

## **CASTLEREAGH BOROUGH COUNCIL**

Minutes of the proceedings of the Technical & Environmental Services Committee meeting, held in committee, in the Council Chamber, Civic & Administrative Offices, Bradford Court, Upper Galwally, Castlereagh, BT8 6RB, on Tuesday, 5 October 2010, at 6.10 pm

**ALDERMEN:** J Norris MBE  
G Rice  
J White

**COUNCILLORS:** Ms J Bunting (from 6.20 pm)  
Mrs M Chambers  
M Copeland  
Mrs S Duncan  
C Hall  
B Hanvey  
Miss R Hughes MBE  
T Jeffers  
M Long  
Mrs V McCoy  
G Robinson (in the chair)  
S Skillen  
J Spratt MLA

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

**APOLOGIES:** Apologies were received on behalf of Alderman  
Beattie and Councillors Beattie, Cochrane,  
Drysdale, Tosh and Walker

### **T&ESC/2010/348 : DECLARATION OF INTEREST**

Councillor Robinson declared an interest as member of arc21.

Noted.

### **MINUTES (copy previously circulated)**

### **T&ESC/2010/349 : MINUTES OF THE TECHNICAL & ENVIRONMENTAL SERVICES COMMITTEE MEETING HELD ON 7 SEPTEMBER 2010**

Noted.

**THERE WERE NO MATTERS ARISING**

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

**T&ESC/2010/350 : SCHEDULE OF APPLICATIONS**

The Building Control Manager referred Members to the schedules of applications approved by the Building Control Service for the period 1 August 2010 to 31 August 2010.

Noted.

**T&ESC/2010/351 : REPORTS ON APPLICATIONS, INSPECTIONS AND SOLICITORS' ENQUIRIES**

The Building Control Manager attached to his report for Members' information details in respect of applications received, plan fees raised, inspections undertaken, inspection fees raised and solicitors' enquiries for August 2010.

Noted.

**T&ESC/2010/352 : BUILDING CONTROL SOUTH EASTERN GROUP PERFORMANCE INDICATORS 2009-2010**

The Building Control Manager advised that the construction industry had been one of the hardest hit industries during the recession, although there appeared to be a 'bottoming out' starting to emerge, and it was envisaged that a stabilisation over the next few years would be followed by slow growth. The Building Control Manager continued to say that trends in the industry were monitored continually and staff resource requirements adjusted accordingly to ensure that an acceptable service level was maintained. He provided a breakdown of indicators as follows:

**Workload indicators**

The number of Building Control applications received by the South Eastern Group of Councils has been in decline during the past three years, with the exception of Castlereagh Borough Council, which was the only council in the South Eastern Group to show an increase in applications received during this term (2009-2010).

**Commitment Workload (Application and Commencements) per Officer**

This was considered to be a very relevant indicator of an Officer's workload and compared to the other four members of the South Eastern Group, Castlereagh had the highest commitment workload per Officer.

## **Assessment of Applications**

All applications had been assessed in accordance with the targets set in the Business Plan and these performance indicators compared favourable with the other four members of the South Eastern Group.

## **Financial Indicators**

Castlereagh Borough Council was one of three Councils to show a slight increase in fee income generated compared to the previous year.

## **Sickness Levels**

Castlereagh Building Control Service Unit continued to show lower than average sickness levels when compared to South Eastern Council averages. The Council also had the lowest sickness rate when compared with the other Building Control Service figures.

## **Summary**

The results from the above performance indicators showed that the Castlereagh Borough Council Building Control Services Unit continued to perform in the upper quartile of the members of the South Eastern Group Building Control.

During the ensuing discussion, Councillor Robinson commented that the Council was performing well compared to other councils and that staff were working well.

Councillor Chambers enquired whether it was envisaged that the current deficit in the budgets would be cleared by the end of the current financial year. The Building Control Manager advised that a number of applications had been received that were expected to incur sizeable fees. The Director of Technical & Environmental Services added that the recession was affecting all of Northern Ireland but that Castlereagh Borough Council was performing better than most councils at the moment.

Noted.

## **T&ESC/2010/353 : COUNCILLOR GERRY DOUGLAS AWARD 2009**

The Building Control Manager advised that Ms Mary McCourt, a Business Support Officer in the Building Control Services Unit, had been awarded the Gerry Douglas Award for her outstanding contribution to the Building Control Service, South Eastern Group of Councils, for 2010. He stated that the presentation of the award would take place at the 2010 Building Control Northern Ireland Group Committee International Convention on 12 October 2010 in the Slieve Donard Hotel.

The Building Control Manager sought approval for Ms McCourt's attendance at the award ceremony at a cost of £80.

Following discussion, it was proposed by Alderman White, seconded by Councillor Duncan and

RESOLVED: That the Council be recommended to grant approval for the Business Support Officer to attend the award ceremony of the Councillor Gerry Douglas Award 2010 in the Slieve Donard Hotel on 12 October 2010 at a cost of £80.

#### **T&ESC/2010/354 : STREET NAMING AT COOPERS MILL, DUNDONALD**

The Building Control Manager advised that the development name 'Coopers Mill' had been approved for the development on land at Harberton Heights (Old Mill development), Upper Newtownards Road, Dundonald. The street names 'Coopers Mill Avenue', 'Coopers Mill Close' and 'Coopers Mill Mews' had previously been approved by the Council.

A proposal had now been received from McGinnis Developments for the street names of 'Coopers Mill Park', 'Coopers Mill Drive' and 'Coopers Mill Court' for approximately 90 No dwellings on Phase 2 of the development.

Following discussion, it was

RESOLVED: That the Council be recommended to grant approval for the street names of 'Coopers Mill Park', 'Coopers Mill Drive' and 'Coopers Mill Court' for the proposed development of approximately 90 No dwellings on land at Harberton Heights (Old Mill development), Upper Newtownards Road, Dundonald.

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

#### **T&ESC/2010/355 : UPDATE ON DRAINAGE AND PATHWAY WORKS WITHIN TULLYCARNET PARK**

The Operational Services Manager advised that the upgrading of drainage and pathways in Tullycarnet Park was progressing well and was currently on schedule.

Noted.

#### **T&ESC/2010/356 : BRANIEL BOWLING CLUB**

The Operational Services Manager outlined details of a request from Community Services, relating to a Dream Scheme project, to paint the perimeter fencing surrounding Braniel Bowling Green. The scheme had been designed to encourage young people from the Braniel and Milltown areas to

engage in community-based projects to improve their area. The Operational Services Manager added that the fence had been scheduled for painting and the estimated cost for materials was minimal and Dream Scheme would provide the labour to complete the works.

During the ensuing discussion, Councillor Chambers enquired whether Dream Scheme were using their own public liability insurance to carry out this work or whether cover would be provided by the Council's insurance. The Operational Services Manager replied that it was his understanding that Dream Scheme had insurance in place as they had only requested funding for materials from the Council.

RESOLVED: That the Council be recommended to grant approval for the request from Dream Scheme to paint the perimeter fencing surrounding Braniel Bowling Green, with the Council providing funding for materials and Dream Scheme providing the labour to complete the works.

**T&ESC/2010/357 : REQUEST FROM LEISURE SERVICES TO HOST THEIR EASTER 2011 GOLF SCHOOL AT HENRY JONES PLAYING FIELDS**

The Operational Services Manager outlined details of a request from the Leisure Services Department for the use of the Henry Jones Playing Fields to facilitate their Easter Golf Coaching School, which was scheduled to take place on 21 to 29 April 2011 between 9.00 am and 5.00 pm.

Following discussion, it was

RESOLVED: That the Council be recommended to grant approval for the request from the Leisure Services Department for the use of the Henry Jones Playing Fields to facilitate their Easter Golf Coaching School scheduled to take place on 21 to 29 April 2011 between 9.00 am and 5.00 pm.

**T&ESC/2010/358 : CAREER BREAK REQUEST**

The Operational Services Manager advised that the Human Resources Section had received a request from a staff member at Carryduff Household Recycling Centre for a career break of one year, to commence on 4 October 2010. He stated that the member of staff intended to take up studies in the health profession, which might lead to permanent employment in the future.

Councillor Copeland enquired whether there would be any adverse effect on Carryduff Household Recycling Centre. The Operational Services Manager replied that there would be no adverse effect on the facility.

RESOLVED: That the Council be recommended to grant approval for the request from a staff member at Carryduff Household Recycling Centre for a career break of one year, to commence on 4 October 2010.

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

**T&ESC/2010/359 : PUBLIC HEALTH (IRELAND) ACTS 1878 TO 1907 –  
CARRYDUFF RIVER**

The Environmental Health Manager recalled that the Environmental Health Services Unit had received a number of complaints regarding bad odour from the Carryduff River. He stated that a site visit had taken place on Friday, 24 September 2010, including representatives from Castlereagh South, Council Officers as well as Officers from the Northern Ireland Environment Agency and the Rivers Agency. The site visit had been beneficial as it had provided a multi-agency approach to reduce or mitigate the negative impact of the river on surrounding residents and commercial businesses.

Councillor Bunting arrived at the meeting at this point, 6.20 pm.

During the ensuing discussion, Councillor Spratt stated that there had been agreement to urge the Rivers Agency to declare that particular stretch of the river as designated. He felt that the river around Carryduff should be culverted.

Alderman Rice agreed and she hoped that the Council would support action to declare the river as designated. She felt that it was not the responsibility of nearby residents to arrange for the river to be cleaned and hedges to be cut. She added that there were many items floating in the river which created blockages.

Following further discussion, it was

**RESOLVED:** That the Acting Chief Executive write to the Rivers Agency, continuing the Council's support action taken to urge the Rivers Agency to declare the river in the Carryduff area as designated and to take measures to eliminate bad odours rising from the river.

**T&ESC/2010/360 : E.COLI 0157 – FAMILY OUTBREAK**

The Environmental Health Manager advised that the Environmental Health Service Unit had received notification from the Public Health Agency of a positive testing for E.Coli 0157. The Environmental Health Service Unit had commenced an investigation and screening of the family had commenced, with samples being submitted on 1 September, 6 September, 9 September, 13 September and 20 September 2010. The Environmental Health Manager stated that the monitoring would continue until two consecutive clear samples had been provided by each family member.

Noted.

**T&ESC/2010/361 : FOOD SAFETY – APPROVAL OF A MEAT PRODUCTS ESTABLISHMENT REGULATIONS (EC) 852/2004, 882/2004**

The Environmental Health Manager advised that an application had been received requesting approval of premises for the manufacture, production, sale and distribution of meat products under the above regulations. The premises had been inspected and the inspecting Officer had confirmed that the premises were compliant with the required statute.

RESOLVED: That the Council be recommended to grant approval of premises for the manufacture, production, sale and distribution of meat products in line with the Approval of a Meat Products Establishment Regulations (EC) 852/2004, 882/2004.

**T&ESC/2010/362 : PLANNING CONSULTATIONS (Minute T&ESC/2010/294 refers)**

The Environmental Health Manager reiterated discussion at the previous Committee meeting regarding his concerns in respect of ePIC and communication with the Head of the ePIC Project Team, seeking clarification of issues that would have implications for the Council. He stated that, to date, he had not received a response. Furthermore, he advised that he had been unable to provide consultation on planning applications. This was having a severe impact on performance indicators and was detrimental to the delivery of the Environmental Health Service.

The Environmental Health Service Unit had been able to access the associated documentation and maps since 24 September 2010, although the burden of outstanding planning consultations remained. The Environmental Health Manager sought approval for the Acting Chief Executive to write to the Chief Executive of the Planning Service, seeking a resolution of unsatisfactory implications of the ePIC roll-out.

Following discussion, it was proposed by Councillor Copeland, seconded by Alderman White and

RESOLVED: That the Council be recommended to grant approval for the Acting Chief Executive to write to the Chief Executive of the Planning Service, seeking a resolution of unsatisfactory implications for the Council of the ePIC roll-out.

**T&ESC/2010/363 : THE ENVIRONMENT (NORTHERN IRELAND) ORDER 2002 – AIR QUALITY**

As requested at the previous month's Committee meeting, the Environmental Health Manager provided an additional update in respect of the requirements of the above Order. He stated that District Councils had a duty to cause a review of air quality in their districts and an assessment was required whether air quality standards and objectives were, or would likely be, achieved. Where it was likely that the standards and objectives were not being achieved, the

Council had a duty to designate an Air Quality Management Area (AQMA) for that area. Following designation of an AQMA, the District Council was required to prepare an action plan, setting out proposals to bring about compliance of the relevant air quality standards and objectives in that area.

The Environmental Health Manager outlined details of the process of Designation of an Air Quality Management Area as follows:

### **Designation of an Air Quality Management Area**

District Councils have a duty under Article 12(1) of the Environment (Northern Ireland) Order 2002 (the Order) to officially designate by means of an 'Order' those areas, where the air quality objectives are **unlikely** to be, or are not being met, as Air Quality Management Areas (AQMA). These areas have to be designated.

Under Article 12 (3) the District Council will publish the Order in the Belfast Gazette and once at least in each of two successive weeks in more than one newspaper circulating in the district-

- (1) Stating that the Order has been made, and its general effect; and
- (2) Specifying a place in the District of the Council where a copy of the Order and of any map or plan referred to therein may be inspected by any person free of charge at all reasonable times.

The exact wording to be included in an AQMA Order is at the discretion of the individual District Council. It is recommended that District Councils include a map showing the area to be designated and include a description of the area. For example, a larger AQMA may be described according to its boundaries near to major roads/motorways. A smaller AQMA may need a more detailed description listing individual streets or other physical features. In some cases it may be appropriate to list the individual properties affected, but there is no legal requirement to do so. I have attached as **Appendix 1** a copy of a template which can be used by the Council to advertise the Air Quality Management Area.

The AQMA Order should include the date on which it is intended that the AQMA should come into force and a list of the pollutants and the **actual objective/s** for which it has been designated. District Councils should notify the Department as appropriate by submitting a copy of the AQMA Order.

District Councils should also ensure that the information on the AQMA Order and its objectives is readily accessible to enquirers.

Article 13(1) of the Environment (Northern Ireland) Order 2002 (the Order) requires District Councils to carry out a further assessment of existing and likely future air quality within an Air Quality Management Area. Under Article 13(3) of the Order, District Councils are required to report on the further

assessment to the Department and each relevant authority before finally determining the content of an action plan.

Article 13 of the Order also requires that a report of the results of the further assessment shall be completed. The Department advises that District Councils should forward AQMA Assessment Reports with the Action Plan and submit them within 12 months following the designation of any AQMA's. Reports on AQMA assessments should also be made available to the public.

During the ensuing discussion, Councillor Robinson stated that the Council needed to develop an action plan in partnership with the other agencies. The Environmental Health Manager commented that an action plan would include, for example, planning applications, traffic management schemes, including traffic lights sequence to avoid cars sitting idle for longer periods of time etc.

Councillor Jeffers declared an interest as he works in the area.

Noted.

**T&ESC/2010/364 : CONSUMPTION OF INTOXICATING LIQUOR IN DESIGNATED PLACES – DRINKING IN DESIGNATED AREAS**

The Environmental Health Manager advised that the PSNI had provided an additional notification of two youths being progressed through the PSNI's Youth Diversion Scheme for drinking in a designated area contrary to the Council's bye-law.

During the ensuing discussion, Alderman Rice commented that she had raised the matter of the lack of information being forwarded to the Council by the PSNI at the last DPP meeting. She continued to say that the Council needed to monitor drinking in designated places and how many of these persons were prosecuted. She felt that the Council should write to the PSNI and request further, more detailed, information.

Councillor Spratt agreed. He felt it was appalling that there had been no information regarding the conviction of adults for drinking in designated areas for July and August 2010.

RESOLVED: That the Council write to the PSNI, requesting further, more detailed, information regarding incidents of drinking in designated areas and the number of persons prosecuted.

**T&ESC/2010/365 : 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, which contained details of an application received for the renewal of an Entertainment Licence.

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

**T&ESC/2010/366 : THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NI) ORDER 1985 – ARTICLE 3 – LICENSING OF PLACES OF ENTERTAINMENT – CHANGE OF LICENSEE DETAILS**

The Environmental Health Manager referred to his report, which outlined details of an application received for a change of licence details.

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

**T&ESC/2010/367 : THE LITTER (NI) ORDER 1994 – FAILURE TO PROVIDE INFORMATION UNDER ARTICLE 20 OF THE ABOVE LEGISLATION**

The Environmental Health Manager provided details of an incident where the driver of a car had been witnessed throwing a cigarette butt out of the window. The driver had been traced through the Driver & Vehicle Agency and sent a Notice to Obtain Information under Article 20 of the above Order. However, the driver failed to respond to this request and was sent a final reminder to which no response was received. The Environmental Health Manager sought approval to instigate legal proceedings against the driver of a car for failing to provide information contrary to Article 20 of the Litter (NI) Order 1994.

RESOLVED: That the Council be recommended to grant approval for the instigation of legal proceedings against the driver of a car for failing to provide information contrary to Article 20 of the Litter (NI) Order 1994.

**T&ESC/2010/368 : THE DOGS (NORTHERN IRELAND) ORDER 1983 – DOGS KEPT WITHOUT VALID LICENCES**

The Environmental Health Manager outlined details of an incident where a dog had been kept without a valid licence. A Fixed Penalty Notice had been issued, which subsequently had been returned unpaid by the Clerk of Petty Sessions Office. The Environmental Health Manager sought approval to instigate legal proceedings.

RESOLVED: That the Council be recommended to grant approval for the instigation of legal proceedings against a person for keeping a dog without a valid licence and for non-payment of a Fixed Penalty Notice.

**ANY OTHER BUSINESS – ENVIRONMENTAL HEALTH**

**T&ESC/2010/369 : DOG ATTACK**

The Environmental Health Manager outlined details of a dog attack, where a dog had bitten a neighbour of its owner. As this was the first time the dog had shown any aggression, the person who was licensed to have responsibility for the dog, had received a formal caution. However, should the dog attack another person, legal proceedings would be instigated immediately, in line with the Council's existing enforcement policy.

Noted.

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

**T&ESC/2010/370 : LANDFILL TONNAGES**

The Client Manager provided information in respect of tonnages deposited for landfill for the period April to August 2010, together with details of tonnage variances and indicative impacts on the 2010-2011 budgets.

Noted.

**T&ESC/2010/371 : ROLL-OUT OF KITCHEN CADDIES AND LINERS FOR THE COLLECTION OF FOOD WASTE IN THE BROWN BIN (2010)**

The Client Manager advised that the roll-out of kitchen caddies and liners for the collection of food waste to all households with a brown bin had been completed at the end of August.

The Client Manager went on to say that initial results of food waste collection were extremely encouraging. He stated that, by using a four-year average and comparing this on a month-by-month basis, it was possible to gain a broad indication of the impact of food collections. Using this as a basis of calculation and assuming that any increase would be mainly associated with the collection of food waste, July tonnage had increased by 38 tonnes (8%) and August by 270 tonnes (57%). As there would be a drop in green waste over the winter months, a clearer picture should unfold and provide better indications as to the impact of food waste collections.

The Client Manager stated that all households that had a Bryson House kerbie box had been issued with brown bins and a kitchen caddy. He further stated that the Bryson House kerbie contract was due for re-tendering at the end of this year and the kitchen caddy trial would be completed in June 2011.

Councillor Robinson suggested that the Client Manager bring a further report to the next Committee meeting, discussing the blue bin versus kerbie options for the future.

**RESOLVED:** That the Client Manager prepare a report in respect of the blue bin versus kerbie box options for the future for the next meeting of Committee.

**T&ESC/2010/372 : HOUSEHOLD WASTE RECYCLING AND COMPOSTING RATE 2010-2011 – QUARTER 1 – APRIL TO JUNE 2010**

The Client Manager advised that the unaudited Household Waste Recycling and Composting Rate for the first quarter of 2010 was 43.07%, an increase of 0.5% on the same period in 2009. Further increases were expected for the remaining quarters, due to the introduction of food waste in the brown bins.

During the ensuing discussion, Councillor Long enquired whether the Council was in line with recycling targets. Councillor Long requested that the Client Manager prepare a report for the next Committee meeting to provide Members with more detailed information regarding the Household Waste Recycling and Composting Rate 2010-2011.

RESOLVED: That the Client Manager prepare a report for the next meeting of Committee to provide more detailed information regarding the Council's Household Waste Recycling and Composting Rate 2010-2011.

**T&ESC/2010/373 : KEY PERFORMANCE INDICATORS (2009-2010)**

The Client Manager tabled a copy of the Key Performance Indicators for the year 2009-2010 for Members' information. The report had been generated through Wastedataflow and summarised performance in a number of key areas.

The Client Manager stated that there were some marginal variations between the end-of-year figures for 2008-2009 and 2009-2010. The impact of the economic downturn during 2009-2010 and the effect of this on householders' consumption habits provided some explanation for these variations. Of particular note was the year-on-year fall in annual growth in municipal waste arisings, which, over the last four-year period had averaged a 2.60% reduction. With the increased level of waste awareness activity over the last number of years at both a local and national level and the legislative and financial drivers to reduce and manage waste more sustainably, reductions in waste generation were not surprising. However, the economic downturn did undoubtedly have a significant impact in the last few years and therefore a cautious approach should be adopted when planning future waste management requirements.

Noted.

**T&ESC/2010/374 : BRYSON RECYCLING QUARTERLY SATISFACTION SURVEY (KERBIE BOX SERVICE)**

The Client Manager tabled a copy of Bryson Recycling's quarterly satisfaction survey for the period April to June 2010 for Members' information. He commented that satisfaction with the service continued to remain high.

Noted.

**T&ESC/2010/375 : EUROPEAN WEEK FOR WASTE PREVENTION (2010)**

The Client Manager advised that European Week for Waste Prevention, taking place on 20 to 28 November 2010, was a European-wide initiative to encourage people to produce less waste. This year, 16 countries were taking part across Europe, with Belfast City Council being the administrator of events in Northern Ireland.

In support of this initiative, it was proposed to register the 'Refresh Your Style' waste prevention event, which the Council was planning to run during this period. Registered events would be put forward for a local award, with the winner being put forward for a European award.

During the ensuing discussion, Councillor Duncan enquired whether events would be held in Belvoir or Carryduff. Councillor Robinson suggested that Members who had not attended any Technical & Environmental Services Committee meetings might be interested in attending these events.

Noted.

**T&ESC/2010/376 : MEMBERSHIP OF THE CHARTERED INSTITUTION OF WASTE MANAGEMENT (CIWM)**

The Client Manager advised that the CIWM had served the waste management industry for over 100 years and was the leading professional body for waste and resource management. Most of the 7,000 members were from the UK, but there were also a considerable number of members in the Irish Republic and 250 members elsewhere in the world. The CIWM was dedicated to the protection and enhancement of the environment through the development of scientific, technical and management standards, the implementation of practical competency policies and procedures as well as the promotion of the highest professional standards in all sectors of the industry. Being a member of CIWM would make a statement about professional capabilities as the waste management industry demanded the highest levels of professionalism and excellence.

The Client Manager stated that the Council's Recycling & Environment Officer had recently sat the professional interview for membership of the Institution before a panel of her peers and had subsequently been accepted into full membership. The interview and annual membership fees were being paid for by the Officer.

During the ensuing discussion, Alderman White proposed that the Council write a letter of congratulation to the Officer, and it was

RESOLVED: That the Council write a letter of congratulations to the Recycling & Environment Officer for her acceptance into full membership of the CIWM.

**T&ESC/2010/377 : RESIDUAL WASTE TREATMENT PROJECT FURTHER SUPPLEMENTAL AGREEMENT**

The Client Manager advised that the procurement process for the residual waste treatment project was progressing, but some focus and effort would be required to develop key contract documents, one of which was a new supplemental agreement. There was a voluminous sweep of documents generated during the procurement process for the project, which would form the contract to be signed by the contracting authority and successful participant contractor.

Whilst it was anticipated that each arc 21 constituent council would approve the final contract in accordance with arc 21 governance arrangements (joint and several liability will exist), they would not actually sign it. However, to generate a contract of substance and to ensure focused representation of the 'waste promise', a new supplemental agreement would be tailored to address the obligations and rights of councils and the level of service they could expect under the contract. This individually tailored contract would be signed by each council, with arc 21 being a counter signatory.

As such a supplemental agreement would derive most of its provisions from the contract, there was a need to have an appreciation of what the contract contained. Further capacity-building in this respect would be provided in parallel with the development of the supplemental agreement.

As part of the legal due diligence, arc 21 was proposing to request that its in-house legal counsel (Belfast City Council Legal Services) provide a challenge function to anticipate queries that councils may have in relation to the contract so that they could be dealt appropriately.

The supplemental agreement would be a concise flow-down of the contract customised to each council and by its nature would have a more operational tone than the contract. It was proposed to hold a series of separate workshops of about two hours duration each, with councils invited to send Officers deemed appropriate. A separate series of workshops would be provided for Members.

During the ensuing discussion, Councillor Robinson stressed the importance of attendance at the workshops.

Noted.

#### **T&ESC/2010/378 : CONSULTATION ON THE LOCAL GOVERNMENT (FINANCE) BILL**

The Client Manager advised that this new legislation was intended to modernise the legislative framework governing local government finance. The Bill, as drafted, would give councils greater freedom to manage their own financial affairs without having to obtain approval from the Department. Where necessary, Central Government control would be exercised through subordinate legislation and guidance. If the bill were to become law, the current financial regime for arc 21 and SWaMP 2008 would no longer apply

and as a result, the Department would need to amend the existing body corporate subordinate legislation for arc 21 and SWaMP 2008. The main implications for incorporated waste management joint committees were as follows:

- The Local Government Finance Bill would modernise the legislative framework. The bill would introduce a prudential regime which would rely on councils making appropriate determination on what they could realistically afford to borrow.
- Proposed new provision would give councils more freedom over their borrowings to fund capital investments such as new buildings or waste management facilities. It is perhaps worth noting that in determining the prudential borrowing limit the council would have to take account of any subvention to arc 21 and SWaMP 2008.
- The orders which establish the two bodies corporate apply provisions to arc 21 and SWaMP 2008 which would be repealed. It is therefore necessary to consider appropriate amendments to the body corporate legislation for the waste management joint committee.
- Three separate pieces of body corporate legislation are for arc 21:
  - a. The Local Government (constituting a Joint Committee Body Corporate Order (Northern Ireland) 2004
  - b. The Local Government (constituting a Joint Committee Body Corporate (Amendment) Order (Northern Ireland) 2007
- It is now necessary to consider whether the new financial regime which will apply to councils should be applied to arc 21 and SWaMP 2008 as incorporated joint committees.
- The key features of the new proposed financial regime consider:
  - (a) annual budgets
  - (b) reserves
  - (c) funds
  - (d) borrowing
  - (e) credit arrangements
  - (f) capital expenditure and capital receipts
  - (g) investment

Views on the following questions were therefore requested by the Department:

1. Do you agree that the provisions contained in Part 1 of the Finance Bill should really apply to arc 21 and SWaMP 2008?
2. If not what amendments do you suggest and why?

arc 21 had considered this matter and had presented a joint response to the Joint Committee meeting on Thursday, 30 September 2010. The main thrust of the arc 21 response was that the whole of the Local Government Finance Bill should be considered during this consultation rather than just Part 1.

RESOLVED: That the Council be recommended to endorse the response drafted by arc21.

**T&ESC/2010/379 : STAGE 2 CONSULTATION PAPER ON THE TRANSPOSITION OF THE REVISED WASTE FRAMEWORK DIRECTIVE**

The Client Manager advised that this document was currently being considered by Council Officers and arc 21 and the closing date for responses was 16 November 2010. The Client Manager went on to say that a proposed response would be brought to the November Committee meeting. Furthermore, he sought approval for delegation of authority to the Technical & Environmental Services Committee so that a response may be considered and returned by the deadline.

Following discussion, it was

RESOLVED: That the Council be recommended to delegate authority to the Technical & Environmental Services Committee to prepare a response to the Stage 2 Consultation Paper on the Transposition of the Revised Waste Framework Directive and return it by the closing date of 16 November 2010.

**T&ESC/2010/380 : FORMER LANDFILL SITE AT MOSS ROAD, BALLYGOWAN – ENVIRONMENTAL IMPAIRMENT LIABILITY INSURANCE**

The Client Manager recalled that the Council's insurers had excluded existing conditions from the environmental policy at the landfill site. A Letter of Comfort had been provided by the Northern Ireland Environment Agency, which had been forwarded to the insurers. The insurers had then asked for further information, which was being collated and would be forwarded to the insurers. The Client Manager provided Members with the Framework of Agreement for information and he confirmed that the Council had complied with legislation.

Noted.

**T&ESC/2010/381 : RETROSPECTIVE INTRODUCTION OF THE LANDFILL DIRECTIVE**

The Client Manager provided Members with a copy of correspondence received from Denis McMahon, Director of Central Policy and Resource Group at the Department of the Environment. He stated that this letter had recognised that it would be an unfair burden on councils to require all costs associated with this matter to be funded immediately and it would be acceptable for councils to apply for loan sanction against these costs should they wish.

The letter also discussed the period for which financial provision must be made and, although the document 'Financial Provision for Waste Management Activities in Northern Ireland' stated that initial financial provision for up to 60 years maintenance must be made, the level of financial provision would be calculated on a case-by-case basis and it would be likely that some kind of provision would be required for a shorter period, eg 10 to 15 years.

The Client Manager then tabled a draft Landfill Site Framework Agreement. It was proposed that this Framework Agreement would join the five councils currently affected together with the Department in agreeing a way forward. Authority for dealing with this matter was delegated from Council to the Technical & Environmental Services Committee at the September 2010 meeting of Council.

Following discussion, it was

RESOLVED: That the Council be recommended to grant approval for the draft Framework Agreement tabled by the Client Manager, but if there were any substantive changes, these must be approved by the Chair and Party Whips.

**T&ESC/2010/382 : CORRESPONDENCE FROM NI WATER REGARDING AMMONIA LEVELS IN LEACHATE TRANSPORTED FOR TREATMENT**

The Client Manager reiterated that NI Water were requiring the Council to reduce the ammonia levels in the leachate to 100mg per litre. He stated that improved diffusers at the leachate lagoon had been installed and they had had a modest impact, although the levels were a long way of those required. Further diffusers would be provided but the Client Manager thought it unlikely that these would have the desired effect. Other options were being considered, such as the installation of a floating air-rator and the possibility of the construction of reed beds.

Noted.

**T&ESC/2010/383 : SALARIES AND WAGES BUDGETS**

The Client Manager advised that some Salaries & Wages budgets in the Client Services section were underspent and some were overspent. He added that this was due to unforeseen items such as staff leaving and their work being covered for a period by agency staff. The Client Manager sought approval to allow some overspends in Salaries & Wages and the Agency Staff budgets as long as the overall amount did not exceed the aggregated Client Services budgets for these items.

Following discussion, it was

RESOLVED: That the Council be recommended to grant approval for some overspends in Salaries & Wages and Agency Staff budgets, provided the overall overspend would not exceed the total aggregated Client Services budgets for these items.

**T&ESC/2010/384 : DEMOLITION OF BALLYBEEN ACTIVITY CENTRE RE: PRIORITISATION OF CAPITAL PROJECTS**

The Client Manager referred to previous discussion of the above matter at the September 2010 Council meeting, when Members had felt that this item

should be progressed as quickly as possible to minimise the financial risk to the Council. The Client Manager advised that the Capital Project Officer was currently working on the following schemes:

- Golf Club – lengthening 12<sup>th</sup> and 18<sup>th</sup>
- Cregagh Kick-About Synthetic Pitch Re-Surfacing
- Gas Detection for Leisure Facilities
- Tullycarnet Park Drainage and Paths
- Paths at Castlereagh Hills Golf Club
- Putting Studio at Castlereagh Hills Golf Club
- Restoration of car park and lighting at Castlereagh Hills Golf Club
- Robinson Centre Reception
- Loughmoss Allotments
- Clonduff Playground
- Carryduff and Cregagh HRC surfacing and drainage works

The following were also being addressed:

- Miscellaneous queries
- Administration
- Drawing Preparation
- End of contract work

The Client Manager stated that it would be necessary to delay projects which had not yet been started on site or which had not yet been advertised for tenders for an anticipated period of between one week and one month.

Councillor Robinson requested to defer consideration of this matter at a later stage in the meeting.

RESOLVED: That consideration of prioritisation of Capital Projects be deferred to a later stage in the meeting.

### **T&ESC/2010/385 : CONNSWATER COMMUNITY GREENWAY – LANDS AT CREGAGH GLEN**

The Client Manager advised that a valuation by the Land & Property Services had been received for the sale of approximately 0.534 acres of land at Cregagh Glen to Belfast City Council to facilitate the development of the Connswater Community Greenway in accordance with the terms set out by the Land & Property Services.

During the ensuing discussion, Councillor Robinson stated that he would be in agreement of the sale of the land, subject to Officers obtaining an assurance that Belfast City Council would be responsible for maintaining the land in question.

Following further discussion, it was

RESOLVED: That the Council be recommended to grant approval for the sale of approximately 0.534 acres of land at Cregagh Glen to Belfast City Council to facilitate the development of the Connswater Community Greenway.

**T&ESC/2010/386 : BMX TRACK AT BELVOIR**

The Client Manager tabled correspondence received from a resident regarding the existing BMX track at Belvoir. The resident was keen for development of the track and the Client Manager sought Members' views whether to arrange a meeting to discuss the matter.

Following discussion, it was

RESOLVED: That approval be granted for Officers to arrange a meeting with a resident to discuss development of the existing BMX track at Belvoir.

**T&ESC/2010/387 : PROPOSAL FOR PARK, PLAYGROUND AND LEISURE FACILITIES AT THE FORSTER GREEN SITE**

The Client Manager tabled correspondence from the Department of Health, Social Services & Public Safety regarding the above site. The letter stated that the Land & Property Services had indicated that a rent of at least £50,000 per annum would be appropriate. Furthermore, should the Department consider this proposal further, they would wish to base the agreement on no more than a 10-15-year term, incorporating five yearly upward-only rent reviews, to be extendable thereafter if agreed by both parties. The Department of Health, Social Services & Public Safety would be unable to offer concessionary leases due to the effect on the Department's accounts and they felt that a 100-year lease, which had been discussed previously, would virtually equate to ownership and require a significant capital payment.

Councillor Robinson was of the view that the Community Services section should be asked to carry out a local survey to establish whether there was a need for the erection of a playground. He felt that the site was quite big and in view of the proposed lease arrangements, it might be preferable for the Council to acquire a smaller site.

Alderman Rice agreed that the site was too big for a playground. Furthermore, she felt that it would be too much capital expense if the lease would only extend to 10-15 years.

Alderman White agreed that a survey should be carried out and he felt that further discussion would be required before the Council could make a decision.

RESOLVED:

- (a) That the Community Services section be asked to carry out a survey of residents close to the Forster Green site to determine

- whether there was a need for the erection of a playground on the site.
- (b) That the Council be recommended to grant approval for further discussion with the Department of Health, Social Services & Public Safety in respect of lease arrangements of land at Forster Green Hospital.

### **T&ESC/2010/388 : PLAYGROUND UPDATE**

The Client Manager recalled that a formal Play Policy had been adopted in 1994 approximately which formed the basis for playground developments in the following years. Following completion of the recommendations in the policy, recent developments had been on an ad-hoc basis, with the Council largely responding to requests from local communities.

The Client Manager stated that the most recent developments had been the completion of a playground at Breda Terrace and refurbishment of the existing playground at Colby Park, both in September 2010.

Provision for funding had been included in the Estimates for new playgrounds at Clonduff and Milltown. The playground at Clonduff was progressing through the planning process. Currently there were ongoing discussions with the Roads Services regarding pavement and lay-by works and it was anticipated that these would be resolved in the near future. It was proposed to construct the playground at Milltown on a site currently owned by the Northern Ireland Housing Executive. A request for the purchase of the land had been made to the Housing Executive and was currently being considered.

The Client Manager continued to say that requests for playgrounds had also been received for the Moneyreagh area, Cairnshill area, Tullycarnet and, occasionally, for other areas.

The Client Manager sought Members' views whether provision should be requested in the Estimates process for a playground at Moneyreagh, Cairnshill, Tullycarnet or any other sites.

Councillor Robinson suggested that Officers prepare list of capital projects across all Council departments, together with the relevant costs for consideration by the Estimates Working Group.

Alderman Rice commented that there were some areas in the Borough with no playparks, which, she felt, should be taken into consideration.

Councillor Spratt asked that Officers should ascertain whether land near Moneyreagh Community Centre would be suitable for a playground and whether land that contained the existing playground could be disposed of.

Councillor Long agreed that a priority list should be set up. He continued to say that some existing playparks only needed refurbishment, which might not

cost much. However, he felt that funding for refurbishments of existing playparks should be included in the Estimates.

RESOLVED:

- (a) That Officers prepare a report in respect of the condition of existing playgrounds in the Borough for a future Committee meeting, including the approximate cost of refurbishment.
- (b) that Officers prepare list of capital projects across all Council departments, together with the relevant costs for consideration by the Estimates Working Group.

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

**T&ESC/2010/389 : REPORTS AVAILABLE**

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

- Northern Ireland Housing Executive, 39<sup>th</sup> Annual Report, 1 April 2009 – 31 March 2010

Noted.

**T&ESC/2010/390 : DRAFT SUSTAINABLE DEVELOPMENT IMPLEMENTATION PLAN**

The Director of Technical & Environmental Services tabled a briefing note, prepared by Sustainable NI, for consideration as part of the current consultation process. He advised that the closing date for responses to the consultation was 29 October 2010. The briefing note included comments on the following:

- Key focus issues for Northern Ireland's future prosperity
- Issues for inclusion in a Sustainable Development Implementation Plan
- The need for ambitious targets and focused action in a number of areas
- Threats to the successful implementation of the plan
- The role of Local Government in implementing sustainable development
- Recommended delivery bodies for the Implementation Plan
- Key recommendations for consideration

The Director of Technical & Environmental Services further advised that a consultation event in respect of the Sustainable Implementation Plan had been held on 28 September 2010 at the Glenavon House Hotel in Cookstown.

The Director of Technical & Environmental Services stated that the consultation document was currently being reviewed. Should matters arise on which comments would be appropriate, he sought approval to submit such comments before the closing date. Any submission would be reported back to the Committee at its November 2010 meeting.

Following discussion, it was

RESOLVED: That the Council be recommended to grant approval for the Director of Technical & Environmental Services to submit a response to the Briefing Note for Local Government: NI Sustainable Development Implementation Plan on behalf of the Council.

**T&ESC/2010/391 : ARC21 JOINT COMMITTEE – MINUTES OF THE MEETING HELD ON 24 JUNE 2010**

The Director of Technical & Environmental Services tabled the Minutes of the Joint Committee meeting held on Thursday, 24 June 2010, hosted by Carrickfergus Borough Council. The Minutes had been ratified at the meeting of the Joint Committee held on Thursday, 29 July 2010, hosted by Castlereagh Borough Council at the Billy Neill MBE Soccer Centre of Excellence. Some of the business addressed at the above meeting included the following:

- Calls for Conflict of Interest
- Contracts and Performance Update
- Residual Waste Treatment Project
- DOE – Rethink Waste Fund for Councils 2010-2011
- Draft Abstract of Accounts 2009-2010
- Financial Performance
- APSE NI Regional Meeting and AGM
- Audit Committee Meeting – Organisation Review
- arc21 Audit Committee Meeting No 9
- AOB
- Next Meeting

The Director of Technical & Environmental Services drew Members' attention to the need to peruse the contents of the above Minutes and acquaint themselves with the current waste management issues under consideration.

Noted.

**T&ESC/2010/392 : ARC21 JOINT COMMITTEE – MINUTES OF THE MEETING HELD ON 29 JULY 2010**

The Director of Technical & Environmental Services tabled the Minutes of the Joint Committee meeting held on Thursday, 29 July 2010, hosted by Castlereagh Borough Council. These Minutes had been ratified at the meeting of the Joint Committee held on Thursday, 26 August 2010, hosted by Down

District Council at the Slieve Donard Hotel in Newcastle. Some of the business addressed at the above meeting included the following:

- Calls for Conflict of Interest
- Contracts and Performance Update
- arc21 Key Performance Indicators
- NILAS 2009-2010
- DOE – Rethink Waste Baseline Survey
- Renewable Electricity
- Waste Programme Board
- AOB
- Next Meeting

The Director of Technical & Environmental Services drew Members' attention to the need to peruse the contents of the above Minutes and acquaint themselves with the current waste management issues under consideration.

Noted.

#### **T&ESC/2010/393 : TECHNICAL & ENVIRONMENTAL SERVICES DEPARTMENT EFFICIENCY REVIEW**

The Director of Technical & Environmental Services stated that, due to the current economic conditions, the Council was facing significant challenges for the 2011-2012 financial Estimates process and the resulting striking of the 2011-2012 District Rate for the Council. These challenges included cost increases over which the Council had no direct control or influence and they could arise from at least three possible sources and include the following:

- Factors directly affecting the existing statutory obligations discharged by the Department on behalf of the Council
- The potential of new regional and national legislation coming into operation with associated financial implications for the Council
- The potential for Review of Public Administration (RPA) initiatives to transfer current Central Government functions to Local Government with insufficient funding to deliver the function.

Some of the factors directly affecting existing statutory obligations would include issues such as the costs for:

- Landfill tax (currently proposed as £56 per ton for 2011-2012)
- Landfill gate fees (the arc21 contract was due to expire in the autumn 2011)
- Recycling collection and treatment (the Bryson House "kerbie" contract was due to expire in May 2011)
- Repairs and maintenance
- Vehicles fuel (price volatility)
- Reduction in income levels because of the current economic conditions and the proposed increase in VAT

As part of the overall departmental review, the matter of transaction charges generated by debit and credit card use had been investigated and the Director of Technical & Environmental Services tabled a report, prepared by the Business Support Manager, for Members' consideration. Several conclusions and recommendations in the report had been outlined and required progression, therefore the Director of Technical & Environmental Services sought approval for the adoption of the recommendations set out in the report.

Following discussion, it was

RESOLVED: That the Council be recommended to grant approval for adoption of the recommendations set out in the Business Support Manager's report in respect of the Technical & Environmental Services Department Efficiency Review.

### **ANY OTHER BUSINESS**

#### **T&ESC/2010/394 : DRAFT FRAMEWORK AGREEMENT IN RESPECT OF CERTAIN CLOSED LANDFILL SITES IN NORTHERN IRELAND**

The Client Manager tabled the draft Framework Agreement in Respect of Certain Closed Landfill Sites in Northern Ireland for Members' consideration. He sought approval in principle for the comments included in the document. However, he confirmed that, should significant differences in the comments arise from the next meeting of the councils, he would confer with the Chairman.

During the ensuing discussion, Councillor Robinson stated that the Party Whips should be consulted to consider any significant changes following the meeting of councils.

RESOLVED: That the Council be recommended to grant approval in principle to the comments relating to the draft Framework Agreement in Respect of Certain Closed Landfill Sites in Northern Ireland and that the Party Whips be consulted should there be significant differences to the comments arising from the next meeting of councils.

The Director of Administration & Community Services and the Community Services Manager joined the meeting at this point.

#### **T&ESC/2010/395 : DUNGOYNE COMMUNITY CENTRE AND BALLYBEEN ACTIVITY CENTRE**

The Director of Administration & Community Services advised that there were two issues she wished to bring to Members' attention, and she felt that it would be beneficial if consideration took place with Officers of the Technical &

Environmental Services Department and the Community Services Section present.

Noted.

### **T&ESC/2010/396 : DUNGOYNE COMMUNITY CENTRE**

Councillor Robinson stated that the users of Dungoyne Community Centre had agreed to move to the new Enler Centre, with the exception of the bowlers and one band. The bowlers had been reluctant to move as the bowling green was at the Dungoyne Centre and they used a room upstairs in the building to entertain visiting groups. They had now suggested leasing the building and taking responsibility for maintenance of the green and the building.

Councillor Robinson went on to say that the Administration & Community Services Department held budgets relating to Dungoyne Community Centre, but he hoped that agreement could be reached to transfer these to the Technical & Environmental Services Department and that both Departments would liaise regarding services provided.

However, before a lease could be agreed, Councillor Robinson felt that the building's structural integrity needed to be ascertained and he also hoped that funding could be made available to extend the top section of the building.

The Community Services Manager stated that the Community Services Unit could assist the bowlers to apply for funding.

Councillor Long enquired whether the Council would make a financial commitment should the bowlers be unable to obtain funding. Furthermore, he raised concerns that the Council might not be able to continue financial assistance for the bowlers in the future. Councillor Robinson stated that the Council would need to consider available options, for example, demolition of the building. The Finance & General Purposes Committee could then be asked to use any funding achieved from the sale of the land etc to assist the bowlers. However, he felt that there was a strong possibility that the bowlers would be successful in securing funding if they liaised with the Council.

The Director of Administration & Community Services stated that, in the interim, the bowlers could be offered a licence agreement equivalent to that agreed with Braniel Credit Union. Agreement would also be required in respect of utility costs etc until a suitable decision could be reached.

Councillor Robinson agreed that, hopefully, following the Estimates process and dependent on other commitments, the Council would be in a position to commit further.

Councillor Chambers commented that she had met with the bowlers. They had confirmed that they would prefer to remain in the building but needed security of tenure as the indoor season had just begun. They would be happy

to enter into a licence agreement with the Council and liaise with Officers to apply for funding for refurbishments.

RESOLVED:

- (a) that the responsibility for budgets and management of Dungoyne Community Centre transfer from Central Services to Technical Services
- (b) that the Community Services Manager support the Dungoyne Bowlers with funding applications in relation to building improvements and extension.
- (c) that officers from both Technical Services and Community Services liaise with the Dungoyne Bowlers in relation to the development of a proposed technical specification for the building improvement/extension.
- (d) that officers from Technical Services enter into a short term interim licence/long term leasing agreement for a Voluntary Management agreement with Dungoyne Bowlers through Administration & Community Services and the Council's legal advisors.

**T&ESC/2010/397 : BALLYBEEN ACTIVITY CENTRE**

The Director of Administration & Community Services advised that the tender for the demolition of Ballybeen Activity Centre had already been allocated. She sought Members' views whether the Council should advertise for tenders to demolish the site and erect fencing. The cost to employ consultants, who could start the process immediately, was estimated to be approximately £2,000. The Director of Administration & Community Services further stated that, as the Central Services Committee had been granted executive powers in this respect, the Technical & Environmental Services Department could be tasked to proceed immediately.

Following discussion, it was

RESOLVED: That Officers from the Technical & Environmental Services Department be granted authority from the Central Services Committee to make arrangements to employ consultants, at a cost of approximately £2,000, regarding the demolition of Ballybeen Activity Centre and fencing-in of the site.

The meeting ended at 7.35 p.m.

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

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

**Adopted by the Council this \_\_\_\_\_ day of**  
**\_\_\_\_\_ 2010 with the exception of**  
**Minute Nos. \_\_\_\_\_**

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