

**Some information is excluded under FOI**

**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, 19 January 2010, at 6.00 p.m.

**PRESENT:** Councillor G Robinson  
(in the chair)

**ALDERMEN:** Mrs G Rice MBE

**COUNCILLORS:** AM Beattie  
J Beattie  
M Chambers  
M Copeland  
S Duncan  
T Jeffers

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

**APOLOGIES:** Apologies were received on behalf of Councillors Drysdale, Hall and Walker

**T&ESC/2010/01 : MINUTES OF THE TECHNICAL & ENVIRONMENTAL SERVICES COMMITTEE MEETING HELD ON 1 DECEMBER 2009 (copy previously circulated)**

Noted.

**THERE WERE NO MATTERS ARISING**

**SUPPLEMENTARY REPORT FROM THE BUILDING CONTROL MANAGER  
(copy tabled at the meeting)**

**T&ESC/2010/02 : PLACEMENT STUDENT**

The Building Control Manager reported that, following the Committee's meeting in September 2009 (Minute No TSC/2009/336 refers), he had liaised with the Council's HR section to confirm that proposals for the employment of the placement student were satisfactory.

The Manager reported that the student's performance for October, November and December 2009 was found to be satisfactory and it was now proposed to pay him on

NJC Scale 18 Point 7 for the months of January 2010 to September 2010 inclusive.

RESOLVED: that the Council approve payment to the Placement Student on NJC Scale 18 Point 7 for the months of January to September 2010 inclusive.

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

**T&ESC/2010/03 : SCHEDULE OF APPLICATIONS**

The Building Control Manager referred Members to the schedule of applications approved by the Building Control Service for the period of 1 November 2009 to 30 November 2009.

Noted.

**T&ESC/2010/04 : 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.

Noted.

**T&ESC/2010/05 : BUILDING CONTROL INCOME (PREVIOUS 3 FINANCIAL YEARS)**

Members considered a report detailing Building Control Income Streams for 2006/2007, 2007/2008, 2008/2009 (copy previously circulated).

The Building Control Manager reported that these income streams included Building Notice, Full Domestic Plan Fee, Full Non-Domestic Plan, Regularisation, Full Domestic Inspection Fee, Full Non-Domestic Inspection Fee & Property Certificates.

Noted.

**T&ESC/2010/06 : ENERGY SAVING TRUST (NI) LTD**

The Building Control Manager reported that correspondence dated 16 October 2009 had been received from the Energy Saving Trust (NI) Ltd regarding Building Control fee charges for energy efficiency improvements (copy previously circulated). He advised that the Trust was asking Councils to waive fees for the installation of roof space insulation in existing houses. The Manager also referred to an email dated 4 December 2009 from the Northern Group of Councils also recommending support for waiving fees for top-up loft insulation (copy previously circulated).

The Manager advised that installation of cavity wall insulation required approval from Councils under the Building Regulations (Northern Ireland) and was exempt from Building Control Regulations Fees under the Building (Prescribed Fees) Regulations

(Northern Ireland) 1997. He stated that the installation of roof space insulation also required approval under Building Regulations (Northern Ireland) but attracted a fee of £60 and was therefore not exempt of fees.

The Building Control Manager reminded Members that he had been asked by the Committee at its meeting in November 2009 to discuss the waiving of fees with the other four Building Control Services of the South Eastern Group. He now advised that three of them had indicated that they intended to waive these fees.

Councillor Chambers enquired when the requirement to obtain building control approvals for cavity wall and roof space insulation had been introduced. The Building Control Manager undertook to investigate this.

RESOLVED:

- (a) that it be recommended that the Council approve waiving the building control fee relating to installation of roof space installation.
- (b) that the Building Control Manager investigate when fees for cavity wall and roof space installation had been introduced.

#### **T&ESC/2010/07 : DISTRICT COUNCILS TO ENFORCE ENERGY PERFORMANCE CERTIFICATES**

The Building Control Manager advised that, as of 3 December 2009, responsibility for the enforcement of the EPC Regulations had been given over to Councils (except in relation to their own buildings).

He reported that from 4 January 2010, as part of the Energy Performance of Buildings Directive, there would be a mandatory duty for the inspection of air conditioning systems coming into force. In the first instance this would be for systems over 250 KW and a year later it would be for systems less than 250 KW and, thereafter, the requirement would be for re-inspection every 5 years.

The Manager referred to an article by Gerald Coulter (Department of Finance and Personnel) article in RICS Surveyance Northern Ireland entitled “Building Control ‘Most Appropriate Body’ to take on EPC Enforcement” (copy previously circulated)

The Chair enquired whether the Council’s Building Control Service could offer a service carrying out EPC checks as an additional source of revenue generation. The Building Control Manager undertook to investigate this.

RESOLVED:

- (a) that the Council note developments in respect of enforcement of EPC regulations.
- (b) that the Building Control Manager investigate whether the Council could generate additional revenue by the provision of EPC checks.

**T&ESC/2010/08 : SOUTH EASTERN GROUP BUILDING CONTROL COMMITTEE**

The minutes of the meeting of the South Eastern Group Building Control Committee, held in Ards Business Centre on 21 September 2009 had been previously circulated to Members for their information.

Noted.

**T&ES/2010/09 : NORTHERN IRELAND FIRE SAFETY PANEL – FIRE SAFETY CONFERENCE 2010, “THE CHANGING WORLD OF FIRE SAFETY”.**

The Building Control Manager reported on the 15<sup>th</sup> Annual Fire Safety Conference, entitled “The Changing World of Fire Safety”, which was being organised by the Northern Ireland Fire Safety Panel and would take place in the Radisson Roe Park Hotel, Limavady, on 3 - 4 February 2010 (copy programme previously circulated). He advised that The Fire Safety Liaison Panel encompassed the disciplines of Building Control, Fire & Rescue Services and Entertainment Licensing Officers Forum.

The Manager reported that this year’s conference, focusing on current issues relating to fire safety in the built environment, would consider the latest research, review pending legislation and demonstrate best practice. He stated that this event would be of interest to all practitioners who operated within fire safety design, construction and use of buildings and would be of particular interest to enforcing authorities. He provided further information regarding the conference.

The Building Control Manager recommended that the Senior Building Control Officer be authorised to attend 13<sup>th</sup> Annual Fire Safety Conference on 3 - 4 February 2010.

Councillor Jeffers referred to issues where Building Control’s safety requirements were at variance with those of the Fire & Rescue Service and enquired whether these issues would be raised at the conference. The Chair suggested that, if the Council agreed to send the officer to the conference, he should be asked to raise this as an issue for discussion.

Councillor J Beattie expressed concerns regarding the regulation of individuals or companies issuing of Fire Safety Certificates.

The Building Control Manager advised that the responsibilities of Council’s and of the Fire and Rescue Service were changing and that the Committee would be kept updated on new developments.

RESOLVED: that the Council be recommended to authorise the Senior Building Control Officer’s attendance at the 13<sup>th</sup> Annual Fire Safety Conference in Limavady on 3 – 4 February 2010.

**T&ES/2010/10 : BUILDING REGULATIONS - AMENDMENTS TO PART D, (STRUCTURE), AND PART J, (SOLID WASTE IN BUILDINGS).**

The Building Control Manager reported that the Department of Finance and Personnel, Northern Ireland (DFPNI), Building Regulations Branch was proposing to make some amendments to Building Regulations in 2010. He advised that there were major

changes to Parts D & J that were expected to come into operation around March 2010 and that the Department hoped to release the changes to Building Control in January 2010 ahead of the implementation date.

The Manager reported that a new Technical Booklet D would accompany these amendments. He advised that some of the changes would be to permit the use of the eurocodes and changes to disproportionate collapse rules. He reported that, in Part J, consideration for multiple bin storage would be updated as recycling became more the norm. He stated that bin storage was fast becoming a big problem in apartment blocks and in houses of multiple occupation for obvious reasons.

Noted.

**REPORT FROM THE OPERATIONAL SERVICES MANAGER  
(Presented in his absence by the Parks Manager)  
(copy previously circulated)**

**T&ESC/2010/11 : VEHICLE PROCUREMENT FOR OPERATIONAL SERVICES**

The Operational Services Manager reminded Members that the Committee had granted approval for the replacement of three Operational Services vehicles, one 17 tonne narrow-bodied RCV; one 3500 kg Parks van and one medium-sized mechanical road sweeper to be purchased from the Belfast City Council tender T588 (Minutes Nos: T&ESC/2009/279; T&ESC/2009/417 and T&ESC/2009/515 refer). He reported that, due to a legal challenge the tender had been withdrawn to all outside bodies and an alternative approach had been sought via the Eastern Shires Purchasing Organisation (ESPO) which covered Leicester and Peterborough City Council's and Cambridgeshire, Leicestershire, Lincolnshire, Norfolk and Warwickshire County Council's.

The Manager advised that, although the Council's Procurement Officer had confirmed with ESPO that other local authorities and public bodies were permitted to procure from the ESPO framework agreement, a recent legal opinion offered in respect of the T588 tendering process had indicated that the Council should refrain from using other such framework agreements until the T588 legal position has been fully established.

In view of these new legal developments and to protect the Council's position in respect of potential litigation the Manager advised that it would be necessary to procure the above mentioned vehicles by means of an in-house tender process. Members should be aware that, although every effort would be made by staff to procure the vehicles within this financial year, the lead-time on larger vehicles (RCV & Sweeper) was in excess of 16 weeks and therefore approval was sought to defer payment until the first quarter of the new financial year with the vehicles being financed from the current financial year's vehicle capital underspend.

Members were asked to note that financial provision had already been made for the three vehicles, which played a vital role in the Council meeting its statutory obligations, and the Council's Finance Manager had been fully consulted and supported this request.

The Manager recommended that Members approve the deferment of vehicle capital payments as outlined until the new financial year 2010/11 to take account of legal

advice received and the procurement lead-time. The Chair stated that he would be willing to support this recommendation as long as it had been cleared by the Local Government Auditor and by the Council's Finance Department and he asked officers to seek clarification on this.

RESOLVED: that, subject to clarification from the Local Government Auditor and the Council's Finance Department, the Council approve the deferment of vehicle capital payments as outlined until the new financial year 2010/10 to take account of legal advice received and the procurement lead time.

### **T&ESC/2010/12 : CERTIFICATE OF TECHNICAL COMPETENCE (CoTC) TRAINING FOR HRC SITE CHARGEHANDS**

The Operational Services Manager reported that, as Members were aware, Carryduff and Cregagh Household Recycling Centres (HRCs) were in the final stages of being awarded a waste management licence. He advised that a condition of the licence was that both HRC sites would be staffed by technically competent staff (CoTC holders) and permission was sought to train four operational members of staff to complete the Certificate of Technical Competence (CoTC) for Civic Amenity Site Waste Management Operations. He stated that, although this training had been envisaged and planned for the next financial year, the recent departure of two members of staff had meant that the training had to be brought forward to fully comply with the Council's obligations under the waste management legislation.

Members were advised that the training was via the Arc 21 tender and there was financial provision to meet the cost of two staff members in the current financial year with the remaining staff completing the course in the next financial year.

RESOLVED: that the Council approve CoTC Training for 4 HRC Site Chargehands via the Arc 21 Tender.

### **T&ESC/2010/13 : REQUEST RECEIVED FROM COUNTRYSIDE ACCESS AND ACTIVITIES NETWORK (CAAN)**

The Operational Services Manager reported that a request has been received from Countryside Access and Activities Network (CAAN) to publish a walking guide pack for the Greater Belfast area (copy correspondence previously circulated). He advised that the proposal was that the walking guide pack would include the following walks that fell within the Borough of Castlereagh;

- Cregagh Glen
- Minnowburn
- Lagan Canal Towpath

The Manager reported that the total cost of a one-off 4,000 pack print run. He stated that CAAN had approached the Rural Development Programme and match funding was being sought from Belfast City Council and Lisburn City Council while Castlereagh Borough Council was being asked to contribute. Members were advised that funding could be found within current budgets to support this request.

RESOLVED: that the Council approve a contribution to the Walking Guide Pack.

## **ANY OTHER BUSINESS – OPERATIONAL SERVICES**

### **T&ESC/2010/14 : RESURFACING AT PARK DRIVE AND PARK AVENUE, DUNDONALD**

The Parks Manager reported that the Roads Service had advised that works to resurface Park Drive and Park Avenue in Dundonald would be commencing on 21 January 2010 and would continue for 8 days. Consequently, Roads Service was seeking permission to use the car park adjacent to Park Drive for the use of the residents for the duration of the resurfacing. The Chair referred to traffic problems caused by hospital staff parking and he referred to previous requests to the Roads Service to provide double yellow lines in this area.

#### **RESOLVED:**

- (a) to note the forthcoming resurfacing work at Park Drive and Park Avenue, Dundonald and to grant approval for residents to use the car park for the duration of the works.
- (b) to request the Roads Service to provide double yellow lines in this area in order to relieve traffic problems.

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

**(copy previously circulated)**

### **T&ESC/2010/15 : 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/2010/16 : SERVICE OF STATUTORY NOTICES**

Members were reminded that, at its meeting in December 2009, the Committee had requested an analysis of the service of Statutory Notices in relation to conditions prejudicial to health over the last 12 months (Minute No T&ES/2009/520 refers). A table showing notices served from December 2008 to December 2009 had been previously circulated for Members' information.

Members noted that 24 Statutory Notices had been served and that 12 of these related to dampness in properties in the Vionville area of Tullycarnet. It was also noted that 10 of these 12 notices related to Vionville Close in particular.

The Environmental Health Manager reported that the primary defect observed by the investigating officer had been warped and rotten door and window frames. The Chair enquired what action the Council could take to ensure that repairs were carried out by the owner of the properties. After discussion it was

RESOLVED: that officers be asked to write to the rental company acting on behalf of the owner of the properties in Vionville enquiring what action was proposed in order to rectify the defects detailed in the Statutory Notices.

### **T&ESC/2010/17 : CONSUMPTION OF INTOXICATING LIQUOR IN DESIGNATED PLACES - DRINKING IN DESIGNATED AREAS**

The Environmental Health Manager referred Members to the rolling table of offences (copy previously circulated)

He also advised that the PSNI had offered to attend the Committee's next meeting to give a presentation on Youth Diversion. After discussion it was

RESOLVED:

- (a) to note the rolling table of offences relating to consumption of intoxicating liquor in designated places.
- (b) to agree to a presentation by the PSNI on Youth Diversion to take place at the next meeting of the Committee

### **T&ESC/2010/18 : DATE OF NEXT MEETING**

The Chair suggested that, as the January meeting had been delayed until today's date, there would now be a very short interval between this meeting and the scheduled meeting on the 1<sup>st</sup> Tuesday in February. He enquired whether Members would consider holding the next meeting in March. After discussion it was

RESOLVED: that, unless there were urgent matters to be considered, the next meeting of the Committee should take place on its scheduled date in March 2010.

### **T&ESC/2010/19 : CONSULTATION IN RELATION TO THE REGULATION OF THE SUNBED INDUSTRY IN NORTHERN IRELAND**

The Environmental Health Manager referred to the Council's decision at its meeting in December 2009 to refer this correspondence to the Committee (Minute no 2009/703 refers). He advised that CEHOG would be considering the proposal and would have regard to both Health and Safety and Consumer Protection. He indicated that he would forward Members a copy of the completed questionnaire for their reference.

Noted.

### **T&ESC/2010/20 : NOISE POLLUTION – NOISE COMPLAINT STATISTICS FOR NORTHERN IRELAND 2008-2009**

The Environmental Health Manager referred to the above report produced by the DoE. He advised that the data collected indicated that noise complaints had shown a slight decrease from the previous year's figures. He advised that a copy of the report was available for any Members wishing to peruse its content.

Noted.

### **T&ESC/2010/21 : AIR QUALITY – AIR POLLUTION IN NORTHERN IRELAND 2008**

The Environmental Health Manager referred to the above report, the 7<sup>th</sup> in a series of annual reports on air quality in Northern Ireland, which provided a summary of air quality monitoring carried out on behalf of Government and by District Councils during 2008. He advised that a copy was available for any Member wishing to peruse its content.

Noted.

### **T&ESC/2010/22 : DRAFT HIGH HEDGES BILL**

The Environmental Health Manager advised that the closing date for consultation on the Draft High Hedges Bill was 1 March 2010. He advised that, as Members would be aware through their constituents, the issue of high hedges and perceived reduction and loss of light remained very controversial and the pending Bill would have a significant impact on Councils who had been charged with its enforcement.

He advised that, on receipt of a complaint, the Council would act as an independent and impartial third party and would adjudicate whether the hedge was adversely affecting the complainant's reasonable enjoyment of their property.

He reported that the proposed Bill gave the following powers to authorised officers.

- Powers to enter land.
- Powers of obstruction to officers.
- Powers to serve/withdraw and amend remedial notices.
- Powers to levy fees for complaints – this was to recover associated costs and was not a penalty.

He also advised that the service of a Notice would remain in effect even if there was a change in the ownership of the land where the hedge was located. A Notice could only be served where a line of 2 or more evergreens greater than 2 metres above ground level reasonably affected the enjoyment of property. Failure to comply with a Notice would result in legal action and a fine being imposed on conviction.

The Environment Health Manager reported that the Council also had the option of doing the works by default and placing a charge on the property to ensure costs were recovered. He asked Members to note that both parties had Rights of Appeal under the Bill.

The Chair made the point that there were more types of hedges than evergreen and he requested that officers forward these comments.

In response to a query by Councillor J Beattie, the Manager advised that removal of the trees would generally be the responsibility of the owner but that the Council had the option of doing the works by default. He pointed out that, as the Council would not have the equipment to carry out this work, it would have to be put out to contractors but that costs could be recovered by putting a charge on the property as detailed in the Bill.

The Environmental Health Manager stated that, while the legislation was welcomed, it was likely to be a significant imposition on an already busy frontline service.

RESOLVED: that the Council welcome the draft High Hedges Bill but asked that the definition of trees/hedges should not be restricted to evergreens.

### **T&ESC/2010/23 : DELEGATED POWERS**

The Environmental Health Manager reminded Members that he had been given delegated powers to progress drinking offences under The Consumption of Intoxicating Liquor Byelaws. He sought Members' approval for these delegated powers to be amended to include the authorisation of professional officers under emergency conditions.

Members were reminded that a Memorandum of Understanding has been signed by the Chief Executive in relation to a mutual aid protocol in the event of an emergency. The Manager reported that this protocol permitted the use of suitable qualified professional officers from neighbouring local authorities to assist in delivering service. He advised however that these officers would require to be authorised before they could engage in any work on behalf of the Council and it was under these circumstances that he was seeking delegated powers. He indicated that templates of authorisations would be prepared in advance thereby reducing the time involved in this process

The Chair stated that, if an incident occurred within the Borough, then officers from Castlereagh Borough Council rather than from a neighbouring Council should lead the emergency response.

RESOLVED:

- (a) that the Council authorise delegated powers to the Environmental Health Manager to authorise officers during an emergency incident
- (b) that officers from the Council in which the incident occurred should take a lead in the emergency response.

### **T&ESC/2010/24 : THE SMOKING (NORTHERN IRELAND) ORDER 2006 – UNPAID FIXED PENALTY**

The Environmental Health Manager outlined details of an incident where a driver of a taxi had been observed smoking. He advised that the registered keeper of the vehicle had been written to under Article 12 of The Smoking (Northern Ireland) Order 2006 requesting information regarding the incident and a response had been received providing information on the identity of the taxi driver.

He reported that a Fixed Penalty Notice had been issued to the driver as she was smoking in a smoke-free vehicle contrary to the above legislation but had not been paid. The Manager sought approval to instigate legal action against the taxi driver under Article 8 of the Smoking (Northern Ireland) Order 2006.

RESOLVED: that the Council approve the instigation of legal action against the identified person under Article 8 of The Smoking (Northern Ireland) Order 2006.

**T&ESC/2010/25 : SMOKING (NORTHERN IRELAND) ORDER 2006 – FAILURE TO PROVIDE INFORMATION**

The Environmental Health Manager advised that this item was being withdrawn as the information requested had now been provided.

Noted.

**T&ESC/2010/26 : 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.

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

**T&ESC/2010/27 : PETROLEUM CONSOLIDATION ACT (NI) 1929 – RENEWAL OF PETROLEUM LICENCE**

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

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.

**T&ESC/2010/28 : PETROLEUM CONSOLIDATION ACT (NI) 1929 – TRANSFER OF PETROLEUM LICENCE**

The Environmental Health Manager provided details of an application to transfer a petroleum licence to a new licensee and he recommended that this be approved.

RESOLVED: that the Council be recommended to grant approval for the transfer of a petroleum licence as detailed in the Environmental Health Manager's report.

Noted.

**T&ESC/2010/29 : THE LITTER (NORTHERN IRELAND) ORDER 1994 - FAILURE TO PAY FIXED PENALTY NOTICES**

The Environmental Health Manager referred to his report outlining the details of 3 cases where drivers had failed to pay fixed penalty notices and he sought approval to instigate legal proceedings against the drivers for the littering offences.

RESOLVED : That the Council be recommended to grant approval for the instigation of legal action against three drivers under Article 20 of the Litter (NI) Order 1994, as detailed in the Environmental Health Manager's report.

### **T&ESC/2010/30 : THE DOGS (NORTHERN IRELAND) ORDER 1983 – DOG KENNELING PROVISION**

The Environmental Health Manager reminded Members that he had tabled a report to the Committee's meeting in December 2009 regarding the possible loss of the existing kennelling provision with the USPCA. He now reported on a number of options available to the Council to secure kennelling as required by Article 40(A) of The Dogs (Northern Ireland) Order 1983. He also provided details of the costs associated with Option 1 together with a letter of confirmation from Lisburn City Council regarding kennelling provision (copies previously circulated).

- Option 1:

This option would require the Council to take responsibility for the facilities at the Carryduff shelter and staff would transfer across under TUPE. Members were asked to note that this option would provide an additional income to the Council but would require that both Ards and North Down Borough Councils formally commit to the agreement through a contract.

- Option 2:

Sourcing outside private kennelling provision, which would have to be DARD approved, and a second contract would have to be established for the re-homing of dogs after the statutory holding period so as not to increase the Council's humanely destroyed statistic. The cost of this service was likely to be in the region of £20,000 per annum, an increase of £5,000, and it did not include costs for humanely destroying animals.

- Option 3:

Maintaining existing kennelling provider with dogs being kennelled in Newry and transported back and forth daily. This would require the Council and the kennelling provider to meet at the close of business on a daily basis for the handover of dogs. Holding kennels would require to be constructed to accommodate dogs during the day and also at night should the dogs not be returned to their registered keepers. The cost of this option would be the same as the existing contract but this would not include the costs associated with the construction of holding kennels and any planning requirements.

- Option 4

Availing of Lisburn City Council's kennelling facilities based at Apollo Road. Lisburn City Council currently had 8 kennels for the provision of their dog control service. Costings were being awaited from Lisburn City Council

The Environmental Health Manager reported that, on receipt of costings from Lisburn City Council, he would evaluate all four options and make a recommendation to the Committee. He advised however that Lisburn City Council had confirmed that they believed they would be able to accommodate the Council's kennelling needs. The Manager advised however that he was concerned that, due to the limited number of kennels available at Lisburn, the humane destruction rates for both Councils might increase. He pointed out that Castlereagh currently had an excellent rehoming service and destruction rates in the Borough were very low compared to other Councils. He advised that he would progress this issue with Lisburn directly.

The Manager recommended that Options 1 and 4 should be explored in more detail and that a further report would be brought to the Committee giving a recommendation for the progression of a single option.

RESOLVED: that officers be asked to investigate Options 1 and 4 further and come back to the Committee with a final recommendation.

### **T&ESC/2010/31 : CONSULTATION DOCUMENT ON PROPOSED CHANGES TO DOG CONTROL LEGISLATION BY THE DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT DATED 23 NOVEMBER 2009**

The Environmental Health Manager reported that, in November 2007 following a number of high profile dog attacks, the Minister had announced a wide ranging review of dog control in Northern Ireland. He advised that the review had highlighted the problem of attacks by dogs on people and the unacceptable number of straying dogs. To address these problems the Minister proposed to extend the existing legislation and introduce enhanced dog control measures that would, in her opinion:

- Support responsible dog ownership through compulsory micro chipping and a more robust and effective dog licensing regime.
- Focus on prevention through earlier intervention to reduce the number of dog attacks on people.
- Make it an offence to allow a dog to attack another dog; and
- Increase penalties for offences.

The Manager advised that, during the review, Councils had suggested that the dog licence fee, which had not changed since 1983, should be increased to better reflect the cost of the dog warden service but that there should also be incentives for responsible dog owners and protection for the elderly and those on benefits. He indicated that the Minister believed that her preferred proposal for the licence fee would do this.

The Manager reported that the deadline for responding to the consultation was 1 February 2010 and he provided for the Committee's consideration a response prepared by Council officers and their colleagues across the Eastern Environmental Health Group of Councils.

Members agreed in general with the response by officers but expressed reservations about their suggestion that the licence fee be raised to twice as high as the rate suggested by the Minister. It was felt that, as well as being too expensive for the elderly and people on benefits, this could also encourage more people to avoid paying the fee and it could discourage people from rehoming stray and unwanted dogs.

RESOLVED: that the Council support the response paper on proposed changes to dog control legislation compiled by Environmental Health Group officers and that Members' comments as detailed above also be forwarded.

**T&ESC/2010/32 : DOGS (NORTHERN IRELAND) ORDER 1983 - DOGS KEPT WITHOUT VALID LICENCES**

The Environmental Health Manager reported that Fixed Penalty Notices, issued to a dog owner keeping two dogs without valid licences, had been returned unpaid and he sought approval to instigate legal proceedings under the above legislation against the aforementioned person.

RESOLVED: that the Council approve the instigation of legal action under the Dogs (Northern Ireland) Order 1983 against the dog owner as detailed in the Environmental Health Manager's report.

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

**T&ESC/2010/33 : TONNAGES DEPOSITED AT LANDFILL**

The Client Manager reported on tonnages for material deposited at landfill up to the end of November (copy report previously circulated). He asked Members to note that the figures for general landfill were up when compared to last year and also up slightly when compared to the amount allowed for in the budget. He also advised that the figures for street sweepings were up when compared to last year and also with the amount allowed for in the budget.

The Manager advised that, at the time of writing the report, the figures for December had not been available. He stated that these would be brought to the attention of Members whenever they had been received

Noted.

**T&ESC/2010/34 : PROPOSED PLAYGROUND AT BRED A TERRACE**

The Client Manager referred to a group of residents who supported the construction of a playground at Breda Terrace and a group who opposed it. He reminded Members that, at its meeting in December, the Committee had recommended that the tendering process reflect the requirement that playgrounds with low level equipment and smaller footprint be scored more highly within the scoring matrix. He advised that, following further discussions with the Chair, tender documents had been amended to reduce the sum available for construction of the playground as this would further reduce the playground footprint and go some way to meet the objectives of those who opposed the construction of the playground. He indicated that the balance was being put towards the refurbishment of the playground at Colby Park.

The Manager advised that the tender documents had now been drawn up and were tabled for Members' information. He indicated that it was proposed to advertise the

tenders on 22 January 2010 and that a report on the tenders would be brought back to the Committee at its meeting in March.

The Manager reported that he was continuing discussions with the Northern Ireland Housing Executive with a view to obtain the lifting of the restrictive covenant on the land at Breda Terrace.

RESOLVED:

- (a) that the Council approve reduction of the sum available for the construction of the proposed playground at Breda
- (b) that the balance be put towards the refurbishment of the playground at Colby Park, with this work being included in the tender documents for the construction of the playground at Breda Terrace.
- (c) that officers bring a report on the tenders to the next meeting of the Committee.
- (d) that the Council write to the Northern Ireland Housing Executive requesting the removal of the restrictive covenant on the land at Breda Terrace.

#### **T&ESC/2010/35 : ANNUAL BUILDING INSPECTION REPORTS**

The Client Manager reminded Members that the Technical & Environmental Services Department prepared annual building inspection reports for the 21 buildings for which it provided routine maintenance support services. He indicated that the purpose of these reports was to provide the building “owners” with information regarding the condition of the building, recommended works and, where appropriate, budget forecasts for the forthcoming year. They also included information on energy consumption and charges for preceding years, together with fossil fuel consumption and fossil fuel consumption charges where appropriate. This enabled the relevant officers to monitor energy consumption costs. The Manager tabled copies of the Inspection Reports for Council facilities for Members’ information.

The Manager reported that this year this process had fed into the production of a repairs and renewals budget forecast. This forecast had been produced in conjunction with the Department of Leisure Services and would enable the Council to determine maintenance costs over a longer period, so that appropriate financial planning could take place.

The Chair enquired whether it would be possible for Members to be provided with a report on all the properties that had been inspected with details of costs involved, with this information being broken down into wards.

RESOLVED: that officers be asked to bring back a report to the Committee detailing all properties that had been inspected with the costs involved and that the information be broken down into wards.

#### **T&ESC/2010/36 : FORMER MOSS ROAD LANDFILL SITE – CLOSURE OPTIONS REPORT**

Members were reminded that officers had been instructed to update the March 2006 Closure Report to take into consideration current legislation and the requirements of the Northern Ireland Environment Agency (copy of updated report previously circulated).

The Client Manager advised that the report included the following key points:

- The landfill capping system did not comply with the guidance and legislation such as the Landfill Regulations (NI) 2003. Although the landfill site had been closed before these regulations came into play, it was thought that they might be applied retrospectively by the NIEA.
- Discharge consent limits were currently being breached, largely on a marginal basis, at the site and the Council was vulnerable to the imposition of fines.
- It was not possible to identify conclusively whether the breach in discharge consents was due to the unengineered and unlined site or the engineered site or to a combination of both.
- The Consultants' report recommended further site investigation to investigate groundwater flows at the unengineered site.
- Future leachate treatment costs might increase substantially and in an unpredictable manner.
- There was a risk that the Northern Ireland Water Treatment Works would refuse to take the leachate for treatment.
- The Council was being recommended to stop irrigating leachate on site and this would substantially increase treatment costs.

The Client Manager stated that, in summary, the report recommended capping the engineered site and carrying out a further investigation to groundwater flows at the unengineered site. Capping the engineered site would minimise the amount of leachate being treated and would therefore reduce costs in the long run and might improve the discharge quality to the adjacent stream. He advised that investigation of the groundwater flows on the unengineered part of the site would inform the Council as to works that might be advisable for that section.

The Manager recommended that the procurement process be instigated for Consultants to carry out the necessary design works (including preparation of tender documentation and supervisory duties) for the capping arrangements on the engineered part of the site and the site investigations for the unengineered part of the site.

RESOLVED: that the procurement process be instigated for Consultants to carry out the necessary design and associated works for capping arrangements on the engineered part of the site and the site investigations for the unengineered part of the site.

#### **T&ESC/2010/37 : CLEAN NEIGHBOURHOODS AND ENVIRONMENT BILL – ADVANCE NOTICE**

Members were advised that the Council had received advance notice of the Clean Neighbourhoods and Environment Bill, which would deal with various issues, such as fly posting, graffiti and various dog related issues. The Client Manager advised that he would bring further information to the Committee when it became available.

Noted.

### **T&ESC/2010/38 : CAMPAIGN FOR A PLAY PARK AT CAIRNSHILL PLAYING FIELDS**

The Client Manager reported that he had received a letter from two local residents regarding the provision of a play park at Cairnshill and he sought Members' views as to how they wished to proceed.

Councillor Chambers referred to the possibility of a new school being built at Cairnshill and suggested that the Council should check with SEELB as to their plans for the area.

Members considered whether to invite the residents to a future meeting. The Chair however suggested that an invitation to a meeting could unfairly raise expectations. He suggested that the Committee should review what had been requested and what was feasible for the Council to do. After discussion it was

RESOLVED: that the Council write to SEELB to enquire about any plans for a school at Cairnshill.

### **T&ESC/2010/39 : STAGE ONE CONSULTATION ON REVISED WASTE FRAMEWORK DIRECTIVE**

The Client Manager referred to the Arc 21 response, which has been approved by the Joint Committee, together with a NILGA response (copy previously circulated). He stated that the closing date for a response had passed but, if there were any additional points that Members wished to raise, he would ensure that these were forwarded.

RESOLVED: that the Committee noted and supported the responses by Arc 21 and NILGA.

### **T&ESC/2010/40 : LEGISLATION REGARDING SETTING OUT OF REFUSE CONTAINERS**

The Client Manager referred to recent cases in GB where fines had been imposed on householders for the improper use of wheeled refuse containers, particularly in relation to setting these out too early, not taking in promptly, or putting inappropriate materials in the bins.

He advised that there was legislation extant in Northern Ireland which might be useable in these circumstances but it was not clear how successful the application of legislation would be. He stated that the legislation was currently worded such that a notice stipulating the requirement had to be served on an appropriate person and then failure to comply with this notice became the offence. He was not aware of the legislation having been used in Northern Ireland. He indicated that the Chair had asked that this matter be raised for discussion, with a view to writing to the Northern Ireland Assembly to encourage more effective legislation.

RESOLVED: that the Council write to the appropriate department to enquire about any proposals in relation to legislation regarding the use of wheeled refuse containers.

**T&ESC/2010/41 : EDUCATIONAL TALKS/VISITS**

The Client Manager referred to environmental educational talks/visits carried out during November 09 and December 09 (copy previously circulated).

Noted.

**T&ESC/2010/42 : NORTHERN IRELAND ENVIRONMENT AGENCY (NIEA) AUDIT OF MUNICIPAL WASTE RECORDS (APRIL 09 TO JUNE 09)**

The Client Manager reported that, under Regulation 10(6) of The Landfill Allowance Scheme (Northern Ireland) Regulations 2004, the NIEA as monitoring authority had conducted an audit of the Council's municipal waste records for the quarter period April 09 to June 09 on Friday 20 November 2009. He stated that the NIEA were satisfied with the figures and the documentation provided and the information management systems in place with regard to NILAS.

Noted.

**T&ESC/2010/43 : CO-MINGLED COLLECTION OF KITCHEN-SOURCED FOOD WASTE IN THE BROWN BIN**

The Client Manager reported that, further to his previous report to the Committee regarding the initial introduction of food waste into the brown bin for Christmas 2009, (Minute No. T&ESC/2009/442 refers), householder information leaflets had either been delivered or were in the process of being delivered. He advised that, unfortunately, the adverse weather conditions had made it difficult to have all the information leaflets delivered in time for Christmas with a number of areas remaining outstanding.

The Manager stated that, to ensure that those households currently on the weekly food waste collection trial continued to participate, the information leaflet had included a special note regarding this and a letter had been sent to each household on the trial.

He also advised that, to support the introduction of food waste, briefing sessions had been held for refuse collection crews, foremen and administrative staff and, in addition, the Council's website has been updated. He advised that over the coming weeks it was intended to carry out spot checks to gauge the level of participation.

Noted.

**T&ESC/2010/44 : HOUSEHOLD RECYCLING CENTRES CUSTOMER SATISFACTION SURVEYS**

The Client Manager reported that customer satisfaction surveys had been carried out at both Cregagh Road and Carryduff household recycling centres during October 2009. He advised that the reports were in the final stages and would be brought to the

Committee's meeting in March 2010. He indicated that overall satisfaction with the service being provided at both Centres remained high.

Noted.

(Councillors Chambers and Jeffers left at 7.10 pm)

#### **T&ESC/2010/45 : ARC21 MRF CONTRACT - CONTAMINATION LEVELS**

The Client Manager referred to a summary of contamination levels for Arc21 Councils for loads delivered to Bryson Recycling's MRF during September and October 2009 (copy previously circulated). He stated that contamination had been broken down into four categories, gross, high, medium and low and Members would note that the Council had the highest percentage of loads classified as low, the lowest percentage of loads classified as medium and had no loads classified as either high or gross.

He alerted Members to the fact that in the intervening period a load had been identified as having a high level of contamination and this was due to a changeover error when the driver thought the container was empty.

He emphasized the importance of the Council maintaining its 'zero tolerance' approach, with continued efforts being made to ensure that levels of contamination were reduced further.

Noted.

#### **T&ESC/2010/46 : WASTE MANAGEMENT LICENSING OF HOUSEHOLD RECYCLING CENTRES**

The Client Manager reported that waste management licences for Cregagh Road and Carryduff Household Recycling Centres (Licence Nos. LN/09/105 & LN/09/106) had now been formally issued. He advised that the licences covered waste management operations at both Council HRCs and contained conditions which the Council would be required to comply with at all times. He stated that the licensing authority, NIEA, could request additional works or impose additional requirements to ensure the site was operated to high environmental standards and was fully compliant with the site licence. Future NIEA site inspections/audits would now take place to ensure compliance with the site licence, any non-compliance being identified for remedial action within a specified time period.

Members were asked to note that, under Regulation 4(6) of The Waste and Contaminated Land (Northern Ireland) Order 1997, it was an offence to contravene any condition of a waste management licence and a person found guilty of such an offence would be liable on conviction to a maximum fine of £20,000 and/or imprisonment for up to 6 months. In addition, failure to comply with the licence conditions might result in the Department revoking or suspending the licence using its powers under Article 16 of The Waste and Contaminated Land (Northern Ireland) Order 1997.

Noted.

#### **T&ESC/2010/47 : ANNUAL CHARGES - 2010/11**

The Client Manager outlined details of charges applied during the financial year 2009-2010 as well as changes proposed for the financial year 2010-2011 for the following:

- Commercial Contract Skips
- Private Hire Skips
- Special Collection Service (Recycling and Disposal Service)
- Chargeable Waste Collection Service (Collection and Disposal Charges)
- Chargeable Waste Collection Service (Collection Only Charges)
- Sale of New Wheeled Bins
- Sale of Second-Hand Wheeled Bins
- Upgrading of Wheeled Bin
- Replacement Parts for 120, 240 and 360 Litre Household Wheeled Bins
- Sale of Plastic Refuse Sacks
- Sale of Home Composters

RESOLVED: That the Council be recommended to grant approval for the new schedule of charges as detailed in the Client Manager's report.

#### **T&ESC/2010/48 : COLLECTION AND PROCESSING OF WEEE & WASTE BATTERIES AND ACCUMULATORS FROM DESIGNATED COLLECTION FACILITIES**

The Client Manager reported that the first compliance period in relation to WEEE legislation was from 1 July 2007 to 31 December 2007, with subsequent compliance years covering the calendar years until 31 December 2009. He advised that clarification on the relevant detail for the WEEE compliance periods post 31 December 2009 had only been completed and produced by central government in November 2009. He stated that the next WEEE compliance period beginning on 1 January 2010 coincided with the commencement of the first annual compliance period relating to the implementation of the Batteries Directive.

The Manager reported that the clarification produced in November 2009 enabled arc21 to initiate a simultaneous competitive exercise aimed at determining the most appropriate WEEE and Battery Compliance Schemes for Councils. The joint exercise by arc21 and the North West Region followed a similar process to that previously undertaken in 2007 at the onset of the WEEE provisions.

The Manager advised that, whilst the exercise was not a formal procurement process, it had nevertheless been undertaken in a way which observed the principles adopted in a conventional procurement process and the introduction of a competitive element ensured an outcome which would be consistent with the aim of achieving the most economically advantageous tender.

Following evaluation, it was recommended that Councils enter into agreement with ERP/GEODIS for the provision of both the collection and processing of household WEEE and waste batteries and accumulators from designated collection facilities for 26 months from 1 January 2010 to 31 March 2013, with the option of 6 monthly extensions until 31 March 2015 (copy of evaluation reports had been previously circulated for Members' information).

Members were asked to note that services were provided at no cost to Councils as, under producer responsibility obligations, Councils were entitled to have WEEE and waste batteries and accumulators processed at no cost with funding being provided by producers. It was then a matter for Councils and the appropriate compliance scheme to agree arrangements for the collection and processing of materials.

RESOLVED: that, in line with the arc21 procurement exercises and outcomes, the Council enter into agreement with ERP/GEODIS for the provision of both the collection and processing of household WEEE and waste batteries and accumulators from its Designated Collection Facilities for 26 months from 1 January 2010 to 31 March 2013, with the option of 6 monthly extensions until 31 March 2015.

### **ANY OTHER BUSINESS**

#### **T&ESC/2010/49 : PROVISION OF SALT BOXES**

Alderman Rice stated that during the recent adverse weather conditions many elderly people in Carryduff had not been able to leave their homes because of the dangerous condition of the pavements and roads. She stated that they had been told that they did not meet the criteria for provision of a salt box.

RESOLVED: that the Council write to the Roads Service and to DARD to request that criteria for provision of salt boxes be reviewed in order to ensure that elderly people are not confined to their homes during periods of adverse weather conditions.

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

#### **T&ESC/2010/50 : REPORTS AVAILABLE**

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

- Data Protection. CCTV Code of Practice. Revised edition 2008.
- On the Move. Autumn 2009. Issue No. 10.
- The Licensee. Issue 2. Winter 2009.
- Leave No Trace. Newsletter. Issue 5. Autumn 2009.
- News Link. Autumn Issue 2009. NI Bureau.

Noted.

#### **T&ESC/2010/51 : DEPARTMENT OF THE ENVIRONMENT (DOE) NEWS RELEASE – MORE EFFORT REQUIRED TO INCREASE RECYCLING**

The Director of Technical & Environmental Services referred to a DoE News Release relating to the matter of waste recycling (copy previously circulated). He reported that the Environment Minister, recognising the challenge of delivering rigorous EU targets and the Northern Ireland Waste Management Strategy, had highlighted the reality that we could not continue to dump waste in large holes in the ground without thought for the

materials and energy that could be recovered from it or for its impact on our environment.

The Minister had also highlighted the importance of establishing sustained demand for recovered materials, compost and products containing recycled material and he noted the new business opportunities offered by recycling for the Northern Ireland economy.

Noted.

**T&ESC/2010/52 : CHANGING THE UK APPROACH TO THE EU LANDFILL DIVERSION TARGETS**

The Director of Technical & Environment Services referred to a statement issued by the Department of the Environment, Food and Rural Affairs (DEFRA) regarding the above mentioned matter (copy previously circulated). He advised that the statement sets out the rationale for a new UK wide definition of municipal waste, the likely impact on the UK Landfill Directive diversion targets and the implications for the Landfill Allowance Trading Scheme, or NILAS in the case of Northern Ireland.

The Director stated that this matter had initially been raised at the last Arc 21 Joint Committee meeting of 3 December 2009. He stated that, at this stage, further information and details were awaited so that the situation could be fully assessed and evaluated and, subject to the receipt of further details, this could have implications for the Council.

Noted.

**T&ESC/2010/53 : DEPARTMENT OF THE ENVIRONMENT (DOE) NEWS RELEASE – INTRODUCTION OF ENERGY FACILITIES IN ALL OUR INTERESTS**

The Director of Technical & Environmental Services referred to a DOE News Release relating to the matter of energy from waste (copy previously circulated). He stated that the Environment Minister had highlighted that energy from waste had to be a key feature of Northern Ireland's Waste Management Strategy and had also expressed the need to put efforts into preventing waste, encouraging the re-use of valuable resources, recycling waste when it arose, as well as the recovery of energy from waste, if we were to avoid fines for failing to meet the European targets for diversion from landfill, and improve our environment.

Noted.

**T&ESC/2010/54 : THE LANDFILL ALLOWANCE SCHEME REGULATIONS (2004) NORTHERN IRELAND (NILAS) 2008/09 ANNUAL REPORT. DECEMBER 2009.**

The Director of Technical & Environmental Services reported that the above-mentioned 2008/09 Annual Report on NILAS had now been published. He referred to the Report's Executive Summary and to comments prepared by the Council's Waste and Environment Officer on the report (copies of which had been previously circulated for Members' information).

Members noted that Castlereagh was one of only two Councils in Northern Ireland that had a surplus of allowances exceeding 40% of their allocation for 2008/09. The Director stated however that continued efforts were required by the Council to further reduce the amount of waste landfilled as the allocations for each district council were further progressively reduced over the next 11 years.

Noted.

### **T&ESC/2010/55 : MINUTES OF THE ARC 21 JOINT COMMITTEE MEETING HELD ON 29 OCTOBER 2009**

The Director of Technical & Environmental Services circulated a copy of the ratified minutes of the above meeting. He advised Members of some of the business that had been addressed, which included the following:

- Calls for Conflict of Interest
- Contracts and Performance Update
- Revenue Estimates 2010/2011
- Consultation: The Draft Local Government (Finance) Bill
- Consultation: A Bio-energy Action Plan for Northern Ireland 2009-2014
- Consultation: Stage One Consultation on the Revised Waste Framework Directive (2008/98/EC)
- Centre of Procurement Expertise
- Bryson Recycling MRF Capital Investment Scheme
- Residual Waste Treatment Project
- Consultation: Local Government Reform Programme
- 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 waste management issues currently being considered.

Noted.

### **T&ESC/2010/56 : ARC 21 ANNUAL REPORT AND FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2009.**

The Director of Technical & Environmental Services circulated for Members' information an extract (Pages 1-16) from the above-mentioned Annual Report 2008/2009, which included the Executive Summary, Chairman's Welcome, Chief Executive's Foreword and Corporate Overview.

Noted.

### **ANY OTHER BUSINESS**

### **T&ESC/2010/57 : 2010/2011 ESTIMATES**

The Director of Technical & Environmental Services reported that he had prepared a report giving an outline of Technical & Environmental Services issues relevant to the

2010/2011 Estimates and that report would be tabled at a forthcoming meeting of the Estimates Working Group to be held on 22 January 2010. He stated that it was important for Members to be aware of the contents of this report.z

Noted.

There being no further business, the meeting ended at 7.15 p.m.

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

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

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

\_\_\_\_\_ **2009 with the exception of**

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

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