

## **CASTLEREAGH BOROUGH COUNCIL**

Minutes of the proceedings of the Special Technical & Environmental Services Committee meeting held, in committee, in the Function Suite, Civic & Administrative Offices, Bradford Court, Upper Galwally, Castlereagh, BT8 6RB on Tuesday, 22 June 2006, at 5.30 p.m.

**PRESENT:-** Alderman J Norris MBE  
  
Councillor J Beattie  
Councillor Mrs A M Beattie  
Councillor Mrs M Chambers  
Councillor Mrs S Duncan (from 5.50 pm)  
Councillor B Hanvey  
Councillor T Jeffers  
Councillor J Spratt

**APOLOGIES:-** Apologies were recorded on behalf of Alderman Mrs G Rice and Councillors D Drysdale, C Hall, M Henderson and Miss V Stevenson

**IN ATTENDANCE:-** Director of Technical & Environmental Services,  
Acting Environmental Health Manager, Operational  
Services Manager and Members' Services Officer

### **REPORT FROM THE ACTING ENVIRONMENTAL HEALTH MANAGER**

#### **T&ES/2006/267 : BREACH OF NOISE ABATEMENT NOTICE**

The Acting Environmental Health Manager advised that a Noise Abatement Notice under Article 38 of the Pollution Control and Local Government (NI) Order 1978 had been served on a man from the Newtownbreda area. This Notice prohibits a recurrence of noise. However, on 12 June 2006 excessive noise had been observed coming from the same property, which was deemed a breach of the Notice, and the Manager sought approval to instigate legal proceedings.

During the ensuing discussion, Councillor Spratt proposed that legal proceedings be instigated. Councillor Hanvey seconded the proposal, and it was

**RESOLVED:** That the Council be recommended to approve that legal proceedings be instigated for a breach of the Pollution Control and Local Government (NI) Order 1978 against a man from the Newtownbreda area.

#### **T&ES/2006/268 : THE DANGEROUS DOGS (NI) ORDER 1991 – SEIZURE OF A DOG IN NEWTOWNBRED A**

The Acting Environmental Health Manager referred to his report, which had been presented to Members during a previous meeting. He also referred to statements from three independent witnesses, who had testified that, in their view, the dog was of the type prohibited under the above Order.

The Manager went on to state that Members were not asked to determine whether the dog was aggressive, but only to determine how to progress. He advised that no prosecution of either party was sought, but a court order for the humane destruction of the dog, where the owner would then be able to make a presentation to court for the dog to be exempt.

Following examination of the witness statements, Councillor Spratt stated that they were not detailed enough. He was of the view that the evidence presented would not be sufficient for prosecution in court, as the experts' statements did not contain details as to how the conclusion had been reached, ie physical or behavioural characteristics of the dog, and that, should this matter go to court, there was a strong possibility that the Council would incur extensive costs.

Councillor Chambers then stated that she had visited the owner at her home and had observed the dog's behaviour. In her view, the dog did not show any physical or behavioural characteristics that would determine it as a Pit Bull Terrier, therefore she proposed that another expert statement be sought.

Members agreed that the evidence presented was not conclusive and that further, more detailed, expert opinion was necessary. Councillor Mrs A Beattie reminded Members that the USPCA had sold this dog as a Staffordshire Bull Terrier cross, and that the Council would have to consider instigation of legal action against the USPCA.

Following some further discussion, it was

RESOLVED:

- (a) That Council be recommended to approve that further expert advice be sought to determine whether the dog is of a type prohibited under the Dangerous Dogs (NI) Order 1991.
- (b) That Officers review the current evidence with a view to obtaining more detailed confirmation and fully substantiate that the dogs previously viewed fall within the Dangerous Dogs legislation and bring a full report to Council.

## **REPORT FROM THE OPERATIONAL SERVICES MANAGER**

**T&ES/2006/269 : GLASS HOUSES AT TULLYCARNET PARK**

The Operational Services Manager outlined details regarding the condition of the glass houses at Tullycarnet Park as follows:

- The nursery had been closed approximately 15 years ago.
- Three glass houses are still in good condition, two have sustained some damages, and there is no glass left in the frames.
- There is a possibility that two of the glass houses could be reassembled.
- The glass houses do not suit the business needs of a modern nursery business.
- Tullycarnet Park would not be the preferred site, should the Council consider reopening a nursery.

Following some discussion, it was

RESOLVED: That the Council be recommended to approve the removal of the glass houses at Tullycarnet Park by a third party at no cost to the Council.

As there was no further business, the meeting concluded at 7.00 p.m.

CHAIRMAN

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CHIEF EXECUTIVE

Adopted by the Council this \_\_\_\_\_ day of  
\_\_\_\_\_ 2006 with the exception of  
Minute Nos: \_\_\_\_\_

\_\_\_\_\_  
MAYOR