

## **CASTLEREAGH BOROUGH COUNCIL**

Minutes of the proceedings of the Technical & Environmental Services Committee held, in committee, in the Function Suite, Civic & Administrative Offices, Bradford Court, Upper Galwally, Castlereagh, BT8 6RB on Tuesday 2 December 2008 at 6.00 p.m.

- PRESENT:** Councillor G Robinson  
(in the chair from 6.10pm)
- ALDERMEN:** J Norris MBE (from 6.40 pm)  
J White
- COUNCILLORS:** Mrs A M Beattie (in the chair to 6.10 pm.)  
J Beattie  
D Drysdale (from 6.50 pm)  
Mrs S Duncan  
T Jeffers  
L Walker
- IN ATTENDANCE:** Director of Technical & Environmental Services,  
Client Manager, Building Control Manager, Acting  
Environmental Health Manager, Operational  
Services Manager and Assistant Members'  
Services Officer
- APOLOGIES:** An apology was recorded on behalf of Alderman  
Rice

### **T&ES/2008/478 : MINUTES OF THE TECHNICAL & ENVIRONMENTAL SERVICES COMMITTEE MEETING HELD ON 4 NOVEMBER 2008**

Members noted that the Council had referred Minute No T&ES/2008/440 back to the Committee and that this would be considered later in the meeting.

Noted.

### **REPORT FROM THE BUILDING CONTROL MANAGER (copy previously circulated)**

#### **T&ESC/2008/479 : SCHEDULE OF APPLICATIONS**

The Building Control Manager referred Members to a schedule of applications approved by the Building Control Service for the period 1 October 2008 to 31 October 2008.

Noted.

**T&ESC/2008/480 : REPORTS ON APPLICATIONS, INSPECTIONS AND SOLICITORS ENQUIRIES**

The Building Control Manager referred Members to the reports on applications received, plan fees raised, inspections undertaken, inspection fees raised and solicitors' enquiries.

Noted.

**T&ES/2008/481 : BACKLOG PROJECT – ALTERED DOMESTIC PROPERTY**

The Building Control Manager reported that he had been contacted by the Project Manager of the Department of Finance and Personnel's Land and Property Services, who was responsible for collecting data to clear a considerable number of cases (domestic alterations) for valuation before 31<sup>st</sup> March 2009. The Manager advised that, although Building Control had notified the Department that work had commenced on these properties, this had not been followed up by the Department. He indicated that the Project Manager had requested that he be provided access to approximately 600 of the Council's files so that his surveyors could gather relevant information from them (copy email dated 18 November 2008 had been previously circulated).

The Building Control Manager reported that there would be no extra cost to the Council as any relevant staff costs and facility costs would be paid for by the Department. He advised that the main benefit to the Council would be a significant addition to the Department's Valuation List and income generation accordingly.

In response to a query by Councillor Walker, the Director of Environmental & Technical Services advised that data protection requirements would be adhered to when providing information to the Department.

RESOLVED: that the Committee give approval to provision by the Building Control Service of relevant files and facilities for inspection of same by the Department of Finance & Personnel during the months of December 2008 and January, February and March 2009.

**T&ES/2008/482 : CASTLEREAGH BOROUGH COUNCIL DRAFT STREET NAMING POLICY**

The Building Control Manager referred to the draft Street Naming Policy (copy previously circulated). Councillor Jeffers welcomed the draft policy and, in particular, he referred to Para 3.5 and the use of townland names. The Chair indicated that Members might wish to have some further time to consider the draft policy document and it was

RESOLVED: that the draft Street Naming Policy be referred for further consideration to the next meeting of the Committee.

**T&ESC/2008/483 : SOUTH EASTERN GROUP BUILDING CONTROL COMMITTEE**

The minutes of the meeting of the South Eastern Group Building Control Committee held in Ards Town Hall, Conway Square, Newtownards on 15 September 2008 had been previously circulated for Members' information.

Noted.

**T&ESC/2008/484 : STREET NAMING AT DUNLADY ROAD, DUNDONALD (Minute No T&ESC/2008/440 refers)**

The Building Control Manager referred to the Council's decision to refer this matter back to the Committee for further consideration. He indicated that the developers had been invited to attend the meeting but were unable to do so. He tabled for Members' information an email dated 2 December 2008 from the developers outlining their reasons for selecting the name "St Elizabeth's Gate" for the development.

Members confirmed that the local community were unhappy about the large and obtrusive sign erected by the developers advertising the development. It was noted that the sign had been erected without planning permission and that enforcement action was being taken by the Planning Department in this regard.

After discussion it was

RESOLVED: that consideration of this matter be deferred to a future meeting and that the invitation to the developers to attend be reissued.

**REPORT FROM THE OPERATIONAL SERVICES MANAGER  
(copy previously circulated)**

**T&ESC/2008/485 : LAUNCH OF THE COMBER GREENWAY**

The Operational Services Manager reported that the launch of the Comber Greenway had gone ahead successfully at Billy Neill Soccer Centre of Excellence on Thursday 6 November 2008. He advised that compliments had been received from Sustrans (copy email had been previously circulated).

Noted

**T&ESC/2008/486 : UPDATE ON PUBLIC RIGHT OF WAY – BETWEEN GILNAHIRK ROAD AND GILNAHIRK AVENUE**

The Operational Services Manager reported that, further to the update provided at November's Committee meeting, a response had been received from Council's Solicitor (copy previously circulated). He advised that all statutory undertakers had been contacted by recorded mail on 5 November 2008 and, so far, no objections had been received.

The Manager advised that a meeting had been held with Peartree Homes Ltd on Tuesday 25 November 2008 to draft the principles of an agreement between both Peartree Homes Ltd and the Council, which would take into consideration detailed planning, timescale for the completion of works and a bond to financially safeguard the completion of the Asserted Public Right of Way. He advised that the developer was engaging a Quantity Surveyor to obtain a true cost for the completion of the new path and this would be the amount stated in the bond. Once this information was available, a meeting with Council's Solicitors would be arranged and details of a proposed agreement would be reported to Council.

Noted

#### **T&ES/2008/487 : PURCHASE OF TWO DIESEL VANS FOR CLEANSING SERVICES**

The Operational Services Manager reported that, following a review of service provision within Cleansing Services and in conjunction with the T&ES Department's Internal Controls and Risk Management Policy (Minute No T&ESC/2008/475 refers), a Health & Safety need had been identified to supervise front-line operational staff. He advised that the Forepersons within Cleansing Services currently shared one vehicle across three service functions and this was hampering operational service delivery and supervision.

The Manager reported that, in order to provide the necessary control over operational staff, to account for lone workers, handle complaints and to improve the overall service provision offered by Cleansing Services there was a need for two small vans, one to be deployed within Refuse Collection and the other within Street Cleansing.

Members were asked to note that leasing provision existed within the 2008/09 leasing schedule for the purchase of one large cleansing vehicle to the value of £25,000. However he advised that the need for internal controls, risk management and Health & Safety, as previously outlined, were considerable and the purchase of two small vans would represent a saving on the initial leasing provision as well as addressing the aforementioned service delivery issues.

Members were advised that, following consultation with the Council's Procurement Officer, vans of the type required were available from the Belfast Tender (T588) at a cost of £8,538 per van.

RESOLVED: that the Council approve the purchase of two Renault Kangoo Vans via a leasing agreement from the Belfast Tender (T588) for £8,538.00 each as it represented the best value to the Council.

**T&ESC/2008/488 : ELECTRICITY LINE RECOVERY AT MOAT PARK BY NIE**

The Operational Services Manager referred to a recent request from Northern Ireland Electricity (NIE) regarding a 33KV electricity line which would be recovered and repositioned within Moat Park (Minute No T&ESC/2008/192 refers). He advised that this was part of an electricity line recovery programme that ran from Moat Park to an electricity sub-station on the Manse Road.

He indicated that the work at Moat Park was due to commence before Christmas and that NIE envisaged the total line recovery being completed by April 2009.

Noted.

**T&ESC/2008/489 : RE-SURFACING OF TULLYCARNET PARK – ENTRANCE**

Members were advised that the following 4 quotations had been received for the re-surfacing of the entrance at Tullycarnet Park.

EJC Contractors Ltd	£8,500.00 +VAT
Morrow Group	£7,900.00 + VAT
David Minnis	£6,200.00 + VAT
Comber Building Services	£6,500.00 + VAT

Officers recommended that the quotation for £6,200.00 + VAT from David Minnis be accepted as it met the specification and was of best value to Council.

The Operational Services Manager tabled photographs of surface conditions at both Tullycarnet Park and Henry Jones car park. Councillor Duncan advised that cars were driving onto a grassed area at the entrance of Tullycarnet Park and enquired whether low level fencing or edging could be installed to prevent this. The Chairman indicated that efforts were being made to obtain grant funding for improvement works to the Parks.

After discussion, it was

RESOLVED: that officers be asked to obtain quotations for surface repair work at both Tullycarnet Park and Henry Jones Car Park including line painting and report back to the next meeting of the Committee.

**T&ESC/2008/490 : NEWTOWNBREDA UNITED CHURCHES**

Members were advised that correspondence had been received from Newtownbreda United Churches, requesting retrospective approval to waive hire charges of Cairnshill Playing Fields, booked on the 11 and 16 August 2008 (copy previously circulated).

The Operational Services Manager advised that the group had applied for grant funding from the Council and that the deadline for returning receipts and supporting paperwork was 11 December 2008. He suggested that the Committee defer any decision on the matter until sufficient checks were made on whether the funding application covered hire charges.

After discussion it was

RESOLVED: that a decision on the request to waive hire charges be deferred to the next meeting of the Committee in order that sufficient checks were made on whether the funding application covered the hire charges for the playing fields.

#### **T&ESC/2008/491 : INTERMEDIATE SOCCER PITCH AT BILLY NEILL SOCCER CENTRE OF EXCELLENCE (BNSCOE)**

The Operational Services Manager referred to the planned provision for upgrading pitch 3 at BNSCOE (Minute No F&GP/2008/75 refers) and advised that the works were currently the subject of a tender exercise that was due to close on 28 November 2008 (copy of tender documents and specification had been previously circulated)

He advised that the improvements might be subject to an Irish Football Association (IFA) grant improvement scheme, the closing date of which was 31 December 2008, and that a condition of the funding process was to furnish the IFA with details of the tender specification and the successful contractor

The Manager indicated that the tender evaluation process was still ongoing and requested deferment of the matter to the next meeting of the Committee. The Chairman expressed concern that any further delay would cause problems for the football teams using the pitch getting into the League. The Operational Services Manager advised that he had spoken to the Secretary of the teams concerned and they had been able to obtain an extension from the IFA until the end of January 2009.

In response to a query by Councillor Walker regarding progress on funding for a G3 pitch at BNSCOE, the Operational Services Manager indicated that Sport NI were considering funding for projects under £245k in the 2008/09 financial year. Members were concerned that this was not the information they had received at Council when the matter had been discussed. It was then

RESOLVED:

- (a) that a meeting of the Joint Leisure/Technical Services Working Group be convened before Christmas
- (b) that the tender evaluation report in respect of upgrading works to the intermediate pitch at the Billy Neill Soccer Centre of Excellence be brought to the next meeting of the Council

(Alderman Norris arrived at 6.40 pm)

#### **T&ESC/2008/492 : SOCCER PITCH PROVISION AT LOUGH MOSS**

The Operational Services Manager reported that a request had been received from Leisure Services to relocate the GAA pitch at Lough Moss in order to facilitate the provision of 5-a-side cages (Minute Nos: LS/2008/138 & LS2008/662 refer) which would be located on the present GAA training pitch. Members were advised that this would result in the loss of one grass soccer pitch to accommodate the relocation of the GAA training pitch. The Manager indicated that Leisure Services planned to commence on-site works by September 2009.

RESOLVED: that this matter be referred to the Joint Leisure/Technical Services Working Group and that Leisure Services be advised that it had been so referred.

#### **T&ESC/2008/493 : TWO CHARGEHAND VACANCIES– STREET CLEANSING SECTION**

The Operational Services Manager reported that, following a review of Street Cleansing service provision and in conjunction with the T&ES Department's Internal Controls and Risk Management Policy (Minutes No: T&ESC/2008/475 refers), a need had been identified to appoint two Chargehands within Street Cleansing to supervise front-line staff within the sweeper and side-loader crews.

The Manager advised that this change in the operational structures was to facilitate clear accountabilities, roles and reporting lines and the development of the Council's front-line staff in preparation for RPA. He stated that the restructuring would not increase the full-time staff levels within Street Cleansing and the minimum costs incurred would be met within current budgets. It was envisaged that the posts would be internally filled by means of an internal trawl within Cleansing Services

RESOLVED: that the Council approve the recruitment of two Chargehands for Street Cleansing by means of an internal trawl within Cleansing Services.

#### **T&ESC/2008/494 : NATIONAL FREIGHT CERTIFICATE OF PROFESSIONAL COMPETENCE**

Members were reminded of a previous update with regard to future changes in driving and transport legislation due to be introduced in September 2009 (Minute no: T&ESC/2008/54 refers). The Operational Services Manager reported that, in order to comply with the statutory requirements of a restricted operators licence, the Council was required to comply with the technical competence aspects of the legislation.

The Manager advised that the Certificate of Professional Competence (CPC) training course was the recognised qualification to comply with the Council's application for a restricted operators licence. He reported that the course cost £746.00, would take up to three months to complete and the cost of the training could be met within current budgets.

It was recommended that Members approve the Cleansing Manager undertaking the Certificate of Professional Competence (CPC) in advance of the Council's requirements to comply with the conditions of a restricted operators licence

RESOLVED: that the council approve the Cleansing Manager undertaking the Certificate of Professional Competence (CPC) in advance of the Council's requirements to comply with the conditions of a restricted operators licence at a cost of £746.

#### **T&ESC/2008/495 : QUOTATIONS RECEIVED FOR SUMMER BEDDING**

Members were advised that, following invitations, two quotations had been received for the above. Members were advised that the quotations excluded carriage.

HANNAS NURSERY 16 Hannas Road Larne Co. Antrim BT40 2SZ	£7,917.00
PENTLAND PLANTS Pentland Nurseries Loanhead Midlothian EH20 9QG	£7,113.70

It was recommended that Members approve the quotation of £7,113.70 from Pentland Plants as it met the full specification and represented the best value to the Council.

Councillor Duncan queried whether the addition of carriage costs could make the lower quotation more expensive. After discussion it was

RESOLVED: that officers be asked to investigate carriage costs and that the quotation received from Pentland Plants in the sum of £7,113.70 be accepted only if it still remained the lower quotation after the addition of carriage costs.

**T&ESC/2008/496 : TWO SELF PROPELLED THREE GANG CYLINDER MOWERS**

Members were advised that, following a tender process, four submissions had been received for the replacement of two self-propelled 3-gang cylinder mowers for the Parks Section. One submission met the machinery specification.

Johnston Gilpin & Co Ltd 7B Lisnoe Road Lisburn Co. Down	£49,000.00
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It was recommended that Members approve the tender from Johnston Gilpin & Co Ltd, for £49,000.00 for two self propelled 3-gang cylinder mowers as it met the full specification and represented the best value to the Council.

In response to Members' queries, the Operational Services Manager reported on the age of the machines being replaced, i.e. one was 6 years old and the other was over 14 years old. He advised that they would go to auction in accordance with the Council's disposal policy.

RESOLVED: that the Council approve the tender from Johnston Gilpin & Co Ltd for £49,000 for two self-propelled, 3-gang cylinder mowers as it met the full specification and represented best value for the Council.

**T&ESC/2008/497 : CAR PARKING CAPACITY AT HENRY JONES**

It was noted that this matter had been considered previously in the meeting.

Noted.

**T&ESC/2008/498 : CENTRAL HEATING BOILER AT HYDEBANK PAVILION**

The Operational Services Manager referred to a query raised at the Committee's meeting in November 2008 regarding the central heating boiler at Hydebank Pavilion and advised that, following consultation with the Technical Manager, it was recommended that the boiler was over 20 years old and required replacement. He reported that the cost of replacing the central heating boiler was believed to be approximately £7000 and quotations were currently being sought. He stated that a further report would be brought to the Committee for approval and that provision had been made in the 2009/10 budgets to undertake the works.

Noted.

(Councillor Drysdale left at 6.50 pm)

**T&ESC/2008/499 : HM REVENUE & CUSTOMS**

The Operational Services Manager reported that correspondence had been received from HM Revenue & Customs (HMRC) clarifying the permitted use of red diesel in Council vehicles (copy previously circulated). He stated that this followed an HMRC detection and subsequent court case involving North Down Borough Council.

The Manager advised that the HMRC ruling affected the use of tractors within the Parks Services and their ability to operate on the public road using rebated diesel fuel. He stated that, as a result of the HMRC ruling, the Council's tractors were now required to operate on white diesel and this would have a significant impact on running costs of approximately 40% over the cost of rebated diesel.

RESOLVED:

- (a) that the Council write to NILGA asking that they take this issue up on behalf of all Councils
- (b) that the Council also write to the Minister indicating its concern about the HMRC ruling on the use of red diesel in Council vehicles.

**T&ESC/2008/500 : DUNDONALD COMMUNITY CONCERT BAND**

Members were advised that a request had been received from Dundonald Community Concert Band (DCCB) requesting the use of Moat Park Pavilion, on a Tuesday evening for two hours over a 48-week period (copy previously circulated). They were advised that, as a purely voluntary organisation, the DCCB had limited financial resources and would be unable to meet the Council's current standard charge of £16 per hour.

The Operational Services Manager reported that DCCB currently paid the equivalent annual charge of £900 per year to Dundonald Primary School for the use of their premises and could increase this to £1,200 per year for the use of the premises at Moat Park. He indicated that this would represent a rate of £12.50 per hour over the period requested.

The Chairman suggested that the Council should agree this rate but ask that the band consider playing at a number of Council events during the year free of charge. The Operational Services Manager reported that the band had already agreed to play at the Mayor's forthcoming At Home event.

RESOLVED: that the Council agree to Dundonald Community Concert Band's (DCCB) request for hire of Moat Park Pavilion at a reduced hourly rate of £12.50 per hour and that the DCCB be asked to play at a number of Council events during the year free of charge.

**REPORT FROM THE ACTING ENVIRONMENTAL HEALTH MANAGER  
(copy previously circulated)**

**T&ESC/2008/501 : STATUTORY NOTICES – PUBLIC HEALTH (IRELAND)  
ACTS 1878 TO 1907**

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

Noted

**T&ESC/2008/502 : THE CLEAN AIR ORDER 1981**

The Acting Environmental Health Manager referred to the fact that the majority of the Borough had been deemed as smokeless with approximately 89% falling within smoke control areas. He advised that, to ensure compliance with the requirements of the Order, officers had carried out proactive monitoring of the different smoke controlled areas within the Borough and the monitoring patrols had run from Halloween to March. He reported that warning letters were sent to first-time offenders together with details of approved fuels while repeat offenders would be tabled to Committee with a recommendation to instigate legal proceedings.

Noted.

**T&ESC/2008/503 : THE SMOKE FREE (NORTHERN IRELAND) ORDER  
2006**

The Acting Environmental Health Manager reported that on Friday 3 October 2008 at 12.15 pm a silver Toyota Landcruiser was at the traffic lights at Saintfield Road junction with the Cairnshill Road when the driver had been observed smoking in the vehicle and subsequently threw a cigarette butt out of the window on to the roadway.

He advised that the registered keeper of the vehicle had been traced through the Driver and Vehicle Agency and had been written to under Article 20 of the Litter (Northern Ireland) Order 1994 and under Article 12 of the Smoke Free (Northern Ireland) Order 2006 requesting information regarding the incident. The registered keeper had provided a return to the notification which provided vague information and failed to say who had been driving the vehicle at the time of the offence. It had however indicated that the vehicle was a company vehicle.

Members were advised that a further letter had been sent requesting further information but to date no response had been received.

The Council's solicitor had advised that such a vague response was not acceptable and the keeper had a duty to inform the Council of details of the driver and information in compliance with the above legislation. Members were advised that it was an offence under Article 12 of the above legislation to obstruct an authorised officer.

RESOLVED: that the Council agree to the instigation of legal action against the registered keeper of the silver Toyota Landcruiser for failure to provide information as required under Article 12 of the Smoking (Northern Ireland) Order 2006.

#### **T&ESC/2008/504 : PRIVATE TENANCY ORDER**

The Acting Environmental Health Manager reminded Members that he had tabled a report on 5 June 2007 regarding the new statutory obligation imposed on the Council (Minute No T&ESC/2007/272 refers) in relation to the Private Tenancy Order. He advised that, under Article 36(2), two fees had been introduced for the initial inspection and re-inspection of a property and that these fees, £50 and £100 respectively, had been approved by Council

The Manager advised that additional reimbursement could now be sought under Articles 28 and 29 of the Order for the serving of a Notice of Unfitness and a Notice of Disrepair and the prescribed fees for these Notices were £150 and £50 respectively. He stated that this revenue would assist in recovering the significant man-hours necessary for the progression of this statutory duty.

Noted.

#### **T&ESC/2008/505 : CONSUMPTION OF INTOXICATING LIQUOR IN DESIGNATED PLACES**

The Acting Environmental Health Manager referred Members to the rolling table of offences for drinking in designated areas.

The Chairman suggested that this document should be forwarded to the DPP for information.

Noted.

#### **T&ESC/2008/506 : PETROLEUM CONSOLIDATION ACT (NI) 1929 - RENEWAL OF PETROLEUM LICENCES**

The Acting Environmental Health Manager advised Members of various applications that had been received for the granting, renewing and transferring of licences to store petroleum within the Borough.

Noted.

**T&ESC/2008/507 : THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NI) ORDER 1985 – ARTICLE 3 - LICENSING OF PLACES OF ENTERTAINMENT – RENEWAL OF LICENCES**

The Acting Environmental Health Manager outlined details of applications received for the renewal of an entertainment licence.

RESOLVED: That the Council be recommended to grant approval for the renewal of entertainment licences for premises outlined in the Environmental Health Manager's report.

**T&ESC/2008/508 : THE BETTING, GAMING, LOTTERIES & AMUSEMENTS (NI) ORDER 1985 – RENEWAL OF AMUSEMENT PERMIT**

The Acting Environmental Health Manager reported that an application had been received from Mr Alan Murray, 57 Moatview Park, Dundonald to renew the Amusement Permit for "The Games Room", 985A Upper Newtownards Road, Dundonald.

He provided details of the application and advised that it met the requirements of the legislation and that consultations were taking place with the Police Service of Northern Ireland regarding this renewal application.

RESOLVED: that, subject to there being no objections from the PSNI, the Council approve the renewal of the amusement permits for the above-mentioned premises.

**T&ESC/2008/509 : THE DANGEROUS DOGS (NI) ORDER 1991**

The Acting Environmental Health Manager reported that, following receipt of information that a pit bull terrier type dog was being kept in a block of flats in the Cregagh area, officers had investigated that matter and, with support from the PSNI, had seized the dog.

The Manager reported that the dog owner had accepted the opinion of the Council's veterinary expert as regards the breed of the dog and had formally signed it over to the Council. He reported that the dog had been humanely destroyed as required by the legislation.

Noted.

**T&ESC/2008/510 : CORRESPONDENCE FROM DARD RE: MEMORANDUM OF UNDERSTANDING ON THE ENFORCEMENT OF THE DOGS LEGISLATION**

Members were reminded that, at the Committee meeting in October, it had been agreed that a response be drafted to the above consultation correspondence. The Acting Environmental Health Manager reported that this draft response had been reviewed by both Councillor G. Robinson and Alderman J. White (copy previously circulated)

RESOLVED: that the Committee note the above response and agreed that the Memorandum of Understanding not be signed before clarification regarding the queries identified had been addressed by the Department.

**T&ESC/2008/511 : LITTER (NI) ORDER 1994 - LITTERING FROM A VEHICLE – UNPAID FIXED PENALTY NOTICE**

The Acting Environmental Health Manager reported that on 14 October 2008 the Council's Enforcement Officer had witnessed a car driver throwing a cigarette end from the vehicle contrary to the above legislation. He advised that the vehicle had been traced through the Driver and Vehicle Agency and the registered keeper had admitted driving the vehicle at the time of the offence but denied throwing a cigarette end from the vehicle. He reported that a Fixed Penalty Notice had been issued but remained unpaid.

RESOLVED: that the Council approve the instigation of legal action against the above-mentioned offender.

**SUPPLEMENTARY REPORT FROM THE ACTING ENVIRONMENTAL HEALTH MANAGER  
(copy circulated at the meeting)**

**T&ESC/2008/512 : THE BETTING, GAMING, LOTTERIES AND AMUSEMENTS (NI) ORDER 1985 - ARTICLE 3 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NI) ORDER 1985**

Members were reminded that the Council had decided that its nominated newspapers for the publication of public notices required under The Betting, Gaming, Lotteries and Amusements (NI) Order 1985 would be the Belfast Telegraph (Minute reference T&ESC/2005/257 refers).

The Acting Environmental Health Manager reported that a letter had been received from Belfast Indoor Bowling Club (copy previously circulated) who was extremely concerned about the annual cost they were forced to incur by the Council's insistence that the entertainment licence renewal notice be placed in the Belfast Telegraph. The Manager advised that licensees of other premises had also complained by telephone to this Department about the cost of placing such public notices in the Belfast Telegraph.

Members were advised that, when an application was made for an Amusement Permit, a public notice was required at the initial grant only and not for any subsequent renewals in order to comply with the legislation but under the entertainment licensing legislation, public notices were required at the grant stage and at each annual renewal or at the transfer of a licence, which placed a considerable financial burden on many businesses not to mention church halls, voluntary and charitable organisations.

The Acting Environmental Health Manager reported that, with regard to applications for the grant, renewal or transfer of entertainment licences, the legislation required that the applicant “*give public notice of the application by publishing an advertisement in such newspapers circulating in the district of the Council as the Council may require*”.

He advised that this requirement could be complied with by using less expensive local or community newspapers which were available to households in the general area around which the licensed premises were situated, rather than a one-off, more expensive advertisement in a province-wide newspaper.

RESOLVED:

- (a) that the Council amend the policy relating to the nominated newspaper in which public notices under The Betting, Gaming, Lotteries and Amusements (NI) Order 1985 and The Local Government (Miscellaneous Provisions) (NI) Order 1985 were placed in order to allow the use of smaller, local or Community Telegraph type newspapers, where these were circulated in the locality of the premises to which the application applied.
- (b) that officers be asked to write to Belfast Indoor Bowling Club advising them of the change of policy.

**T&ESC/2008/513 : THE SMOKEFREE (NORTHERN IRELAND) ORDER 2006 – COMPLIANCE MONITORING**

The Acting Environmental Health Manager reported that officers had carried out pre-Christmas inspections on the evenings of Friday 28 and Saturday 29 November 2008. He indicated that over 70 premises had been inspected with a 100% compliance rate recorded. He also advised that patrons and staff of the inspected premises had been positive about the smoke-free environment and welcomed the advice from Council Officers.

Noted.

**T&ESC/2008/514 : CONSULTATION ON THE DRAFT NORTHERN IRELAND ENVIRONMENTAL NOISE DIRECTIVE ACTION PLAN AND COMPETENT AUTHORITY NOISE ACTION PLAN GUIDANCE**

Members were advised that the above consultation document had been received on 2 December 2008 and required comments to be returned by 26 January 2009. The Acting Environmental Health Manager reported that this short period of consultation did not allow for proposed comments to be tabled before Members prior to the closing date. In order to progress this matter, He indicated that the document would be considered by CEHOG, who would make a response and that response would be brought to the Committee for information.

Noted.

**REPORT FROM THE CLIENT MANAGER  
(copy previously circulated)**

**T&ESC/2008/515: TONNAGES DEPOSITED AT LANDFILL**

The Client Manager reported that during the month of October 1463.46 tonnes of waste had been deposited at landfill and that this was 92.24 tonnes lower than the figure for October 2007.

Noted.

**T&ESC/2008/516 : PROPOSED HOUSEHOLD RECYCLING CENTRE IN DUNDONALD**

Members were reminded that the first proposed site in Moat Park had been set aside following the public consultation exercise and that Members had discussed setting up a group of Councillors representing Castlereagh East to progress the selection of an alternative site.

**RESOLVED:**

- (a) that a meeting of representatives of Castlereagh East be convened at the start of 2009 to consider the selection of a site for a proposed household recycling centre in Carryduff
- (b) that officers provide details and maps outlining all lands owned by the Council in Castlereagh East and also provide information on the requirements of a site including size and appropriate location.

**T&ESC/2008/517 : HOUSEHOLD RECYCLING CENTRE AT COMBER ROAD CARRYDUFF**

Members were reminded that the Council had been approached by developers with an interest in acquiring the Council's existing Household Recycling Centre for a development. They were advised that the developer had indicated that he would provide a fully functioning site, including planning and licensing approvals, further along the Comber Road.

The Client Manager reported that he had recently met with the developer who had provided a plan indicating the alternative site available (copy previously circulated). Members were asked to note that the site was at the end of the currently developed area, on the right hand side, heading from Carryduff towards Comber.

In order to ensure transparency and that the Council was able to avail of the best possible terms and conditions, the Client Manager suggested that an advertisement be placed in the local press inviting expressions of interest from others who might wish to acquire this site on condition that an alternative site,

equal in area and fully developed and licensed, be provided to the Council. He stated that, as part of the process, developers must be able to demonstrate that they had a suitable site within their control with appropriate planning zoning and in the immediate vicinity.

RESOLVED: that officers be given the authority to proceed on the above basis.

### **T&ESC/2008/518 : RECYCLING PRICES**

Members were reminded that this matter had been discussed at the Committee's meetings in October and November. The Client Manager indicated that the situation had settled a little in the last four weeks with Bryson Recycling being able to establish outlets for their materials, albeit at reduced prices. He reported that latest information suggested that the average price had dropped from approximately £80 per tonne to approximately £45 per tonne.

The Manager advised that, as the Council received approximately 50% of this amount as revenue share, its income would be dropping from approximately £40 per tonne to approximately £22.50 per tonne and this would result in a reduction in income of between £6000 and £7000 per month from October to when market prices increase again. It was hoped that the reduction of this income would be covered by the increased income for the first six months of the year due to the strong prices at that time so that the budgeted amount included in the estimates for this year would not be exceeded. He advised that he would keep Members updated as more information became available.

Noted.

### **T&ESC/2008/519 : FORMER LANDFILL SITE AT MOSS ROAD BALLYGOWAN**

The Client Manager referred to the fact that that the discharge consent limits from the former landfill site at Moss Road, Ballygowan, had as a matter of course been exceeded. He indicated that there was a risk that this would cause environmental damage but no environmental damage had been brought to the Council's attention to date. He indicated that there was also a risk that the Environment and Heritage Service might take enforcement action which could result in fines being levied. Members had previously instructed officers to monitor the situation and, should any significant change occur, to bring this to their attention as quickly as was practically possible. The Client Manager indicated that he wished to bring it to the Members' attention that the limits continued to be breached.

The Client Manager also advised that there was a new EU Environmental Liability Directive that imposed further strict requirements on licensed operators. He indicated that one of the requirements placed a responsibility for organisations to have financial provision in place to cover the costs of potential remediation. Another requirement of the legislation had been to add

responsibility for environmental damages to non-owned property such as natural resources. He advised that the Council's environmental liability Insurance provided some cover and discussions with the Council's insurers were ongoing as to adequacy of existing cover. Members were advised that further reports would be brought to Members for their attention as soon as the information became available.

Noted.

### **T&ESC/2008/520 : REQUEST TO SITE FISH AND CHIP VAN AT CAR PARK ADJACENT TO BALMORAL BOWLING CLUB BELVOIR**

The Client Manager reminded Members that he had been instructed to write to adjacent organisations to seek their views on this matter. He reported that he had received a number of replies from these organisations and also from private individuals who had had sight of the correspondence. He advised that the respondents had raised the following issues/concerns;

- The attraction of undesirable elements to the area.
- The probable increase in the amount of litter.
- The possible reduction of the amount of parking available.
- Increased vehicular activity adjacent to the children's playground.
- The possible increase in the number of under age drinkers.
- The possible temptation of members of the Bowling Club to linger on leaving their premises at night.
- There were existing hot food premises in the area.
- The possible increase in the amount of noise in the immediate area.
- A fish and chip van would not be in keeping with a healthy eating strategy
- The possible increase of road risk due to people crossing after dark to use the facility.
- The possible encouragement of children to use this facility rather than healthy meals provided by the school.
- Possible increase of vermin due to litter and food waste.
- Reduction in the general amenities in the area
- Smell of the fish and chips.

The Client Manager advised that he had not received any correspondence in support of the proposal. He also indicated that some members of the public had asked why the general public in the immediate area had not been consulted.

RESOLVED: that the Council turn down the request to site a fish and chip van at the car park adjacent to Balmoral Bowling Club, Belvoir.

### **T&ESC/2008/521 : CARRYDUFF COLTS**

Members were reminded of a recent presentation by Carryduff Colts who, at that time were using the only slot available to them, i.e. a Friday evening. The

Client Manager reported that the Leisure Services Department had indicated that subsequent changes by other clubs had meant that further slots have been made available to Carryduff Colts, as follows:

Tuesday evening (half a pitch 6.30pm – 7.30pm, half a pitch 8.30pm – 9.30pm)  
Thursday evening (half a pitch 5.30pm – 7pm)  
Friday evening they now have a full pitch from 6.30pm – 7.30pm and offered a full pitch from 7.30pm – 8.30pm but only required a half pitch.

RESOLVED: that the Client Manager be authorised to write to Carryduff Colts confirming the above and enquiring if there was anything further that the Council could specifically do.

### **T&ESC/2008/522 : PROPOSED NEW PLAYGROUND IN BELVOIR**

The Client Manager reported that, following a public advertisement, eleven contracting firms had submitted tenders for the design and construction of this playground at a prescribed cost of £100,000. He advised that the tenders were being assessed. He advised that the Principal of the adjacent primary school had indicated that he would be happy to come to an agreement with the Council to plan a competition about the playground and officers would be liaising with Members for the area.

Members indicated that other groups had indicated a wish for provision of playground facilities, including Clonduff Community Association and Beechgrove and Glencreagh Residents Association, and that the latter had asked to make a presentation to the Committee.

RESOLVED:

- (a) that Beechgrove and Glencreagh Residents Association be invited to the Committee's meeting in February 2009.
- (b) that the Client Manager contact the Clonduff Community Association to progress the matter.

### **T&ESC/2008/523 : STAFF**

The Client Manager reported that two members of staff, Charlotte Anderson (Administrative Assistant) and Paul Kerr (Recycling Education Officer), had indicated that they would be leaving to take up new posts.

RESOLVED: that the Council thank the officers and wish them well in their new posts.

### **REPORT FROM DIRECTOR OF TECHNICAL AND ENVIRONMENTAL SERVICES (copy previously circulated)**

### **T&ESC/2008/524 : REPORTS AVAILABLE**

The Director of Technical & Environmental Services advised that the following information was available for Members' information.

- Low Carbon Leadership – A Workbook for Decision Makers. Energy Saving Trust
- Council Newsletter – Issue 6. TIDY Northern Ireland

Noted.

### **T&ESC/2008/525 : SHELLFISH WATERS DIRECTIVE – PROPOSALS FOR ADDITIONAL DESIGNATIONS – CONSULTATION**

The Director of Technical & Environmental Services referred to correspondence dated 7 November 2008 from the Planning and Environmental Policy Group of the Department of the Environment (NI), regarding the above mentioned matter (copy previously circulated).

He reported that the consultation addressed additional designations under the Shellfish Waters Directive, and sought to implement the Directive and the transposing legislation, the purpose of which was to protect and improve the quality of coastal and brackish waters in order to support shellfish life and growth and to contribute to the quality of edible shellfish products.

The Director advised that the Department proposed the designation of new, or modifications to existing, shellfish waters at seven locations around Northern Ireland's coast. He indicated that the consultation period closed on 6 February 2009.

RESOLVED: that this matter be referred to CEHOG for consideration and comment.

### **T&ESC/2008/526 : DRAFT FLUORINATED GREENHOUSE GASES REGULATIONS (NI) 2009**

The Director of Technical & Environmental Services referred to correspondence dated 5 November 2008 from the DOE Planning and Environmental Policy Group of the Department of the Environment (NI) (copy previously circulated).

He advised that the aim of these Regulations was to control emission of certain fluorinated greenhouse gases, such hydrofluorocarbons, perfluorocarbons and sulphur hexafluoride in a number of sectors, such as mobile air-conditioning units, high-voltage electrical switchgear, and solvents. The Director indicated that the closing date for the receipt of comments was Wednesday 21 January 2009.

RESOLVED: that this matter be referred to CEHOG for consideration and comment.

**T&ESC/2008/527 : ARC 21 JOINT COMMITTEE MEETING OF 30 OCTOBER 2008**

The Director of Technical & Environmental Services referred to the draft minutes of the Joint Committee Meeting held on Thursday 30 October 2008 at the Lagan Valley Island, Civic Centre, Lisburn, hosted by Lisburn City Council (copy previously circulated).

He reported that some of the business addressed at the above meeting was as follows:

- Draft Landfill Allowances Scheme (Amendment) Regulations (NI) 2008.
- NILAS 2007/08 – Final Reconciliation
- Consultation – Proposals to amend the Waste Management Licensing Exemptions Relating to Hazardous Waste
- Residual Waste Project – Stakeholder Engagement.
- Contracts Updates
- Residual Waste Report
- Organisational Review Update
- Education Vehicle Update
- Waste Framework Directive Update
- Commercial Waste
- Wheeled Bins
- AOB

He drew Members' attention to the need to peruse the contents of the above minutes and to acquaint themselves with the current waste management issues under consideration.

Noted.

**T&ESC/2008/528 : ARC 21 JOINT COMMITTEE MEETING OF 4 DECEMBER 2008 – MEMBERS' BULLETIN**

The Director of Technical & Environmental Services advised that the bulletin for the above meeting had not been issued at the time of writing his report. However, at the meeting, he circulated for Members' information, a copy of the above Members' bulletin, which had subsequently been received and provided information on the above Arc 21 Joint Committee meeting.

Noted.

**T&ESC/2008/529 : SUCCESSFUL OUTCOMES/SIGNIFICANT ACHIEVEMENTS IN 2008**

The Director of Technical & Environmental Services drew Members' attention to a number of significant achievements and successful outcomes in 2008 and the financial year 2007/08 that had been recognised not only throughout the Borough but also at province-wide level.

These included the following:

Client Services:

- Consistently exceeding European legislative targets in the management of waste sent to landfill
- Best performing Council in Northern Ireland with regarding to NILAS(Northern Ireland Landfill Allowance Scheme)
- A reduction of £650,000 in landfill costs in 2007/08
- Avoidance of NILAS penalties saving the Council almost £800,000 to date
- Restoration of Lock Keeper's cottage and development of Lagan Valley Regional Park as a tourist attraction
- Innovative energy management to the point where 60% of Council's premises have energy needs met from renewable sources

Building Control:

- Leading a Land and Property Agency initiative within the Borough to identify and map previously unrated properties resulting in an estimated increase in rateable income of £200,000 per annum
- Implementation of new Building Regulations resulting in increase in the thermal performance of new and renovated buildings.
- Dealing with 945 applications generating an income for the Council of almost £400,000.

Environmental Health Service

- Provision of advice and practical assistance to residents during August floods
- Working in partnership with other agencies to contain an outbreak of E-Coli in March 2008
- Introducing measures to tighten dog control

Operational Services

- Piloting of major efficiency project (GIS) to improve waste collection procedures.
- One of first in the province to provide waste awareness training for employees
- Contributing time and personnel and co-ordinating with other Service Units to deal with flooding
- Receiving a special award of excellence in the "Ulster In Bloom" competition
- Significant contribution to the Comber Greenway project which was officially opened in November 2008.

RESOLVED: that all staff within the Technical & Environmental Services Department be congratulated for their achievements.

**T&ESC/2008/530 : 2009/10 ESTIMATES**

The Director of Technical & Environmental Services advised that a first draft of the Department's financial estimates for 2009/10 was under preparation and that it appeared that, at this stage, there would be a 13% increase over the previous year.

The Director provided Members with a strategic overview of the various issues that would impact upon the Council's income and expenditure in 2009/10. He welcomed Members' comments on issues that should be taken into account in preparing the financial estimates.

Noted.

**ANY OTHER BUSINESS**

**T&ESC/2008/531 : WASTE MANAGEMENT RECYCLING AND RECOVERY**

Members' were advised of a press release dated 27 November 2008 by the Minister of the Environment relating to a stakeholder conference convened by the Waste and Resources Action Programme (WRAP). The Minister had highlighted the very demanding timescale for the new major waste management infrastructure.

Noted

**T&ESC/2008/532 : OFFICIAL OPENING OF WALSH HOUSE**

The Director of Technical & Environmental Services advised that the opening of the new Arc 21 offices would take place on Thursday 4 December 2008 at 5.00 pm.

Noted.

There being no further business, the meeting ended at 7.30 p.m.

\_\_\_\_\_  
CHAIRMAN

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

Adopted by the Council this \_\_\_\_\_ day of

\_\_\_\_\_ 2008 with the exception of

**Minute Nos.** \_\_\_\_\_

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