;
  - (iii) continue to monitor the bring facilities at Old Milltown, Belvoir over a period of months and, if necessary, bring a report to a future meeting of the Committee.

#### **T&ESC/2005/342: PLAYGROUND EQUIPMENT/MAINTENANCE BUDGET**

The Client Manager drew Members' attention to the fact that the playground equipment budget of £5,000.00 to maintain the Council's seventeen playgrounds was almost spent. He continued, that this meant that there were insufficient funds in this particular heading to carry out significant pieces of work to equipment. He stated that it may be necessary, over the next seven months to close a portion of a playground, or remove a piece of equipment.

Councillor Duncan asked that it be placed on record that she wished for refurbishment works at Belvoir Playground to be included in next year's estimates.

Noted.

#### **T&ESC/2005/343: PLAYGROUND AT RODDENS CRESCENT – FENCING**

The Client Manager advised that the playground at Roddens Crescent had a fence approximately 1.2 metres high around it, constructed approximately 10 years ago. He reported that young people were gathering in the playground and causing annoyance to adjacent properties. He advised that a 2.0 metre Pallsec steel fencing could be erected around the playground for approximately £3,650.00.

Councillor Beattie asked Officers to monitor the situation and investigate if funding may become available through Community Safety.

RESOLVED: - Officers continue to monitor the problems at the playground at Roddens Crescent and investigate if funding may become available through Community Safety, which could be used for the erection of this fence.

#### **T&ESC/2005/344: BILLY NEILL MBE SOCCER CENTRE OF EXCELLENCE - CONSULTANTS OUTSTANDING FEE ACCOUNT**

The Client Manager reminded Members that the outstanding fee account for the contractors for the Billy Neill MBE Soccer Centre of Excellence had been agreed earlier in the year. He stated that the Council were now in a position to finalise the outstanding fee account from the consultants for the scheme.

The Officer reported that the original tender was for the design of 7 grass pitches, 1 synthetic pitch, pavilion and other facilities and was submitted on 15 October 1999. The tender and pricing schedule included the following stages:

1. Report stage
2. Detailed design; (pavilion and associated works)
3. Detailed design; (pitches, car parks, drainage etc)
4. Site supervision
5. Maintenance manual, planning supervisor duties

He advised that the post site supervision stage involved a significant amount of time for the consultants in negotiations with the contractor and client (totaling more than 400 hours over the last 3-4 years). The work had been carried out by the Project Manager, who was a partner of the firm, and the tender rate was £30 per hour. The consultants had agreed to reduce their fee to £25 per hour and charge only for 400 hours. He reminded Members that during these negotiations the consultants had been able to negotiate a reduction in the contractors account, amounting to approximately £81,000.00.

RESOLVED: - Members recommended to Council that the abated fee account of £10,000.00 plus VAT be paid to the consultants Faber Maunsell, for the additional work undertaken.

### **T&ESC/2005/345: GLENTORAN FOOTBALL CLUB – THIRD GENERATION SOCCER PITCH**

The Client Manager drew Members' attention to a letter received from the Council's legal representatives, relating to various outstanding issues. He advised that he had raised these with Glentoran's Project Manager and was currently awaiting a response.

The Client Manager also raised a recent decision of the Leisure Services Committee on 1 September 2005 (Minute ref: LS/2005/21 refers). He reported that this resulted in a decision that a Leisure/Technical & Environmental Services Joint Working Group be established to consider the Water Based Multi-Purpose Synthetic Pitch and the partnership involving Glentoran Football Club, subject to approval by the Technical & Environmental Services Committee.

The Committee then considered the matter and whilst it was accepted that the Committee had no difficulty with this in principle, it was pointed out that the Joint

Working Group should not be detrimental to the progression of either one of the projects.

RESOLVED: - Members of the Committee recommended that a Leisure/Technical & Environmental Services Joint Working Group be established to consider the Water Based Multi-Purpose Synthetic Pitch and the partnership involving Glentoran Football Club, providing this Working Group would not be detrimental to the progression of either one of the projects.

**T&ESC/2005/346: THE WASTE AND CONTAMINATED LAND (NI) ORDER 1997 - POWERS TO REQUIRE REMOVAL OF WASTE UNLAWFULLY DEPOSITED**

The Client Manager reported that, as Members would be aware, occasionally the Council was asked to remove material that had been dumped on land that did not belong to the Council. He advised that the approach taken by the Technical & Environmental Services Department in the past had been that it was the landowner's responsibility to remove this waste (this did not include adopted surfaces). Under Clause 28 of the above Order, if any controlled waste was deposited in, or on, any land in the district of the district Council, in contravention of Article 4 (1), the district Council may, by notice served on him, require the occupier to remove the waste within a specified period, or take steps with a view to eliminate or reducing the consequences of the deposit of the waste. However, the Courts may quash such requirements, if the appellant neither deposited or knowingly caused, or knowingly permitted the deposit of the waste. The Council may take steps to remove the waste, to remove or prevent pollution of land or water, or air, or harm to human health and may take steps to recover the cost incurred by it, in removing the waste from the occupier, unless he proves that he neither made, nor knowingly caused, nor knowingly permitted the deposit of the waste, or from any person who deposited, or knowingly caused or knowingly permitted the deposit of the waste.

The Officer continued that by their very nature, these incidents did tend to be of a fly tipping type, where the person who deposited the waste was not known and where the owner of the land would probably be in a position to prove that he neither made, nor knowingly caused, nor knowingly permitted the deposit of the waste. Consequently, it was likely that the Council would have to bear the cost of the removal of the waste.

He advised that he felt that the approach adopted by the Council had been satisfactory, ie. it was the responsibility of the landowner to remove or deal with the waste (as the landowner should secure or manage his land to prevent the unlawful deposit of waste), unless special circumstances prevailed and approval was sought from the Council to remove the waste.

RESOLVED: - Members recommended that it remains the policy of the Council that landowners bear the cost of removing the waste from land deposited in contravention of Article 4(1) of the Waste and Contaminated Land (NI) Order 1997, unless a report is brought to Council and approval sought to deal with the waste.

**T&ESC/2005/347: CONFERENCE, ENVIRONMENT NI - A VISION FOR THE FUTURE, 18/19 OCTOBER 2005 AT THE STORMONT HOTEL**

The Client Manager drew Members' attention to details of the above conference.

Noted.

**T&ESC/2005/348: FRAMEWORK AGREEMENT FOR THE MANAGEMENT OF WASTE FRIDGES AND FREEZERS**

The Client Manager advised that the All Island Fridge Freezer Framework Contract expired on 13 August 2005, but the service was extended until 12 September 2005. A procurement process was undertaken, which attracted six tenders, which were then evaluated by a group, consisting of representatives from Councils in Northern Ireland, through Arc 21, the North West Region and the EHS.

He reported that the evaluation process was now complete, and M Baker Recycling Ltd had been identified as the successful bidder, at a unit rate of £9.88 per waste fridge freezer for all Council areas, within Northern Ireland. This rate was fixed for the duration of the contract, which would run until the implementation of the Producer Obligations of the WEEE Directive (now anticipated to be June 2006). The Department would provide financial assistance to meet the costs of dealing with waste domestic fridges and freezers, at the new contract rate of £9.88 per fridge. Funding would only be paid to Councils using this contract (or any other contract required for the compliance of all legal obligations and best practice) on the basis of actual costs incurred. Evidence must be produced through the production of invoices and receipts, accompanied by documentary proof that the fridges and freezers had been successfully treated at an approved processing facility.

RESOLVED: - Members recommended that Castlereagh Borough Council participate in the framework agreement for the management of waste fridges and freezers and that authority be granted for the signing of two copies of the Form of Contract Proforma.

**ANY OTHER BUSINESS – CLIENT MANAGER**

**T&ESC/2005/349: PLAYGROUND AT LIDL, DUNDONALD**

Councillor Jeffers reminded Members that there had been an agreement at the planning stage that Lidl would leave a section of this site for playground facilities in Dundonald.

The Client Manager advised that he had written to Lidl Management in Dublin on to try and progress this matter.

RESOLVED: - Members recommended that the Client Manager write to Lidl Management in Germany, in an attempt to progress the playground in Dundonald.

#### **T&ESC/2005/350: LITTERING - ENFORCEMENT APPROACH**

Councillor Henderson questioned whether Castlereagh Borough Council could adopt a similar approach to that taken by Belfast City Council in respect of littering.

RESOLVED: - The Client Manager to investigate if Castlereagh Borough Council could adopt the same approach to Belfast City Council regarding littering.

#### **T&ESC/2005/351: SPORTS FUNDING**

The Client Manager advised that the Finance & Leisure Services Department had applied for funding for a Development Officer. He stated that he was glad to report that this had been awarded, and it was anticipated that the Officer would assist with the development of the utilisation of the Billy Neill Soccer Centre of Excellence.

The Director of Finance & Leisure Services would be updating Members in greater detail at the next Finance and Leisure Services Meeting.

Noted.

### **REPORT FROM DIRECTOR OF TECHNICAL AND ENVIRONMENTAL SERVICES**

#### **T&ESC/2005/352: REPORTS AVAILABLE**

The Director of Technical & Environmental Services advised Members of the reports that were available for Members' information and perusal.

Noted.

#### **T&ESC/2005/353: CONSULTATION PAPER ON PROPOSED NEW WASTE ENFORCEMENT POWERS**

The Director referred to correspondence received from the Waste Strategy Review Team, Environmental Policy Division of the Department of the Environment regarding the above-mentioned matter.

The Department was consulting on proposals to amend the Waste and Contaminated Land (Northern Ireland) Order 1997. He reported that these proposals were intended to enhance the Department's powers, and those of district councils to deal with the illegal transport and deposit of waste.

The Director outlined the proposals contained in the paper for Members' information. He added that the paper did note that the current powers available to the Department and district councils were not sufficient to deal with this growing problem. The large and increasing costs involved in cleaning up illegally deposited waste, the stop, search and seizure of vehicles used in committing offences and the duty of care including the registration of waste carriers.

He referred to a detailed report on this consultation, prepared by the Council's Waste Management and Environment Officer, Mr Tim Smith. The closing date for the receipt of comments was 14 November 2005.

RESOLVED: - Members recommended that the report prepared by the Council's Waste Management and Environment Officer, form the basis of the Council's response to this consultation paper on Proposed New Waste Enforcement Powers.

**T&ESC/2005/354: NORTHERN IRELAND LANDFILL ALLOWANCES SCHEME. CONSULTATION ON THE LEVEL OF CIVIL FINANCIAL PENALTIES FOR EXCESS LANDFILL.**

The Director advised Members of a Notification of Consultation relating to the Northern Ireland Landfill Allowance Scheme (NILAS) level of penalty.

He reported that the NILAS commenced on 1 April 2005. It was established under the Waste and Emissions Trading Act 2003 to reduce the amount of biodegradable municipal waste (BMW) sent to landfills in Northern Ireland in compliance with the targets in Article 5 of the EC Landfill Directive.

As the legislation currently stood, if a district council landfills more BMW than it was permitted by the landfill allowance it held, it was liable to a penalty of £200 for each tonne of excess landfill. There were equivalent schemes currently existing in each part of the UK. However, the equivalent penalties were different in England and Scotland, than currently in Northern Ireland. The equivalent penalty in Wales was also £200/tonne.

The Director advised that the current consultation proposed a reduction of the level of penalty to £150/ tonne. The Department believed that a reduced penalty of £150/tonne was still sufficiently high to act as a strong disincentive to non-compliance with allowances. It was also the view of the Department that the amendment would reinforce the message that it did not intend to take a heavy handed approach to penalties, unless in the most exceptional circumstances.

The consultation also includes proposals for amendments for the purposes of clarifying or correcting existing references.

RESOLVED: - Members agreed, that the proposals in the consultation on the level of civil financial penalties for excess landfill, be welcomed.

#### **T&ESC/2005/355: AMENDED HAZARDOUS WASTE LEAFLET**

The Director of Technical & Environmental Services drew Members' attention to correspondence, dated 26 August 2005 from the Environment and Heritage Service regarding the above-mentioned matter.

Noted.

#### **T&ESC/2005/356: ARC 21 JOINT COMMITTEE MEETING, 28 JULY 2005**

The Director referred Members to the minutes of the Joint Committee Meeting held on Thursday 28 July 2005 at the offices of Lisburn City Council.

He highlighted some of the business addressed at that meeting as follows:

- Contracts Update
  - Materials Recovery Facility (MRF)
  - Landfill
  - Bring Sites
  - Organic Waste
  - Transfer Stations
  - Professional Services
- Northern Ireland Best Practicable Environmental Option (NIBPEO)
- Local Government Audit – Annual Statutory Audit
- Waste Infrastructure Task Force
- Meeting with European Commission – Brussels
- Study Visit

He advised that these minutes had been ratified by the Joint Committee at its meeting held on Thursday 29 September 2005 at Ballymena Borough Council. Members' attention was drawn to the need to peruse the contents of the above

minutes, and acquaint themselves with the waste management issues under consideration.

Noted.

**T&ESC/2005/357: WASTE MANAGEMENT WORKING GROUP MEETING OF 17 JUNE 2005**

The Director drew Members' attention to the above minutes and specifically to a number of matters raised at the meeting, as follows:

- Tri Cycle Update
- Tri Cycle Briefing Sessions for Elected Members
- Bryson House Contract – Black Box, Kerbside Separation
- Waste Data Flow
- Waste Disposal
- Proposed Household Recycling Centre in Dundonald
- Allocation of Landfill Tax Credits 2003/04/05
- Duration of Committee

RESOLVED: - Members agreed that the minutes of the Council's Waste Management Working Group Meeting, held on Friday 17 June 2005, be adopted as a true and accurate record of the meeting.

**T&ESC/2005/358: WASTE MANAGEMENT WORKING GROUP MEETING OF 16 SEPTEMBER 2005**

The Director drew Members' attention to the above minutes and specifically to a number of matters raised at the meeting, as follows:

- Use of Bin Liners by Householders.
- NIHE – Housing News
- Purchase of Additional Brown Bins
- Roll out of Bottle Banks
- Tender for the Collection, Removal and/or Recycling of Waste Electrical and Electronic Equipment (WEEE) from Council Household Recycling Centres
- Tri Cycle Update
- Correspondence from Waste Management and Contaminated Land – Environment and Heritage Service dated 26 July 2005 re – Revisions to Waste Management Grant Scheme 2005/2006.

RESOLVED: - Members agreed that the minutes of the Council's Waste Management Working Group Meeting, held on Friday 16 September 2005, be adopted as a true and accurate record of the meeting.

**T&ESC/2005/359: 2006/2007 ESTIMATES**

The Director advised Members that the preparation of the 2006/2007 Estimates was currently underway.

He reminded Members that during the preparation of the 2005/2006 Estimates, attention had been drawn to the significant possible increases in waste management costs in 2006/2007, arising particularly from increased waste disposal costs. At that time, attention had also been drawn to the expectation of additional waste disposal costs in 2006/07 of approximately £1.2 million to those estimated for 2004/05. He drew Members' attention to some relevant minutes on the above.

The Director highlighted the expectation of additional waste disposal costs in 2006/07 of approximately £1.2 million to those estimated for 2004/05.

RESOLVED: - Members agreed that it would be appropriate for the Chairman of the Committee to bring the expectation of additional waste disposal costs to the attention of Members of the Finance & General Purposes Committee, in view of the importance of these proposed increases to the 2006/07 estimates process.

There being no further business, the meeting ended at 10.45 p.m.

\_\_\_\_\_  
**CHAIRMAN**

\_\_\_\_\_  
**CHIEF EXECUTIVE**

**Adopted by the Council this \_\_\_\_\_ day of**  
\_\_\_\_\_ **2005 with the exception of**

**Minute Nos: \_\_\_\_\_**

\_\_\_\_\_  
**MAYOR**