

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 March 2010, at 6.00 p.m.

PRESENT: Councillor G Robinson
(in the chair)

ALDERMEN: M Copeland
J Norris MBE

COUNCILLORS: Mrs A Beattie (from 6.25 p.m.)
J Beattie
M Chambers
S Duncan
C Hall
T Jeffers

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

APOLOGIES: Apologies were received on behalf of Alderman Rice ,
Councillors Copeland, Drysdale and Walker

T&ESC/2010/58 : THE CLIENT MANAGER

The Director of Technical & Environmental Services explained the reasons for the Client Manager's non-attendance at this evening's meeting and advised that the Technical Manager would be presenting the report on his behalf.

Noted.

T&ESC/2010/59 : GLENCREGAGH RESIDENTS GROUP

Councillor Robinson advised that representatives from Glencregagh Residents Group had asked if they could meet with the Committee to discuss the land behind the Council Offices. He outlined that the Trust had indicated that they would be willing to transfer the land to the Council for community use.

Councillor Duncan expressed the view that Members should visit the site prior to the residents group attending a Committee meeting.

Councillor Robinson suggested that when the Client Manager returned to work he should liaise with Mr Gibson from the residents group advising that an invitation would be sent in due course for them to attend a future Committee meeting.

RESOLVED : That

- (a) upon his return to work, the Client Manager to contact Glencregagh Residents Group advising that an invitation would be sent in due course for them to attend a future Committee meeting
- (b) in the meantime, a site visit be arranged to the site to the rear of the Civic Offices

T&ESC/2010/60 : PRESENTATION BY THE PSNI RE: YOUTH DIVERSION SCHEME

Councillor Robinson welcomed Derek Martin – Acting Chief Inspector, Inspector Colin Brown, Stephen Murphy and Eric McCune from the Youth Diversion Section.

Mr Murphy outlined for Members the role of the Youth Diversion Officer, as follows:

- to deter juveniles away from crime
- to prevent juvenile delinquent behaviour through restorative intervention
- work in partnership with both statutory agencies/voluntary agencies/families/juveniles

Councillor Mrs Beattie arrived at 6.25 p.m.

He advised that the Youth Diversion Scheme provided a restorative framework for police to deal with children and young people under 18 years who came to their attention for the following:

non-offence, risk taking behaviour, or
involved in offending or anti-social behaviour, or
at risk in terms of their safety or well-being

Mr Murphy advised that some non-offence behaviour may come within the definition of anti-social behaviour and at an early stage the parents/guardians would be advised of the child's behaviour, either verbally or in writing. He added that this information would be recorded for 12 months to assist in identifying young people potentially at risk to offer them advice and support. He added that this information would be shared with partner agencies in the best interests of the young person. He outlined that if the young person had no further contact with the police giving cause for concern within the 12 month period, the record would be destroyed.

He outlined that when a young person offended, a recommendation as to how to deal with the offence was made and, where appropriate, details of the offence would be shared with partner agencies in an effort to obtain a more positive and appropriate outcome for the young person. He added that the final decision however would be made by the Public Prosecution Service.

He advised that during the period June 2009 to November 2009, there had been 320 referrals to the YDS within Castlereagh, 84 related to offence behaviour and 236 to non-offence behaviour.

Mr Murphy explained that diversionary disposals, especially Police Restorative Cautions would be delivered in a restorative manner and seek to provide an

opportunity for the offender along with their parents to meet with the victim and other affected members of the community to discuss the impact of their actions.

Members put a number of questions to the PSNI representatives which included the following:

- whether young people were monitored by the PSNI during the 12 month caution period for non-offence
- referrals to other agencies
- statistics relating to referrals specifically within the Newtownbreda area
- whether the scheme was helping to address the problem of young people drinking alcohol in designated areas

The PSNI Officers responded to the above as follows:

With regard to non-offence behaviour, the young person would not be monitored by the PSNI during the 12 month period. If referred to the YDS for a crime-offence and the young person came to the attention of the police again, the PSNI could move quickly towards prosecution by referring to the Public Prosecution Service.

The Scheme was designed to ensure that young people did not become criminalised and with the support of other agencies and restorative interventions would help the young person to understand the consequences of their behaviour and the impact on others.

Mr Murphy confirmed that he would forward the referral statistics in respect of the Newtownbreda area to Councillor Chambers.

Detection rates for young people drinking alcohol in designated areas within Castlereagh was low compared with other council areas. The fact that the alcohol could be seized was a deterrent. It was no longer necessary to witness a young person drinking alcohol and a referral could now be made to the YDS for possessing alcohol.

Councillor Robinson thanked Mr Murphy and the other PSNI Officers for a very interesting and informative presentation and asked for a copy to be forwarded to all Members of the Committee. He further enquired if it would be possible for the Council to be provided with a bi-monthly report detailing the relevant statistics for Castlereagh together with details on how the scheme was progressing. He added that when Members attended community meetings it appeared that residents' main concerns related to anti-social behaviour and the detrimental impact it had on their day to day lives. He outlined that the report would assist Members in addressing these concerns and would inform the community of the excellent work being carried out by the PSNI through the Youth Diversion Scheme.

Prior to leaving the meeting, Mr Martin confirmed that the PSNI would be happy to provide the Council with this information.

TABLED : MINUTES OF THE TECHNICAL & ENVIRONMENTAL SERVICES COMMITTEE MEETING HELD ON 19 JANUARY 2010 (copy previously circulated)

Noted.

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

T&ESC/2010/61 : SCHEDULE OF APPLICATIONS

The Building Control Manager referred Members to the schedule of applications approved by the Building Control Service for the period December 2009 and January 2010.

Noted.

T&ESC/2010/62 : REPORTS ON APPLICATIONS, INSPECTIONS AND SOLICITORS ENQUIRIES

The Building Control Manager referred Members to the detail within his report in relation to the above in respect of December 2009 and January 2010.

Noted.

T&ESC/2010/63 : PERFORMANCE INDICATORS – FULL PLAN APPLICATIONS FOR OCTOBER 2009 TO DECEMBER 2009

The Building Control Manager referred to his report detailing the performance indicators for the above period.

Councillor Robinson asked that the Manager pass on the Committee's appreciation to his staff for their achievements.

Noted.

T&ESC/2010/64 : SOUTH EASTERN GROUP BUILDING CONTROL COMMITTEE

The Building Control Manager attached to his report a copy of the Minutes of the South Eastern Group Building Control Committee meeting held on 7 December 2009.

Noted.

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

T&ESC/2010/66 : UPDATE ON CROSS TOWN WATER MAIN AT HYDEBANK

The Operational Services Manager advised Members that Capita-Symonds had confirmed that the contract for installation works on the Cross Town Water Main through Hydebanks playing fields had been awarded to Lagan Construction.

He asked Members to note that a site meeting took place on the 9th February 2010 with the contractors, Capita-Symonds and NI Water to establish the definitive path of the pipeline and to assess the impact of the proposed site works on the Hydebanks facility. He advised that initial tree and hedgerow clearance was

required prior to the pipeline's scheduled installation date of the first week in May 2010.

The Operational Services Manager further advised that the pipeline also passed through an area adjacent to Newtownbreda Road which was subject to a tree preservation order. He attached to his report a copy of the planning permission and construction corridor and asked Members to note that the contractor had updated the Planning Service regarding the impending site works in respect of the planning permission, and in particular, the area to which the tree preservation order referred.

In response to a query from Councillor Duncan in respect of the Tree Preservation Order, the Operational Services Manager advised that there had been two site meetings with the contractors and the project manager in this respect. He advised that all the trees within the area to which the tree preservation order referred had been clearly marked, and only the trees within the construction corridor stated in the planning consent could be removed.

Following a query from Councillor Chambers in respect of reinstatement of the site, the Operational Services Manager confirmed that it had been written into the contract that following completion of the works that the site should be reinstated to the Council's satisfaction.

Noted.

T&ESC/2010/68 : REVISED TERMS AND CONDITIONS FOR FOOTBALLERS

The Operational Services Manager reported that in an attempt to address recent challenges faced by the Council's football attendants at some of the Council's football facilities, the Terms and Conditions of Use had been slightly amended. He attached to his report a copy of the revised Terms and Conditions for Members' consideration.

Following discussion, it was

RESOLVED : That, in order to address recent challenges faced by the Council's football attendants, approval be granted for the revised Terms and Conditions.

T&ESC/2010/69 : OPERATIONAL SERVICE UNIT'S ANNUAL CHARGES FOR 2010/11

The Operational Services Manager referred Members to a copy of the proposed annual charges for the 2010/2011 year. He advised that following consultation with the Council's Finance Department, all charges had been increased in line with the Retail Price Index averaged over the last 3 months at 2.5% and rounded off for ease of administration.

Following discussion on the proposed cemetery charges, it was

RESOLVED : That the Council be recommended to approve the Operational Services Unit's annual charges for the 2010/2011 financial year.

T&ESC/2010/70 : HANGING BASKET QUOTATIONS

The Operational Services Manager reported that following invitation, two quotations had been received for the supply of hanging baskets, as follows:

H. Geddis & Son
Hoop Hill Nurseries
71 Banbridge Road
Waringstown
Co Down
BT66 7RU

Hanna's Nursery
16 Hanna's Road
Larne
Co. Antrim
BT40 2SZ

He recommended that the quotation from H Geddis & Son be accepted, as it represented best value to the Council

Following discussion, it was

RESOLVED : That the Council be recommended to agree that the quotation from H. Geddis & Son for the supply of hanging baskets, as it represented best value to the Council.

T&ESC/2010/71 : CORRESPONDENCE RECEIVED FROM ACTION CANCER

The Operational Services Manager advised Members that Action Cancer had asked if the Council would waive the hire costs for an event they wished to hold at the Billy Neill Soccer Centre of Excellence on 5 June 2010. He referred Members to a breakdown of the charges applicable on the day and advised that the Council had waived the hire costs for this event in previous years.

Following discussion, it was

RESOLVED : That the Council be recommended to waive the hire costs for an event being organised by Action Cancer at Billy Neill Soccer Centre of Excellence on 5 June 2010.

T&ESC/2010/72 : QUOTATIONS FOR EXTERNAL PAINTING OF HAMILTON'S SHED

The Operational Services Manager reported that three quotations had been received for the above work. He advised that the work was necessary to protect the outer shell of the building, as it was constructed from a single skin metal fabrication. He asked Members to note the detail of three quotations that had been submitted and advised that budgetary provision had been made within the current financial year:

Noel Savage Construction LTD
98B University Avenue
Belfast
BT7 1GY

Dunmore Contracts
3 Main Street
Newcastle
BT33 0LU

R McGrady

338 Antrim Road
Belfast
BT15 5AB

He recommended that the quotation from Noel Savage be accepted as it represented best value for Council.

Councillor Robinson queried whether it would be possible for Council employees to carry out the work.

The Operational Services Manager advised that as the work was predominantly above ground level there would be health & safety implications. He added that provision had been made in the current financial year, and he referred to the current moratorium on non-essential spends and expressed the view that the work would be essential.

In response to a query from Councillor J Beattie, the Operational Services Manager advised that it had been intended for the work to be carried out early in the year but due to inclement weather this had not been possible.

Following discussion, it was

RESOLVED : That the Council be recommended to grant approval for the external painting of Hamilton's Shed and that the quotation from Noel Savage be accepted, as it represented best value to the Council.

T&ESC/2010/73 : CORRESPONDENCE FROM BRANIEL BOWLING CLUB

The Operational Services Manager referred Members to a copy of the above correspondence advising that Braniel Bowling Club was being disbanded. He advised that the keys of the centre had already been returned to Community Services.

He advised that Braniel Bowling Club was the only club that used the bowling green and no expressions of interest from other clubs had been forthcoming as yet. He outlined that the Council would continue to maintain the facility.

Councillor Chambers advised that Braniel Community Association had attended the Central Services Committee meeting in January asking for the Council to consider providing a new community centre. She added that it had been agreed that in conjunction with the Community Services Manager, Braniel Community Association would organise a tour of the centre which would be followed by a question and answer session. She indicated that the site visit was due to take place in March and that it would also be open to those Members who represented the area but were not a member of the Central Services Committee.

Following discussion, it was

RESOLVED : That consideration of future use of Braniel Bowling Green be deferred until after the Central Services Committee's tour of Braniel Community Centre had been carried out and the Committee had an opportunity to consider community provision within Braniel.

T&ESC/2010/74 : CORRESPONDENCE FROM LEISURE SERVICES REQUESTING USE OF HENRY JONES PLAYING FIELDS

The Operational Services Manager referred Members to a copy of the above correspondence from Leisure Services requesting the use of Henry Jones Playing Fields for an Easter Golf Coaching School on 31 March and 8 April 2010, from 10.00 a.m. to 1.00 p.m.

Following discussion, it was

RESOLVED : That the Council be recommended to approve the request from Leisure Services for use of Henry Jones Playing for an Easter Golf Coaching School on 31 March and 8 April from 10.00 a.m. to 1.00 p.m.

T&ESC/2010/75 : CORRESPONDENCE FROM NORTHERN IRELAND SCHOOLS' FOOTBALL ASSOCIATION (NISFA)

The Operational Services Manager referred Members to a copy of the above correspondence advising that NISFA were hosting an International U18 Tournament on 26 February 2010 at Comber Recreation Grounds. He advised that the team from England will be based in the Castlereagh area and require use of training facilities at the Billy Neill Soccer Centre of Excellence on 25 February from 3.00 to 5.00 p.m. He outlined that NISFA have requested the use of pitch 3 or 5 and had asked if the pitch hire fee of £49.00 could be waived.

Following discussion, it was

RESOLVED : That the Council be recommended to grant retrospective approval for Northern Ireland Schools' Football Association use of pitch 3 or 5 on the 25 February 2010 to accommodate the England U16 squads training session, and that the pitch hire charge of £49.00 be waived.

T&ESC/2010/76 : CORRESPONDENCE RECEIVED FROM DUNDONALD COMMUNITY CONCERT BAND

The Operational Services Manager outlined that a request had been received from Dundonald Community Concert Band for the conductor to be provided with a key to the Moat Park Pavilion to facilitate additional band practice sessions. He added that the band was also seeking permission to locate a lockable filing cabinet in the upstairs store.

Following discussion, it was

RESOLVED : That the Council be recommended to agree that

- (a) permission be granted for Dundonald Community Concert Band Conductor to hold a key to Moat Park Pavilion, subject to him completing the necessary Health & Safety course
- (b) permission be granted for the band to locate a lockable filing cabinet in the upstairs store room of the pavilion

T&ESC/2010/77 : PROVISION OF A MACHINERY STORAGE CONTAINER AT THE BILLY NEILL SOCCER CENTRE OF EXCELLENCE

The Operational Services Manager outlined that following a pre-season review within the Parks Section, permission was being sought to site a machinery storage container at the rear of the Billy Neill Soccer Centre of Excellence. He advised that the machinery used at the site cannot be stored within the existing confines of the back store due to height and width restrictions within the building.

He advised that quotations had been sought in this respect, as follows:

TKF Group
1 Beragh Drive
Carn Industrial Estate
Portadown
BT63 5XA

Global Steel Arch Buildings
Carn Portadown
Co Armagh

The Operational Services Manager asked Members to note that there was provision within the current financial year for the purchase and installation of the machinery container. He added that following consultation with the Council's Planning Officer planning permission was not required.

He recommended that Members grant permission to site a machinery storage container at the Centre and to accept the quotation from TKF Containers for the supply of the storage container as it represented best value.

Following discussion, it was

RESOLVED : That the Council be recommended to agree that the quotation from TKF Containers be accepted for the purchase of a storage container and approval be granted to locate the container to the rear of the Billy Neill Soccer Centre of Excellence.

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

T&ESC/2010/78 : STATUTORY NOTICES PUBLIC HEALTH (IRELAND) ACTS 1878 TO 1907

The Environmental Health Manager referred to his report detailing the Statutory Notices served in respect of the abatement of Public Health nuisances/conditions prejudicial to health.

Noted.

T&ESC/2010/79 : STATUTORY NOTICES

The Environmental Health Manager outlined that, as requested at the Committee meeting held on 19 January 2010, Members requested further information on the service of Statutory Notices and the abatement of the nuisance.

He asked Members to note the procedure for serving and checking Statutory Notices, as follows:

- (i) Statutory Notice served giving a specified number of days to abate the nuisance.
- (ii) when time specified in the Statutory Notice lapses, an inspection is conducted by an authorised officer of the Council to establish if the required work has been completed to abate the nuisance.
- (iii) a time extension can be applied for by the “person” if they apply in writing to the Council.
- (iv) when the works have been completed, the “person” must forward the Notice along with any reports, invoices, etc to the Northern Ireland Housing Executive (NIHE) for grant processing.
- (v) on receipt of the Notice, the NIHE will inspect the property to ensure that all required works stated on the Notice have been completed.

Noted.

T&ESC/2010/80 : CONSUMPTION OF INTOXICATING LIQUOR IN DESIGNATED PLACES - DRINKING IN DESIGNATED AREAS

The Environmental Health Manager referred Members to a copy of the rolling table of offences in respect of the above.

Noted.

T&ESC/2010/81 : CONSUMPTION OF INTOXICATING LIQUOR IN DESIGNATED PLACES - RETAILER’S GUIDE – CODE OF PRACTICE TO ENSURE ALCOHOL IS NOT SOLD TO UNDER 18’S

The Environmental Health Manager outlined that as Members may be aware, the consumption of alcohol by juveniles in designated places remains a significant source of antisocial behaviour.

He advised that the Castlereagh Community Safety Partnership was funding a Code of Practice aimed at off-licences within the Borough in an effort to ensure alcohol was not sold to under 18’s. He outlined that he and the Community Safety Partnership Manager were of the view that the initiative was very positive and had the potential to reduce the incidents of juveniles consuming alcohol in designated places.

He indicated that the Community Safety Partnership Manager had asked whether the Council would like to be associated with the Retailer’s Guide, and given the

positive proactive nature of this campaign, he recommended that Members support the initiative.

RESOLVED : That the Council be recommended to agree to support the initiatives within the Consumption of Intoxicating Liquor in Designated Places Retailer's Guide Code of Practice to ensure alcohol is not sold to under 18's.

T&ESC/2010/82 : CONSUMPTION OF INTOXICATING LIQUOR IN DESIGNATED PLACES LEGAL OPINION – YOUTH DIVERSION SCHEME

The Environmental Health Manager outlined that there has been considerable debate regarding the possibility of progressing breaches of Council Byelaws at the same time as the PSNI were progressing the Youth Diversion Scheme. He added that to ensure that the Council was not accused of double jeopardy by the PSNI, a legal opinion had been sought. He advised that a full copy of the legal opinion was available within the Service Unit should Members wish to peruse its contents. He added that in brief the opinion stated the following:

“the young person will have been offered, and accepted, the diversionary route and in those circumstances, would have a tolerably strong argument that it is unfair to put him on trial for the same matter. The consequence of a successful abuse of process will be that the Council will incur costs”.

In response to a query from Councillor Robinson, the Environmental Health Manager confirmed that Alderman Rice had requested that a legal opinion be sought.

Noted.

T&ESC/2010/83 : LOCAL POLICING PLAN

The Environmental Health Manager outlined that he had received a copy of the PSNI's Local Policing Plan and he attached to his report for Members' information a copy of the section relating to Dealing with Local Concerns. He asked Members to note that detections of observed breaches of Council Byelaws had been included in the Plan.

Noted.

T&ESC/2010/84 : NO SMOKING DAY 2010

The Environmental Health Manager outlined that, as Members would be aware, the Council was committed to promoting the health and well-being of the residents of the Borough. He added that one such initiative was the promotion of “No Smoking Day 2010” and financial provision had been set aside for the event. He expressed the view that this would be deemed as “essential expenditure” as defined under the recent Moratorium on Non-Essential Expenditure.

He advised that the initiative would target 1,300 children across 5 secondary schools within the Borough and would cost approximately £600.00. He added that there was a strong possibility of obtaining funding to recoup the costs associated with this initiative.

Noted.

T&ESC/2010/85 : CONSULTATION ON THE PPC (DISTRICT COUNCILS) CHARGING SCHEME (NI) 2010

The Environmental Health Manager advised Members that the above consultation document was considered by the Chief Environmental Health Officers Working Group. He attached to his report a copy of the response which had been prepared by the working group.

Noted.

T&ESC/2010/86 : NUTRITIOUS IS DELICIOUS – HIGHLIGHTING THE IMPORTANCE OF HEALTHY EATING AND A BALANCED DIET IN PARTNERSHIP WITH CASTLEREAGH COLLEGE

The Environmental Health Manager briefed Members on the above initiative which aimed to promote the benefits of a balanced diet with particular emphasis on less salt, less fat and more fruit and vegetables.

Noted.

T&ESC/2010/87 : POISONS (NI) ORDER 1976 - REGISTRATION OF PREMISES

The Environmental Health Manager outlined a number of premises within the Borough that had submitted applications in 2010 in respect of the above.

RESOLVED : That, under the Poisons (NI) Order 1976, the Council grants approval for a number of premises within the Borough to be registered for the selling of poisons, as outlined in the report from the Environmental Health Manager.

T&ESC/2010/88 : CONSULTATIONS ON STRENGTHEN SANCTIONS AGAINST RETAILERS FOR UNDERAGE SALES OF TOBACCO PRODUCTS

The Environmental Health Manager advised the above consultation document was available within the Environmental Health Service Unit should Members wish to peruse its contents.

He outlined that 6 options were being proposed, as follows:

- (i) do nothing
- (ii) registration of tobacco retailers
- (iii) accreditation – non-mandatory licence
- (iv) a negative licensing system
- (v) a positive licensing system
- (vi) a combination of a registration scheme with a negative licensing system.

He advised that the Department of Health & Social Services & Public Safety was recommending option (vi) and Officers within the Environmental Health Service Unit supported this option. He attached to his report for Members' consideration a

draft response to the consultation document and advised that the deadline for submissions was 12 March 2010.

Following discussion, it was

RESOLVED : That the Council be recommended to approve the Officer's response to the Strengthen Sanctions Against Retailers for Underage Sales of Tobacco Products Consultation Document, based on a combination of a registration scheme with a negative licensing system (Option 6).

T&ESC/2010/89 : THE HEALTH AND PERSONAL SOCIAL SERVICES (NI) ORDER 1978 THE CHILDREN AND YOUNG PERSONS (SALE OF TOBACCO ETC) REGULATIONS (NI) 2008

The Environmental Health Manager reported that, in line with Council procedures, a further tobacco underage sales test purchase exercise had been carried out on 30 January 2010. He advised that out of 12 premises surveyed, one retailer sold cigarettes to a child of 16 years of age and he had been invited to attend a formal interview where a formal caution had been issued.

He added that the majority of premises requested identification and refused sales and the staff had been congratulated on their compliance with the legislation.

Noted.

T&ESC/2010/90 : THE CIGARETTE LIGHTER REFILL (SAFETY) REGULATIONS 1999 UNDERAGE SALE OF SOLVENTS

The Environmental Health Manager reported that Officers had provided retailers within the Borough with advice on solvent abuse and the need to request identification for the sale of age-restricted products. He reported that an underage sales test survey had been carried and out of 10 retailers surveyed, 3 had sold butane cigarette lighter refills to a child of 17 years of age. He advised that the retailers who had failed the test were asked to review their training and had been warned that an enforcement test purchase exercise would be carried out on their premises.

Noted.

T&ESC/2010/91 : THE SMOKING (NORTHERN IRELAND) ORDER 2006 - FAILURE TO PROVIDE INFORMATION UNDER ARTICLE 12 OF THE SMOKING (NORTHERN IRELAND) ORDER 2006

The Environmental Health Manager provided Members with the detail of an incident whereby a female passenger of a white Ford Transit van travelling along Montgomery Road had been observed smoking in a van driven by a male driver. The registered owner of the vehicle had been sent a Notice to Obtain Information to his address in Co Down. He advised that the owner returned the information stating that he had sold the vehicle and he provided the details of the purchaser. He advised that the new owner who resided in Co Armagh had been sent a Notice

to Obtain Information enquiring if the van was a work vehicle in order to determine if the female passenger had breached the legislation. He added that the owner failed to respond and he had been issued with a final warning which he also failed to respond to.

Following discussion, it was

RESOLVED : That the Council be recommended to approve the instigation of legal action against the identified person for failing to provide information contrary to Article 12 of The Smoking (Northern Ireland) Order 2006.

T&ESC/2010/92 : THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NI) ORDER 1985 - ARTICLE 3 – LICENSING OF PLACES OF ENTERTAINMENT – RENEWAL OF LICENCES

The Environmental Health Manager referred to his report outlining applications for the renewal of Entertainment Licences received.

RESOLVED : That the Council be recommended to grant approval for the renewal of Entertainments Licences, as outlined in the Environmental Health Manager's report, subject to receipt of all required documentation.

T&ESC/2010/93 : PETROLEUM CONSOLIDATION ACT (NI) 1929 RENEWAL OF PETROLEUM LICENCES

The Environmental Health Manager referred Members to his report outlining the detail of an application received for the renewal of a licence to store petroleum within the Borough.

RESOLVED : That the Council be recommended to grant approval for the renewal of a licence to store petroleum, as outlined in the Environmental Health Manager's report, subject to receipt of all required documentation.

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

T&ESC/2010/94 : PROPOSED SUNBED BILL TO REGULATE THE SUNBED INDUSTRY IN NORTHERN IRELAND

The Environmental Health Manager outlined that as agreed at the Technical & Environmental Services Committee meeting held on 19 January 2010 he was tabling a copy of the Chief Environmental Health Officers Group's comments in relation to the above consultation.

Following discussion, it was

RESOLVED : That approval be granted for the Chief Environmental Health Officer Group's comments in respect of the Proposed Sunbed Bill to Regulate the Sunbed

Industry in Northern Ireland, and that these be forwarded to the Department for their consideration.

T&ESC/2010/95 : REPORT ON THE DOGS THE DOGS (NORTHERN IRELAND) ORDER 1983 – KENNELING PROVISION

The Environmental Health Manager outlined that as Members would be aware the Council's kennelling provider had indicated their desire to terminate the current contract, and as required under Article 40, alternative secure kennelling arrangements had been sought. He advised that two options had been considered.

The Environmental Health Manager attached to his report a breakdown of income and expenditure, an example of a daily activity sheet and an example of a proposed rota. He added that both options had positive and negative attributes.

Councillor Chambers referred to Option 1 and outlined that if Lisburn only had provision for 8 dogs, she had concerns that Castlereagh residents may have to travel to secondary kennelling to reclaim their dogs. She suggested that Option 1 be put in place for one year which would enable the Transition Committee to consider future provision.

The Environmental Health Manager outlined that as Castlereagh Borough Council was paying for this service, he would make the case that as far as was possible, Castlereagh ratepayers should not have to travel to secondary kennelling to reclaim their dogs.

Councillor Robinson expressed the view that Option 1 appeared least problematic, particularly given the timescale involved.

Following further discussion, it was

RESOLVED : That the Council be recommended to grant approval to sign a contract for kennelling provision with Lisburn City Council, subject to a proviso that where possible, Castlereagh residents should not have to travel to secondary kennelling to reclaim their dogs.

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

T&ESC/2010/96 : TONNAGES DEPOSITED AT LANDFILL

The Technical Manager attached to his report for Members' information the monthly tonnages deposited at landfill together with the figures in relation to street sweepers for the period April 2009 to end of January 2010. He asked Members to also note the details on tonnage variances and indicative impacts on 2009/2010 budgets.

Noted.

T&ESC/2010/97 : EDUCATIONAL TALKS/VISITS

The Technical Manager referred Members to the list of environmental educational talks/visits carried out between November 2009 and February 2010.

In response to a query from Councillor Robinson, the Technical Manager advised that he would ascertain if Tullycarnet, Brooklands, Dundonald and Gilnahirk Primary Schools had been invited to participate in the educational talks.

RESOLVED : That the Technical Manager ascertain if Tullycarnet, Dundonald, Brooklands and Gilnahirk Primary Schools had been invited to participate in the educational talks/visits and report back.

T&ESC/2010/98 : ARC21 GOOD PRACTICE GUIDE (2009) TO MINIMISING CONTAMINATION FROM THE CO-MINGLED COLLECTION OF DRY RECYCLABLES

The Technical Manager referred Members to a copy of the arc21 Co-mingled Collection of Dry Recyclables, Minimisation Contamination, Good Practice Guide, December 2009. He advised that the guide would assist councils in determining individual measures appropriate to their local conditions/circumstances and included examples of good practice.

Following discussion, it was

RESOLVED : That the Council be recommended to endorse the arc21 Co-mingled Collection of Dry Recyclables, Minimisation Contamination, Good Practice Guide, December 2009.

T&ESC/2010/99 : HOUSEHOLD RECYCLING CENTRES CUSTOMER SATISFACTION SURVEYS (OCTOBER 2009)

The Technical Manager referred Members to copies of the surveys for both Cregagh Road and Carryduff Household Recycling Centres. He added that, as previously reported to the Committee, overall satisfaction of the service provided at both centres remained high.

He advised that Officers were currently reviewing diversion performance at both Household Recycling Centres. He indicated that the survey results would provide valuable information and form part of any improvement plans to increase diversion at both sites.

Noted.

T&ESC/2010/100 : RECYCLING WITHIN THE COUNCIL'S CIVIC & ADMINISTRATIVE OFFICES

The Technical Manager referred Members to a copy of a report on the current recycling arrangements within the Civic Offices. He advised that the report had been considered and endorsed by the Senior Management Team and it was being

recommended that food waste collection receptacles be located in all the kitchens within the Civic Offices. He added that the Management Team were of the view that provision should also be extended to the Council Chamber in order for non-confidential papers that did not require to be shredded to be recycled.

He advised that Officers would be liaising with the Administration Manager with regard to the implementation of the initiatives.

In response to a query from Councillor Chambers, the Technical Manager advised that there would be facilities whereby Members could bring papers into the Civic Centre for recycling.

RESOLVED : That the Council be recommended to approve the initiatives within the report from the Client Manager into recycling provision at the Council's Civic & Administrative Offices.

T&ESC/2010/101 : HOUSEHOLD WASTE RECYCLING & COMPOSTING RATE – OCTOBER 2009 TO DECEMBER 2009

The Technical Manager reported that the unaudited Household Waste Recycling & Composting Rate for the period 1 October 2009 to 31 December 2009 was 32.46% which was 1.5% down on the same period for 2008. He added that when compared with the same period for 2008, there had been a 0.27% increase in MSW landfilled as a percentage of MSW arisings. He indicated that there had been a more notable decrease in the 'dry recycling rate' which had fallen by 1.82%.

He outlined that this could be attributed to the impact of the recession on householders buying habits and consumption in general. He reported that the composting rate had remained broadly the same, i.e. within 0.01%.

The Technical Manager advised that, whilst the Household Waste Recycling & Composting Rate had shown a slight decrease, from the point of view of NILAS compliance, the amount of biodegradable municipal waste (BMW) landfilled for the quarter period was 2,902 tonnes, down 543 tonnes on the same period for 2008.

Noted.

T&ESC/2010/102 : CORRESPONDENCE FROM THE DEPARTMENT OF THE ENVIRONMENT (DOE) RE: CLOSURE OF FORMER MOSS ROAD LANDFILL SITE

The Technical Manager referred Members to a letter and report from the DOE regarding the closure of the Moss Road Landfill Site. He outlined that it had previously been agreed to appoint consultants to prepare documents for the capping of the landfill site. He asked Members to note that the DOE's letter indicated that work over and above the recommendations arising out of the consultant's report required to be carried out.

He advised that five other councils had received similar correspondence from the DOE, one of which was Lisburn City Council. He outlined that Lisburn City Council were seeking a legal opinion and it was being recommended that the five councils share the legal costs and that he would report back with the legal opinion to a future meeting of the Committee.

In response to a query from Councillor Robinson, the Director of Technical & Environmental Services outlined that the Officers required Council approval to engage with Officers from other councils and to share the legal costs incurred.

Councillor J Beattie proposed that Officers liaise with the Officers from the other councils and that Castlereagh Council contributes its share of the legal costs being obtained by Lisburn City Council. The proposal was seconded by Councillor Chambers.

Following further discussion, it was

RESOLVED : That the Council be recommended to grant approval for

- (a) Castlereagh Borough Council Officers to engage with Officers from Lisburn City Council and other affected Councils with regard to the correspondence and report from the Department of the Environment relating to the closure of landfill sites
- (b) Castlereagh Borough Council to make its contribution towards the legal opinion currently being obtained by Lisburn City Council and that the costs be divided equally between the councils concerned
- (c) the Client Manager to report back to a future Committee meeting on the legal opinion

T&ESC/2010/103 : PROPOSED PLAYGROUND AT BRED A TERRACE/COLBY PARK

The Technical Manager advised that the tender return date for the proposed playground at Breda Terrace and amendments to the existing playground at Colby Park was 26 February 2010. He asked Members to note that the Client Manager was recommending that those residents who had supported the parks at Breda Terrace and Colby Park, together with those who had objected to the playground at Breda Terrace be invited to view the returned tenders. He added that their views could be considered by Officers when making a recommendation to the Committee.

Following discussion, Members were of the view that it would not be in order for the full tender detail to be provided and that the drawings/designs would suffice. It was felt that this information should not be provided until after the scoring of the returned tenders had been carried out.

The Technical Manager referred to the restrictive covenant on the piece of ground in question and advised that there were two methods for dealing with this, as follows:

- (i) £1,000.00 for lifting the covenant plus legal fees
- (ii) Providing the Housing Executive with a letter of comfort advising that the Council would be liable for maintenance

Councillor Robinson suggested that consideration of the matter be deferred to the next Committee meeting in order for Members to see a draft of the letter of comfort.

Councillor J Beattie suggested that Officers liaise with the Director of Administration & Community Services in this respect.

RESOLVED : That

- (a) following the Committee's consideration of the scoring of the tender submissions, the Council be recommended to agree that the residents who had supported the parks at Breda Terrace and Colby Park, together with those who had objected to the playground at Breda Terrace be invited to view the drawings and designs
- (b) consideration of the restrictive covenant at the site of the Breda Terrace Playground proposal be deferred to the next Committee meeting to enable Officers to obtain more detail in respect of the following two options:
 - (i) £1,000.00 for lifting the covenant plus legal fees
 - (ii) providing the Housing Executive with a letter of comfort advising that the Council would be liable for maintenance

T&ESC/2010/104 : MONTGOMERY ROAD FLOOD ALLEVIATION

The Technical Manager referred Members to a copy report and correspondence from Northern Ireland Water, together with an accompanying Notice and Plan.

He asked Members to note that Northern Ireland Water intended to lay 35 metre length, 1 metre diameter sewer across lands adjacent to Ladas Drive which the Council currently owns. He added that the lands in question were lands that the Council proposed to transfer to Belfast to facilitate the construction of the Connswater Community Greenway.

The Technical Manager recommended that the Council consents to the construction of the sewer, subject to a number of conditions as detailed in his report.

Following discussion, it was

RESOLVED : That the Council be recommended to grant approval to Northern Ireland Water to lay 35 metre length, 1 metre diameter sewer across lands adjacent to Ladas Drive, subject to the following conditions:

- (i) All necessary statutory approvals are obtained by Northern Ireland Water
- (ii) Northern Ireland Water undertakes to reinstate the ground to the satisfaction of the Director of Technical and Environmental Services.

- (iii) Northern Ireland Water supplies evidence of sufficient insurance cover for the works.
- (iv) Northern Ireland Water agrees to pay compensation as negotiated by the District Valuer and Castlereagh Borough Council's agent.

T&ESC/2010/105 : CONNSWATER COMMUNITY GREENWAY

The Technical Manager referred Members to a copy of correspondence from Belfast City Council regarding three portions of land required to facilitate the construction of Connswater Community Greenway.

He advised that one of the portions of land fell within the Director of Administration & Community Services' remit, and he would refer the matter to her for action. He referred Members to the other two portions of land adjacent to Ladas Drive which the Council had already agreed in principle to transfer to Belfast City Council, and to the portion of Cregagh Glen which the Council had agreed in principle to transfer to the National Trust.

He indicated that there were two options whereby the Council could make a Deed of Dedication over the lands in favour of the Greenway and enter into a maintenance agreement with Belfast City Council who would be liable for all maintenance, insurance, etc. He added that, alternatively, the Council could declare the lands surplus and transfer to Belfast City Council at market value. He advised that the Council's solicitor had been contacted to seek his views on the best way forward.

Following discussion, it was

RESOLVED : That consideration of the lands required to facilitate the construction of Connswater Community Greenway be deferred to enable the views of the Council's solicitor to be reported back to the next Committee meeting.

T&ESC/2010/106 : PROPOSED PROVISION OF PUBLIC PARK, PLAYGROUND AND LEISURE CENTRE AT FORSTER GREEN HOSPITAL

The Client Manager attached to his report a copy of correspondence from Health Estates Investment Group regarding the possible transfer of lands at the Forster Green site to Castlereagh Borough Council. He asked Members to note that Health Estates were proposing to lease the area highlighted on the drawing for 10 years, and with the agreement of both parties, five year extensions thereafter. He added that a rental figure could be agreed that would reflect the fact that the Council would be taking responsibility for the management of the land and for public safety.

He outlined that as Members would be aware the boundaries of the new Councils to be formed under RPA have not yet been formally designated. He added that preliminary indications were that this area would fall within Belfast City Council. He sought Members' views as to whether they wished negotiations to be progressed.

Following discussion, it was

RESOLVED : That the proposed provision of a Public Park, Playground and Leisure Centre at the Forster Green Hospital site be referred to the March Council meeting for consideration.

T&ESC/2010/107 : CRC ENERGY EFFICIENCY SCHEME

The Technical Manager referred Members to a copy of correspondence from the Environment Agency regarding the CRC Energy Efficiency Scheme. He advised that this was a mandatory energy saving and carbon emissions reduction scheme for the UK, commencing on 1 April 2010. He added that he was of the view that due to its size, the mandatory requirements would not impact imminently on Castlereagh Borough Council. He added that the NIEA would be organising a series of events to disseminate information and he would keep Members advised of progress.

Noted.

T&ESC/2010/108 : LEGAL CHALLENGE BY CASTLEREAGH MOTORS

The Technical Manager reported that the Council's insurer's solicitors had advised that the solicitors acting on behalf of Castlereagh Motors had indicated that they would accept a "drop hands" resolution whereby they would agree to discontinue the claim, on the basis that each party would bear their own costs. He added that Newry & Mourne District Council were not happy with this scenario and were pursuing the matter through the courts. He reported that it was the view of Castlereagh Borough Council's solicitor that we should await the outcome of the legal challenge.

Following discussion, it was

RESOLVED : That consideration of Castlereagh Motors' offer of a "drop hands" resolution be deferred until the outcome of Newry & Mourne's legal challenge was known.

ANY OTHER BUSINESS

**T&ESC/2010/109 : REPORT FROM ECONOMIC DEVELOPMENT MANAGER
RE: PREPARATION OF A STAGE II SUBMISSION REFURBISHMENT OF
TULLYCARNET PARK**

Councillors Robinson and Jeffers declared an interest.

The Operational Services Manager referred Members to a copy of the above report and advised that the total capital refurbishment and revenue costs was estimated to be approximately £1.1 million, with a HLF grant awarded at 75%. He added that it was estimated that a financial contribution from the Council of £195,000.00 over five years would be required to implement the entire scheme.

He outlined that there were two stages to the HLF application process:

Stage 1:

A successful first round application receives a grant to enable the promoter (the Council) to quantify a comprehensive proposal against which the HLF can assess the merits of implementing the entire project.

Stage 2:

A successful second round application receives a grant to enable the promoter (the Council) to implement the project as per the stage two submission. The award can be for capital works and revenue costs for a period of five years.

The Operational Services Manager asked Members to note that the application submitted in August 2009 was Stage 1 and the HLF has offered a development grant of up to £21,300 which was 64% of the total eligible development work cost of £33,500.00 towards the definition of the scheme. He added that the remaining 36% of development costs consisted of:

- Castlereagh Borough Council financial contribution of £2,625.00 (included in the 2010/2011 budgets)
- Council in-kind contributions (Officer Time) £4,500.00
- Volunteer Time (Friends of Tullycarnet Park Group) £5,000.00

He advised that in order to obtain permission from HLF to progress, a number of actions required Council approval which he had detailed within his report for Members' consideration.

The Committee congratulated Officers for the time and effort allocated to obtaining the funding and to the Council for supporting the project.

RESOLVED : That in order to obtain permission from the Heritage Lottery Fund to progress the Tullycarnet Park Stage 2 application, the Council be recommended to agree the following:

- Committee approve the necessary partnership funding towards preparing a stage 2 application (financial contribution of £2,625.00 and in-kind contribution of £4,500.00)
- upon a successful stage 2 application, consideration of the necessary Council expenditure to implement a successful scheme estimated at £195,000.00 over five years
- consideration of RPA issues concerning the implementation of the project over a five year term (deadline for a stage 2 application was December 2011)
- consideration of the HLF requirement to develop a Borough-wide Green Space Strategy
- consideration of the HLF requirement to form a "Friends of Tullycarnet Park Group" (with Council representation) through which the proposed refurbishment will be channelled. It was further recommended at a meeting held with HLF that this group feed into the inter-agency Tullycarnet Neighbourhood Renewal Partnership with the agreed actions being tabled

at the Technical & Environmental Services Committee for consideration/implementation

- the implementation of a project of this type requires cross-departmental and cross-committee co-operation and it will be necessary for items to be tabled at different committees as appropriate (Economic Development Sub Committee and Central Services Committee)
- acceptance of the standard terms and conditions associated with the HLF grant

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

T&ESC/2010/110 : REPORTS AVAILABLE

The Director of Technical & Environmental Services advised that the following information was available for Members to read:

- 2008/2009 Belfast Healthy Cities Annual Report
- North Eastern River Basin Management Plan Summary. December 2009. NIEA
- The William Keown Trust. Newsletter. December 2009

Noted.

T&ESC/2010/111 : DEPARTMENT OF THE ENVIRONMENT (DOE) NEWS RELEASE – POOTS WELCOMES HOUSEHOLD RECYCLING INCREASE

The Director of Technical & Environmental Services referred Members to the press release in which Minister Edwin Poots welcomed the good performance in household recycling. He added that household waste recycling for the second quarter of 2009 achieved 39% which exceeded the target of 35% set for 2010. He outlined that the Minister also stated that people were re-thinking how they treated waste and were considering the impact waste had on the environment.

He indicated that the Minister had also highlighted that this meant continued reductions in biodegradable municipal waste going to landfill, and consequently reductions in landfill gas emissions such as methane being released into the environment.

Noted.

T&ESC/2010/112 : ARC 21 JOINT COMMITTEE – MEMBERS' BULLETIN FOR MEETING ON 25 FEBRUARY 2010

The Director of Technical & Environmental Services attached to his report a copy of the above and advised that the bulletin provided an executive summary of the various agenda items considered at the meeting.

Noted.

T&ESC/2010/113 : ARC 21 JOINT COMMITTEE - MINUTES OF THE MEETING HELD ON 3 DECEMBER 2009 AT NEWTOWNABBEY BOROUGH COUNCIL

The Director of Technical & Environmental Services referred Members to the above Minutes which had been ratified at the meeting of the Joint Committee on Thursday 28 January 2010.

He outlined some of the business addressed at the meeting, as follows:

- Calls for Conflict of Interest.
- Contracts and Performance Update.
- Residual Waste Treatment Project.
- Local Government Service Delivery Economic Appraisal.
- Annual Audit Letter.
- Financial Performance.
- Local Government Reform Joint Forum Vacancy Control Procedures.
- Arc 21 Audit Committee.
- Audit Committee Meeting – Organisation Review Stage Two.
- Consultation: Stage One Consultation on the Revised Waste Framework Directive (2008/98/EC).
- Revised Waste Framework Directive Stakeholder Meeting.
- Schedule of Meetings 2010.
- Arc 21 Annual Report 2008/2009.
- AOB.

The Director of Technical & Environmental Services highlighted the need for Members to peruse the contents of the above-mentioned Minutes and to be aware of the current waste management issues.

Noted.

T&ESC/2010/114 : ARC 21 JOINT COMMITTEE - MINUTES OF THE MEETING HELD ON THURSDAY 28 JANUARY 2010 AT NORTH DOWN BOROUGH COUNCIL

The Director of Technical & Environmental Services outlined some of the business that had been addressed at the above meeting, as follows:

- Chartered Institution of Wastes Management (CIWM)
- Calls for Conflict of Interest.
- Contracts and Performance Update
- Consultation: The Local Government (Contracts) Regulations (NI) 2010.
- Consultation: NIEA – Draft Charging Policy 2010 – 2013.
- Arc 21 Draft Procurement Policy.
- Strategic Waste Programme Governance Structures.

- Education Vehicle Update.
- Residual Waste Treatment Project.
- AOB.

The Director of Technical & Environmental Services highlighted the need for Members to peruse the contents of the above-mentioned Minutes and to be aware of the current waste management issues.

Noted.

T&ESC/2010/115 : SUCCESSFUL OUTCOMES /SIGNIFICANT ACHIEVEMENTS IN 2009

The Director of Technical & Environmental Services referred Members to his report outlining significant achievements of the Building Control, Client Services, Environmental Health and Operational Services Units for the 2009/2010 year.

Councillor Robinson asked that the Committee's congratulations be passed on to all staff within the Technical & Environmental Services Department.

Noted.

T&ESC/2010/116 : DATE OF NEXT COMMITTEE MEETING

The Director of Technical & Environmental Services outlined that the April Committee meeting would fall on Easter Tuesday.

Following discussion, it was

RESOLVED : That due to the Easter Holidays, the next meeting of the Technical & Environmental Services Committee meeting will be held on Tuesday 13 April 2010 at 6.00 p.m.

There being no further business, the meeting ended at 8.30 p.m.

CHAIRMAN

CHIEF EXECUTIVE

Adopted by the Council this _____ day of

_____ **2010 with the exception of**

Minute Nos. _____

MAYOR