

CASTLEREAGH BOROUGH COUNCIL

Minutes of the proceedings of the Technical & Environmental Health Services Committee held, in committee, in the Members' Committee Room, Civic & Administrative Offices, Bradford Court, Upper Galwally, Castlereagh, BT8 6RB on Tuesday, 8th January 2008 at 7.30 p.m.

PRESENT:-

Alderman J Norris MBE (Chairman)
Alderman Mrs G Rice MBE (until 9.10 p.m.)

Councillor Mrs A Beattie
Councillor J Beattie
Councillor Mrs S Duncan
Councillor T Jeffers (from 7.45 p.m.)
Councillor Mrs V McCoy
Councillor L Walker

IN ATTENDANCE:-

Director of Technical & Environmental Services,
Client Manager, Building Control Manager, Acting
Environmental Services Manager, Operational
Services

APOLOGIES:-

Apologies were recorded on behalf of Councillors
Chambers and Drysdale

T&ESC/2008/01 : FUNERAL OF EX-COUNCILLOR DOUGIE HEGNEY

The Director advised that the Chief Executive had asked that it be brought to Members' attention that the funeral of ex-councillor Dougie Hegney would be held tomorrow at 10.00 a.m. at the Church of the Good Shepherd, Ormeau Road.

Noted.

T&ESC/2008/02 : MINUTES

Tabled:- Minutes of the Technical & Environmental Services Committee held on 4 December 2007 (copy previously circulated).

Noted.

REPORT FROM THE BUILDING CONTROL MANAGER

(copy previously circulated)

T&ESC/2008/03 : SCHEDULE OF APPLICATIONS

The Building Control Manager outlined the schedule of applications approved by the Building Control Service for the period 1 November 2007 to 30 November 2007.

Noted.

T&ESC/2008/04 : REPORTS ON APPLICATIONS, INSPECTIONS AND SOLICITORS ENQUIRIES

The Building Control Manager outlined the reports on applications, inspections and solicitors' enquiries for Members' information.

Noted.

T&ESC/2008/05 : STREET NAMING AT 96 BEECHILL ROAD, NEWTOWNBREDA

RESOLVED:- That, the street name of "Beechill Business Park" be allocated to the 14 no. office units under construction by Arborhill Limited at 96 Beechill Road, Newtownbreda.

REPORT FROM THE OPERATIONAL SERVICES MANAGER

(copy previously circulated)

T&ESC/2008/06 : MOAT PARK CAR PARK – DISCLAIMER NOTICE

Following discussion, in which Members agreed that the display of a disclaimer notice at Moat Park Car Park would act as a deterrent, it was

RESOLVED:- That, the Council be recommended to display a disclaimer notice at Moat Park Car Park

T&ESC/2008/07 : COMBER GREENWAY WORKING GROUP

The Operational Services Manager referred to the content of his report in relation to the introduction of a speed limit, additional road ramps on the private road to the Billy Neill Centre and the provision of four security gates at a cost of £400 each to secure the area whilst the Greenway is being implemented. The estimated cost of these works is approximately £2,100.

Following discussion, it was

RESOLVED:- That, the Council be recommended to install four security gates, speed ramps and signs on the private road to the Billy Neill Centre at an estimated cost of approximately £2,100.

T&ESC/2008/08 : BOY'S BRIGADE 125TH ANNIVERSARY CARPET BEDDING REQUEST

Members discussed this matter in detail in light of the Council's equality policy, specifically with regard to Section 75 of the Northern Ireland Act 1998.

Councillor Jeffers entered the meeting at 7.45 p.m.

Whilst the Committee empathised with the aims of the Boy's Brigade and several Members had expressed a connection with the movement in the past, Officers reiterated that the Council had only one designated flower bed in the Borough. Members discussed the fact that the decision for which organisation would be represented on the flower bed ultimately lay with the Mayor, and usually related to the Mayor's chosen charity for that year.

Therefore it was

RESOLVED:- That, the Council be recommended to instruct that Officers write to the Boy's Brigade explaining that the Council had only one designated flower bed in the Borough which was located at the Civic Offices and the decision for the organisation to be represented on the flower bed ultimately lay with the Mayor.

T&ESC/2008/09 : COMPLIMENTS FOR CLEANSING TEAM

Members were delighted to be informed that compliments had been received from a resident congratulating the cleansing team for the regular collection of healthcare waste.

The Operational Services Manager confirmed that he had passed the compliments on to the staff involved.

Noted.

**SUPPLEMENTARY REPORT FROM THE OPERATIONAL SERVICES
MANAGER**

(copy circulated at meeting)

T&ESC/2008/10 : PHOENIX GAS REQUEST – BILLY NEILL CENTRE

The Operational Services Manager drew Members' attention to correspondence received from Phoenix Gas agreeing to the terms and conditions requested by the Council and proposing a donation of £200 to the Mayor's charity.

He further added that Phoenix Gas were unable to progress the project until the Council had granted access.

Members were disappointed to note that Phoenix Gas had only offered a donation of £200 and following a proposal from Councillor Beattie, it was

RESOLVED:- that, the Council be recommended to approve that Officers consult with the Mayor to establish if the proposed donation of £200 from Phoenix Gas is acceptable and that the Mayor responds as such, with the support of the Technical & Environmental Services Committee.

Furthermore, that Phoenix Gas be notified that the Mayor's Charity is Cancer Research and not Marie Curie as stated in their letter.

**T&ESC/2008/11 : QUOTATIONS FOR SUPPLY AND DELIVERY OF TWO
STATIC COMPACTORS**

Following agreement, it was

RESOLVED:- That, the Council be recommended to accept the quotation of £39,100.00 from Numac Waste Systems as it represents best overall value to the Council. Furthermore, that the purchase be financed from the existing monies set aside for the new HRC at Dundonald and the expected under-spend within T&ES, with the possibility that the expenditure may be reclaimed through the EHS Waste Management Grant when the HRC sites are licensed.

**T&ESC/2008/12 : UPDATE ON PUBLIC RIGHT OF WAY – BETWEEN
GILNAHIRK ROAD AND GILNAHIRK AVENUE**

The Operational Services Manager informed Members that the outcome of the Public Inquiry was as yet unknown but that the Council would have 6 weeks to challenge it on legal grounds in the County Court.

Noted.

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

**T&ESC/2008/13 : STATUTORY NOTICES - PUBLIC HEALTH (IRELAND)
ACTS 1878 TO 1907**

The Acting Environmental Health Manager outlined the list of Statutory Notices, which had been served regarding the abatement of Public Health nuisances/conditions prejudicial to health.

Noted.

T&ESC/2008/14 : ROAD SERVICE - ANNUAL TRAFFIC CENSUS 2006

The Officer informed Members that a copy of the above report issued by the Road Service detailing traffic and travel information for 2006 was available for perusal, should any Member wish to view the content.

Noted.

T&ESC/2008/15 : AIR POLLUTION IN NORTHERN IRELAND 2006

Members were informed that a copy of the above report was available for perusal, should any Member wish to view the content.

Noted.

**T&ESC/2008/16 : DRINKING WATER QUALITY IN NORTHERN IRELAND
2006**

Members were informed that a copy of the above report was available for perusal, should any Member wish to view the content.

Noted.

**T&ESC/2008/17 : THE HEALTH & PERSONAL SOCIAL SERVICES (NI)
ORDER 1978 AND THE CHILDREN & YOUNG PERSONS' (PROTECTION
FROM TOBACCO) (NI) ORDER 1991**

The Officer referred Members to the content of his report in which tobacco sales test purchases were carried out and the necessary action in accordance with Paragraph 10.5, Code C of the Police & Criminal Evidence (NI) Order 1989, had been carried out.

Noted.

T&ESC/2008/18 : CONSUMPTION OF INTOXICATING LIQUOR IN DESIGNATED PLACES – DRINKING IN DESIGNATED AREAS

Noted.

T&ESC/2008/19 : CONSUMPTION OF INTOXICATING LIQUOR IN DESIGNATED PLACES – ADULT FOR PROPOSED LEGAL ACTION

Members were informed that a person had committed two separate offences in different designated areas within the Borough within a period of 30 minutes, contrary to legislation.

Following agreement, it was

RESOLVED:- that, the Council be recommended to approve the instigation of legal proceedings, in line with Council policy.

T&ESC/2008/20 : REVIEW OF DISTRICT COUNCIL DRINKING IN PUBLIC BYE-LAWS : DRAFT LEGISLATION

The Acting Environmental Health Manager referred Members to the content of his report and outlined the draft legislation proposals for their information.

He stated that although he welcomed the changes, he had identified a number of concerns and drew Members' attention to his draft response on the matter.

Firstly, he referred to potential equality issues in relation to those people who were targeted by the PSNI.

Alderman Mrs Rice stated that she felt that the draft proposals would be ineffective as there was a significant lack of PSNI presence in the Carryduff area, despite receiving numerous complaints from residents with regard to antisocial drinking behaviour.

The Acting Manager then reported that under the proposed legislation, any revenue generated from the fixed penalty scheme would be paid directly to Central Government. He felt that because district councils instigated the legal action in the first instance, they should benefit from the income generated to offset the legal costs incurred and the expenditure in setting up initiatives within the community

Councillor Beattie asked that the wording of the response should be worded to read that all revenue generated from the fixed penalty scheme is made payable to district councils.

The Acting Environmental Health Manager confirmed that the proposed legislation made no provision for dealing with juveniles aged 10-15. He advised the Committee that under the existing bye-law formal cautions had been issued to these juveniles and he recommended that the proposed fix penalty procedure should include these juveniles.

He further commented that the Council might be able to introduce legal action against repeat offenders but that this would require further research.

The Manager went on to point out that, under the proposed new legislation, enforcement capabilities were being limited by 50% and he felt that it would be more beneficial to continue to have officers from Councils also authorised to enforce the law in addition to the proposed PSNI only; presently both officers under the existing bye-law procedures are authorised.

Alderman Mrs Rice asked that the Manager ensure that the Council's response sought an assurance that there would be adequate PSNI officers available in the Borough to carry out this function.

The Manager then referred to the expense involved in the designation process and the possible issuing of public notices. He stated that these costs were currently paid by the Council and he felt that this matter should be highlighted.

He commented that there would be merit in designating all public areas throughout the Borough and enforce the law only where and when problems occurred. This measure would do away with the necessity for a Schedule, which would solve the problem of displacement from other designated areas to other surrounding streets in the vicinity of a problem area, rather than trying to predict where the dispersion might occur.

Councillor Beattie concurred that if the Council could agree with the statute consultee, PNSI, to make every street in the Borough a designated public area, this would resolve the problem and agreed that the response should contain this suggestion.

Following agreement, it was

RESOLVED:- That, the Council recommend that the Acting Manager of Environmental Services take on board Members' comments and strengthen his response to the proposals of the draft legislation applicable to drinking in public places for submission to the DSD.

Furthermore, that the response be forwarded to the Chairman of the Technical & Environmental Services Committee for approval prior to being sent to the DSD.

T&ESC/2008/21 : THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NI) ORDER 1985 - ARTICLE 3 : LICENSING OF PLACES OF ENTERTAINMENT - RENEWAL OF A LICENCE

The Acting Manager referred to the list of applications for the renewal of Entertainment Licences for those premises detailed in his report.

RESOLVED:- That, the Council be recommended to renew the Entertainment Licences for the premises detailed in his report.

T&ESC/2008/22 : THE DOGS (NI) ORDER 1983/THE DANGEROUS DOGS (NI) ORDER 1991 - PROPOSED LEGAL PROCEEDINGS : IMPOUNDING OF A DESIGNATED DANGEROUS DOG

The Acting Manager referred Members to an incident on 4 December 2007 in which Council Officers, supported by the PSNI, seized a dog believed to be of a pit bull terrier type. The dog was subsequently examined and confirmed that the dog was indeed a designated dangerous breed.

Following further comment, it was

RESOLVED:- That, the Council be recommended to instigate legal action under the Dogs (NI) Order 1983 and the Dangerous Dogs (NI) Order 1991 against the resident from the Carryduff area who is the owner of the dog known as "Tyzer".

T&ESC/2008/23 : THE LITTER (NI) ORDER 1994 – ARTICLE 3(1) : OFFENCE OF LEAVING LITTER

The Manager referred Members to the content of his report and, following discussion, it was

RESOLVED:- That, the Council be recommended to instigate legal action under the Litter (NI) Order 1994 – Article 3(1) against the driver of the vehicle involved in the incident.

T&ESC/2008/24 : STREET TRADING ACT (NI) ORDER 2001 - GRANT OF A STATIONARY TRADER'S LICENCE

RESOLVED:- That, the Council be recommended to grant the applicant a stationary street trading licence subject to the receipt of no objections following the consultation with the PSNI.

T&ESC/2008/25 : HEALTHY AGEING - INNER ACTION PLAN

The Acting Director informed Members that the Chief Executive had forwarded a copy of this plan to him, should Members wish to peruse it.

Noted.

REPORT FROM THE CLIENT MANAGER

(copy previously circulated)

T&ESC/2008/26 : TONNAGES DEPOSITED AT LANDFILL

The Client Manager outlined the tonnage figures for October 2007 (1,555.7) and November 2007 (1,772.7) for Members' information.

Noted.

T&ESC/2008/27 : USE OF HOUSEHOLD RECYCLING CENTRES BY COMMERCIAL LANDSCAPE CONTRACTORS

The Client Manager informed Members that a report outlining details and arrangements being offered by other councils would be presented to the February meeting of the Committee.

Noted.

T&ESC/2008/28 : CROSSNACREEVY PLAYGROUND

Members discussed the detrimental impacts of the proximity of the bonfire at Crossnacreevy to the existing playground site.

Alderman Mrs Rice stated that many of the residents had requested a relocation of the bonfire site and she felt that this issue should first be resolved, prior to further progress of the new playground.

Councillor Walker felt that this matter was within the remit of the Bonfire Committee and therefore should not be discussed at this Committee.

Following lengthy discussion, Members agreed that it be

RESOLVED:- That, consideration of the playground at Crossnacreevy be deferred to Community Services to enable the Community Services Worker for the area to consult with the residents in relation to the bonfire issue and to report back to the Committee. Once this report has been prepared, that Members take the matter up with the Community Safety Partnership.

T&ESC/2008/29 : FLYTIPPING PROTOCOL

The Client Manager referred Members to the content of his report and stated that NILGA had asked councils to hold back from signing up to the EHS Flycapture

Scheme. He went on to state that until the final draft document was published, it would be impossible to quantify the likely impact in terms of council resources and associated costs.

Noted.

T&ESC/2008/30 : USE OF COUNCIL HOUSEHOLD RECYCLING CENTRES BY NON-RESIDENTS OF THE BOROUGH

Following discussion, Members agreed that it be

RESOLVED:- That, with the exception of trade wastes, the Council's policy be to permit non-residents to use its Household Recycling Centres, however this practice would not be actively encouraged.

T&ESC/2008/31 : ARC21 OFFICE RELOCATION

Members were informed that ARC21 was proposing to relocate to new premises at Dargan Road.

Noted.

T&ESC/2008/32 : EDUCATIONAL TALKS & ACTIVITIES

The Client Manager referred Members to a list of recycling talks and activities that had been given to schools and other groups since September 2007.

Noted.

T&ESC/2008/33 : PROPOSED BELVOIR PLAYGROUND

The Client Manager referred Members to the tabled plan and to the content of his report and the number of options for the siting of the replacement playground.

He stated that the most preferable option was Option 1 with a view to making the playground a more rectangular shape and relocating it as far as is possible away from the oak tree and stream. He hoped that Members would look on this option favourably so that it could be progressed as soon as possible.

Councillor Mrs Beattie expressed her concern that the site was quite isolated but agreed that it was the best option available.

The Client Manager assured her that the playground would be fenced and locked each night.

Following agreement, it was

RESOLVED:- That, the Council be recommended to approve that the proposed Belvoir playground is located parallel to the existing car park and as near to the boundary of the bowling green as feasible and that a planning application be submitted forthwith to progress the project expeditiously.

SUPPLEMENTARY REPORT FROM THE CLIENT MANAGER

T&ESC/2008/34 : ADVERTISEMENT FOR EXPRESSIONS OF INTEREST FOR DEVELOPMENT OF SYNTHETIC PITCHES AT BILLY NEILL SOCCER CENTRE OF EXCELLENCE AND LOUGH MOSS

The Client Manager informed Members that an advertisement would be placed in this coming Friday's Belfast Telegraph inviting expressions of interest in the development of synthetic pitches at Billy Neill Soccer Centre of Excellence and Lough Moss.

Noted.

T&ESC/2008/35 : EHS WASTE MANAGEMENT GRANT

The Client Manager referred to an email received from EHS confirming that the Waste Management Grant could be used to purchase a second kerbie box for each household on the scheme provided the second box was operational by May 2008. The Client Manager continued by stating that the current situation was that approximately £300,000 of the £500,000 grant available was likely to be spent within the time period available. The balance of approximately £200,000 was still in doubt due to outstanding planning and licensing matters at both the Cregagh Road and Comber Road Household Recycling Centres.

Noted.

T&ESC/2008/36 : HOLIDAY BIN COLLECTION TIMES

Councillor Mrs Duncan referred to a letter she had received from a constituent complaining about bin collection times during the Christmas Holidays.

The Client Manager responded that it was unfortunate that a group of ratepayers were affected each year. However, he stated that the Council had permitted that 4 extra black bin bags would be collected in addition to the grey bin and he added that this had been the only complaint that had been received about this matter. As this was a perennial problem, he welcomed any suggestions from Members in relation to resolving this problem.

He went on to state that the collection of brown bins had been cancelled to enable the grey bins to be prioritised and lifted and informed Members that the

Technical and Environmental Services Department had issued a press release as well as posting details of the change on the Council's website.

Councillor Duncan commented that although her bin had been emptied, there were residents within the Belvoir area who had had to wait three weeks before their bins were collected. However, in light of the Officer's comments, she said she would reply to the complainant informing them that the Council were looking at various ways to resolve this issue.

Councillor McCoy also suggested that a leaflet be issued at the beginning of next December to remind ratepayers of the holiday bin collection dates and times.

Noted.

At this point in the meeting, Alderman Rice left at 9.10 p.m.

REPORT FROM THE DIRECTOR OF TECHNICAL & ENVIRONMENTAL SERVICES

(copy enclosed)

T&ESC/2008/37 : REPORTS AVAILABLE

The Director advised that the following reports were available for Members' attention, namely :-

- CLAIRE - Technical Bulletin. SUB6 - December 2007
- Understanding Society. Ipsos MORI Social Research Institute November 2007

Noted.

T&ESC/2008/38 : THE POLLUTION PREVENTION & CONTROL (INDUSTRIAL POLLUTION AND RADIOCHEMICAL INSPECTORATE) DRAFT CHARGING SCHEME (NI) 2008

The Director referred Members to the receipt of correspondence attached to his report in relation to a consultation paper on the above-mentioned matter.

He went on to state that although a number of changes had been proposed to the scheme, they would have no significant implications for the Council.

Noted.

T&ESC/2008/39 : ARC 21 JOINT COMMITTEE MEETING OF 25 OCTOBER 2007 – MINUTES

The Director briefly outlined the business conducted at the above meeting, which included the following matters:

- Contracts
- Data and Performance
- Organic Waste Service Treatment Contract – Legal Challenge
- Potential for Kerbside Glass Recycling
- Residual Waste Strategic Outline Case
- Revenue Estimates 2008/09
- Schedule of Meetings 2008
- Contamination Leaflet
- Consultation: Recycling Targets for Packaging for 2008 and Thereafter
- Carton Recycling Scheme
- Recent Meetings

He requested that Members carefully review the contents of the above Minutes and acquaint themselves with the waste management issues that had been considered.

Noted.

T&ESC/2008/40 : ARC 21 JOINT COMMITTEE MEETING OF 6 DECEMBER 2007 – MEMBERS BULLETIN

Noted.

SUPPLEMENTARY REPORT FROM THE DIRECTOR OF TECHNICAL & ENVIRONMENTAL SERVICES
(copy circulated at meeting)

T&ESC/2008/41 : ARC 21 DRAFT RESPONSE TO CONSULTATION DOCUMENTS

The Director referred Members to the ARC 21 draft responses to the following consultation documents, namely:-

- Draft Program for Government 2008-2011
- Draft Budget 2008-2011
- Draft Investment Strategy 2008-2018

He identified a number of issues which needed to be highlighted and had been included in the response in relation to the incineration debate.

Councillor Beattie stated that the issue of incineration had been raised at a recent NILGA meeting and Sinn Fein had expressed opposition to the proposal.

Councillor Mrs Beattie suggested that there would be merit in anyone opposed to the prospect of incineration plant in visiting the excellent facility at Sheffield, as this would change peoples' perceptions and address many of the concerns.

Noted.

ANY OTHER BUSINESS

T&ESC/2008/42 : BLACK BOX SCHEME

Alderman Rice referred to a recent incident in which she had left a bin bag containing plastic bottles beside her Bryson Scheme black box, but which had not been lifted when collections were being made.

Following clarification from the Client Manager in which he confirmed that Bryson House would only lift additional bags if the material was of single type and not mixed materials, he stated that he would investigate the reason why the Alderman's bin bag of plastic bottles had been ignored.

RESOLVED:- That, the Client Manager will ascertain why the bin bag containing Alderman Rice's plastic bottles which had been set out with her Bryson House black box had not been collected, despite being of single type material.

As there was no further business, the meeting concluded at 9.15 p.m.

CHAIRMAN

CHIEF EXECUTIVE

Adopted by the Council this _____ day of
_____ **2008 with the exception of**
Minute Nos. _____

MAYOR