

# Health and Environmental Services Committee

Wednesday, 5th November, 2008

## MEETING OF HEALTH AND ENVIRONMENTAL SERVICES COMMITTEE

Members present: Councillor Mullaghan (Chairman); and  
Councillors Adamson, Austin, W. Browne, Campbell,  
Hendron, N. Kelly, Kirkpatrick, Kyle, Mhic Giolla Mhin,  
O'Neill, O'Reilly, Rodgers and Rodway.

In attendance: Mr. W. Francey, Director of Health and  
Environmental Services;  
Mr. S. Skimin, Head of Cleansing Services;  
Mr. T. Walker, Head of Waste Management;  
Mrs. S. Wylie, Head of Environmental Health;  
Mr. D. Rogan, Building Control Manager;  
Mr. M. McBride, Business Support Manager; and  
Mr. H. Downey, Committee Administrator.

### Apologies

Apologies for inability to attend were reported from the High Sheriff (Councillor McKenzie) and Councillor Cush.

### Minutes

The minutes of the meeting of 8th October were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 3rd November.

### Directorate

#### Update on Fatal Accident at Dargan Road Landfill Site

(Mr. C. Quigley, Director of Legal Services, attended in connection with this item.)

The Director of Health and Environmental Services reminded the Committee that, on 4th September, 2006, a fatal accident had occurred at the former Dargan Road Landfill Site. He outlined the circumstances surrounding the incident and reported that, following the conclusion of a formal investigation by the Health and Safety Executive for Northern Ireland, a prosecution upon indictment had been initiated against the Council.

The Director of Legal Services explained the nature of the charges which had been brought against the Council by the Health and Safety Executive, outlined the legal process involved and highlighted the potential outcome for the Council. He explained that he was in the process of briefing the Party Group Leaders and confirmed that the Committee would be kept fully informed in relation to the matter.

After discussion, the Committee noted the information which had been provided and agreed that all requests for information relating to the case be referred directly to the Council's Corporate Communications Section.

### **Balloon Releases at Council Events**

The Committee was advised that correspondence had been received recently from the Marine Conservation Society highlighting the environmental implications arising from balloon releases and requesting that the Council implement measures to ban the practice. The Director of Health and Environmental Services reported that, whilst the benefits to be derived from using balloon releases in promotional and fund-raising campaigns were recognised, opinions on the extent of their environmental impact differed greatly. He pointed out that the Society had outlined evidence which indicated that, in addition to creating litter, balloons were potentially lethal to wildlife and had advocated the use of alternative methods for those involved in entertainment, marketing or promotional activities.

He informed the Members that research within the Council had indicated that, whilst balloon releases had in the past been used, environmental concerns had led to a cessation of the practice. He explained that, whilst Departments now wished to formalise the arrangement, concerns had been expressed in relation to the practicalities of enforcing a ban on balloon releases by third parties at events such as charity functions and wedding receptions where notification was often received at short notice. Accordingly, he recommended that a voluntary ban be introduced on balloon releases at Council-organised events.

The Committee adopted the recommendation.

## **Environmental Health**

### **Review of Scientific Unit**

The Committee considered the undernoted report:

#### **“Relevant Background Information**

**The purpose of this review was to ascertain the appropriate staffing requirements within the Scientific Unit as well as to re-examine the roles and responsibilities and grading of the posts.**

**The Business Improvement Section (BIS) carried out the review following approval at the June Health and Environmental Services Committee and by the Council's Vetting Panel on 26 June 2008.**

**BIS has taken into consideration the increased workload on the Unit resulting from the development of the North Foreshore, closure of Dargan Road Landfill Site, increased monitoring at the Duncrue Industrial Estate and the impact of new licence conditions imposed on the Council.**

These factors have impacted on the volume and complexity of work for the Scientific Unit and recommendations from this review are made to ensure that the Council has the capacity to achieve compliance with environmental legislative obligations.

### Key Issues

#### 1. CONTEXT

Given the increased workload and legal requirements mentioned above, this review of the Scientific Unit was carried out to ensure that it has the appropriate levels of staff to provide professional services in-house. Moreover, it should ensure that Belfast City Council can meet new licensing legislation and regulations at the Dargan Road Landfill Site, North Foreshore and Duncrue Industrial Estate.

Within the context of the Corporate Plan, 2008 – 2011, the Council is committed to taking better care of Belfast's environment to provide a cleaner, greener, healthier city now and for the future. The environmental monitoring undertaken at these locations plays a key role in the delivery of this promise. The Council is also currently involved in the construction of an electricity generating plant on the North Foreshore which will be fuelled by landfill gas. This highlights the Council's commitment to act sustainably through the effective and efficient use of resources.

Failure to meet the conditions of the Landfill Waste Management Licence and other regulatory requirements could result in enforcement action being taken against the Council, including the possibility of large fines being imposed and a notice of closure being placed on the landfill site and North Foreshore prohibiting any further development until remedial actions are introduced.

#### 2. OPERATIONAL

The Scientific Unit carries out monitoring, analysis and gas system control work at the North Foreshore for the following purposes:

- To ensure that the Council leased property in Duncrue Industrial Estate is protected from dangerous levels of landfill gas;
- To monitor the emissions and discharges from the now closed landfill site as required by the Northern Ireland Environment Agency (NIEA).

- To manage the gas control plant and flaring process and future electricity generation plant (to be operational by April 2009).

This work and any increases in workload are explained in more detail below.

#### Monitoring at the Duncrue Industrial Estate

The Duncrue Industrial Estate is of significant importance to the Council as lettings from the 100 plus units generate in excess of £1 million per annum. The Scientific Unit staff monitor the gas control system and the inside of industrial units for gas, encompassing approximately 60 gas wells and 100 plus industrial units. This work is carried out by the Scientific Officer with assistance from the Technical Assistant.

A new gas control system is being installed. However, although it is predicted that there will be additional workload on staff managing the new gas control system at Duncrue Industrial Estate, it is not anticipated that the increased workload would on its own justify the creation of additional staff.

#### Monitoring at the Dargan Road Landfill Site and North Foreshore

- a. Landfill gas monitoring. Now that the landfill site is closed (March 2007) and is being capped and reinstated, the NIEA is imposing new licence conditions on the Council. The number of gas wells to be monitored has increased from 110 to 223 and the frequency of monitoring has increased from a quarterly to a monthly basis. An additional 12 gas control wells have also been installed at the new Waste Transfer Station. This significantly increases the monitoring workload.

In addition, the new site licence now also requires the Council to report gas levels and any breach of trigger levels within 42 days of the monitoring period to the NIEA. This represents a large increase in the data handling and reporting workload on the Scientific Unit's staff.

- b. Leachate and ground water monitoring. The newly imposed licence conditions require an increase in the number of locations where leachate and ground water are monitored from 45 to 64. Water quality samples must now be taken quarterly at these 64 locations. Water quality must be monitored at all surface water and marine water

locations on a monthly basis. Up to 259 parameters will be monitored at water monitoring locations on a quarterly basis, 10 parameters must be monitored monthly. This will result in a large increase in the amount of data handled by the Scientific Unit staff.

- c. Electricity Generation. The Council is currently constructing an electricity generation plant at the North Foreshore which will be fuelled by gas from the gas field. The introduction of this electricity generation plant will require staff to manage the flow of gas to the plant and this will require greater levels of onsite balancing and adjusting of the gas flow than was required for the flaring of gas.

Additional areas of work undertaken  
by the Scientific Unit

In addition to the aforementioned increases in monitoring and sampling, the Scientific Unit is also involved in new monitoring regimes. These include: recording of rainfall data at the landfill; monitoring capping materials for contamination; monitoring of gas at the Waste Transfer Station; and monitoring water quality at 'discharge consent' locations.

The scientific staff are also considered as a resource across the Environmental Health Service and the Scientific Officer provides monitoring services to the housing, health and safety and food safety sections. Staff also provide advice to other Council Services on issues relating to legionnaires disease and swimming pool safety.

**3. STRUCTURAL**

The Scientific Unit is currently made up of a Unit Manager, 1 Scientific Officer, 1 Scientific Officer (Landfill), 1 Monitoring Assistant and 1 Technical Assistant.

Having considered the levels of increased workload and operational responsibility on the Scientific Unit as previously detailed, BIS is recommending that an additional Scientific Officer (Landfill) post is created and that the revised structure for the Scientific Unit is adopted.

This additional resource will help to ensure that the Scientific Unit is best placed to fulfil the conditions and regulatory requirements of the Waste Management Licence relating to the North Foreshore.

### **Enhanced Roles and Responsibilities**

There is also a need for the appropriate configuration of roles and responsibilities within the Scientific Unit and the structure to ensure that the increased workload can be accommodated effectively, as detailed below.

**Scientific Officer (Landfill) existing.** In addition to the monitoring workload on this post increasing significantly, this post has also received additional responsibilities. BIS recommends therefore that the post is re-graded from Salary Scale SO1 to Salary Scale SO2 and that the revised job description for the Scientific Officer (Landfill) is adopted.

**Monitoring Assistant.** The role of this post has also grown considerably, having greater responsibility for monitoring and collection of samples. BIS recommends that the post is re-graded from Salary Scale 4 to Salary Scale 5, and that the revised job description for the post is adopted.

**Scientific Officer.** This post has also received additional responsibilities and following an assessment of these, BIS recommends that the post is re-graded from Salary Scale SO1 to Salary Scale SO2 and that the revised job description for the Scientific Officer is adopted.

### **BIS Recommendations**

There are significant implications for the Council if the above issues are not addressed as soon as possible.

Business Improvement Section (BIS) has developed the recommendations outlined below to address the key issues identified. These recommendations are based on objective analysis of the information gathered.

- An additional post of Scientific Officer (Landfill) is created.
- The post of Scientific Officer (Landfill) is re-graded from salary scale SO1 to SO2.
- The revised job description for Scientific Officer (Landfill) is adopted.
- The post of Monitoring Assistant is re-graded from salary scale 4 to scale 5.

- The revised job description for Monitoring Assistant is adopted.
- The post of Scientific Officer is re-graded from salary scale SO1 to SO2.
- The revised job description for Scientific Officer is adopted.
- The revised structure for Scientific Unit is adopted
- That BIS evaluate the effectiveness of the recommendations made in this report after an appropriate timescale

The additional costs of the BIS recommendations amounts to £35,309 with £32,978 of these costs relates to monitoring of the landfill site and £2,331 relates to the monitoring of Duncrue Industrial Estate.

### Resource Implications

#### Financial

The monitoring costs for the Landfill Site, including the £32,978 of costs relating to the additional Scientific Officer (Landfill) post and the re-grading of the Monitoring Officer, have been included in the Closure Plan estimates prepared by Waste Management and will be met from the Council's Dargan Road Landfill Closure Fund.

Additional costs of £2,331 associated with the re-grading of the Scientific Officer post carrying out monitoring duties at Duncrue Industrial Estate will be met from an increase to the monetary value of the service level agreement with the Asset Management Unit.

Furthermore, electricity generation from the North Foreshore will yield a profit of £28.7 million (£1.44 million p.a.) for Belfast City Council over a 20 year period<sup>1</sup>. Also lettings in the Duncrue Industrial Estate generate in excess of £1 million per annum.

#### Human Resource

It is anticipated that the recommendations will result in no contractual changes and there will be no Human Resource issues to be considered.

The implementation of these recommendations will be managed in line with existing BCC policies and processes.

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<sup>1</sup> Deloitte report, Landfill Gas Electricity Generation Options Assessment, Dec 2007

### **Recommendations**

**The Committee is asked to agree the BIS recommendations for the Scientific Unit as a management side position.**

**Members are asked that, if no written objections are received, the Service can proceed directly to implementation stage without further referral back to Committee.”**

The Committee adopted the recommendations.

### **George Best Belfast City Airport Forum**

(Mrs. S. Toland, Environmental Health Manager, attended in connection with this item.)

The Committee was reminded that, at its meeting on 8th October, it had deferred consideration of a report seeking the nomination of a Member to the George Best Belfast City Airport Forum to enable clarification to be obtained in relation to the procedure for the appointment of the Forum's Chairman and Deputy Chairman.

The Head of Environmental Health informed the Members that the Airport Forum, which had been in existence since 1993, was comprised of representatives from residents' groups, the Northern Ireland General Consumer Council, the Department for Regional Development, airline operators and an Elected Member each from Belfast City Council and North Down Borough Council. The Council was represented on the Forum by Councillor Newton, whilst the Environmental Health Manager acted in an observer capacity.

She reported that, in 2006, the publication by the Department for Regional Development of guidelines for use by airport consultative committees in determining the future role, composition and proceedings of forums, together with recommendations of the Examination in Public Panel, had led to an overall review of the Airport Forum. She explained that the Examination in Public had supported the need for a stronger relationship to be developed between the Forum and the aforementioned Councils, with an enhanced role being envisaged for each Council. In addition, the Forum Review Group, which had been established to review the membership of the Forum and its terms of reference, had, along with agreeing changes in community representation, recommended that the number of Elected Members from each Council be increased to two and that an additional officer be nominated to act as observer to the Forum. As a result, the Chairman of the Airport Forum had written to the Council seeking nominees.

The Head of Environmental Health informed the Committee that the George Best Belfast City Airport Forum's constitution required that its Chairman and Deputy Chairman be independent of any organisation represented on the Forum. She outlined the process for the selection of the candidates and pointed out that they should possess:

- previous experience of membership or chairmanship of public bodies;



- an awareness of matters relating to the economic importance to Northern Ireland; and
- a public profile within Northern Ireland which attracts a high level of respect across the community.

During discussion, a Member expressed the view that the Chairman and the Deputy Chairman should be appointed using a public appointments process and that expressions of interest should be sought by way of public advertisement. Clarification was sought also as to whether it was appropriate for nominations to be made through the Health and Environmental Services and Development Committees, as was being recommended, rather than using the established process for appointments to Outside Bodies.

In response, the Environmental Health Manager explained that the Forum had, during discussions, indicated that it wished the Elected Members to be appointed from the Development and the Health and Environmental Services Committees, given their relevance to the work of the Airport. She undertook to make the Airport Forum aware of the Committee's views that the appointments of the Chairman and the Deputy Chairman should be made by way of a public appointments process.

After further discussion, the Committee agreed to defer consideration of the matter to enable clarification to be obtained in relation to the process for the appointment of Members to the Airport Forum.

#### **George Best Belfast City Airport – Council Response to Planning Agreement**

(Mrs. S. Toland, Environmental Health Manager, attended in connection with this item.)

The Committee considered the undernoted report:

#### **“Relevant Background Information**

The Committee will be aware through previous reports (January 2005, May 2006, February 2007, April 2008 and June 2008) of the review of the Planning Agreement at the George Best Belfast City Airport (GBBCA) and the evidence presented at the Examination in Public (EIP) in June 2006. The Department of the Environment's Planning Service has now concluded its review of the current Planning Agreement and has written to the Council's Chief Executive on 17h October 2008 stating that it has now 'agreed and executed a modified Planning Agreement' (PA).

The Planning Service states in its correspondence that 'in reaching a decision on the modified agreement careful consideration was given to the comments received throughout the review process and those submitted in response to the consultation'.

Whilst some of the comments made by Belfast City Council appear to have been taken on board, it is proposed that the Council should seek further clarification from the Planning Service on a number of points raised in the Council's response but not addressed in the final Agreement.

### Key Issues

Summarised below are the main aspects of the final Planning Agreement, dated 14th October 2008 and, for comparison, the principal recommendations made by the Examination in Public Panel:

#### 1. New Planning Agreement 2008

##### Seats for Sale

Operators using the airport are not permitted to offer for sale on scheduled flights more than 2 million seats from the Aerodrome in any 12-month period.

##### Operating hours – the following definitions apply:

Permitted hours:	6.30am - 9.30pm local time
Prohibited hours:	9.31pm - 6.29am local time
Extended hours:	9.31pm - 11:59pm local time

Note: extended hours are only to be used in exceptional circumstances for delayed aircraft. However, no restriction shall apply to diverted aircraft at any time.

##### Aircraft Movements:

No more than 48,000 Air Traffic Movements in any 12-month period are permitted.

##### Noise Contour Monitoring

The Company shall maintain a noise control monitoring system. This is to include the generation of annual noise contours from data relating to air transport movements during a specified 3 month period (with an indicative control contour being agreed between the Company and the Department of the Environment in line with the recommendations of the EIP). Annual noise contours will be produced at 57, 60 and 63 dBA Leq (16 hrs).

##### Noise Monitoring

The Company shall install and operate an integrated noise and track keeping system as quickly as reasonably possible and in any event by 31st December 2008.

### Approaches

To maintain a bias in favour of approaches and climb-outs by aircraft over Belfast Lough. To use all reasonable endeavours to maximise the use by aircraft of approaches and climb-outs over Belfast Lough.

## **2. Principal Recommendations of Examination in Public Panel 2006, of significance to BCC**

### Operating hours

The Panel's report recommended that:

- The operating hours should remain as they are for the time being;
- A community charge be levied in respect of all post 9.30pm delayed flights and that this should be paid into a Community Fund which could be used to fund local community projects aimed at enhancing the natural and built environment in the area affected by the airport, including the provision of recreational, leisure and educational facilities. An enhanced role was suggested for Belfast and North Down Councils in terms of the management and administration of the fund and in monitoring the post 9.30pm delays.

### Airport Forum

Revised arrangements were suggested for the Airport Forum with an increased role for both North Down Borough and Belfast City Councils. Revisions have now been made and are included in a separate report.

### Air Transport Movements (ATMs)

The Panel recommended that the restriction on Aircraft Movements should not be amended but the definition of Air Transport Movements should be clarified, to include all operations at the airport (except diverted aircraft) including both landing and take-off.

### Noise

The report recommended appropriate noise monitoring systems should be introduced, noise levels should be monitored over a wider area and the airport operator should install and operate an integrated noise and track-keeping system as soon as possible. An enhanced role was suggested for Belfast and North Down Councils in terms of the scrutiny role over the noise management systems.

### Seats for Sale

The limit relating to seats for sale should be increased from 1.5 million to 2.0 million provided a proper forecasting and scrutiny system is set up and the airport operator commits to installing a noise monitoring and track-keeping system.

### Approaches

The report recommended that a bias in favour of approaches and climb outs over Belfast Lough should remain as it is for the time being pending further discussions.

The publication of the findings of the Examination in Public Panel were broadly in accordance with the views of the Council as presented at the Examination in Public. However, the final Planning Agreement does not fully reflect all the EIP recommendations.

### 3. Summary of BCC Response to Consultation July 2008

The detailed response made by the Council in July, 2008 suggested the following (comments in brackets reflect the difference between what BCC recommended and what is reflected in the final Planning Agreement (PA)):

- i. ATM's should be retained at their current limit of 45,000 in any 12 months (not reflected in final PA as ATMs raised to 48,000);
- ii. The seats for sale should only increase to 2m provided a scrutiny and monitoring process is clearly defined within the planning agreement (the scrutiny and monitoring process is not defined in the final agreement);
- iii. The obligation relating to a bias of flights over the Lough for both approaches and landings and take-offs and climb outs from the airport should be strengthened further (this is now reflected in the final PA);
- iv. The restrictions relating to hours of operation can be supported if the scrutiny and management roles are clearly defined within the planning agreement (reflected to some extent however the concern remains over the management and scrutiny of noise monitoring which is still not addressed);

- v. The Council supports the Noise Contour monitoring as defined in Part 4 of the new Planning Agreement however it would again reiterate the need to have an appropriate scrutiny and management process clearly defined within this new Planning Agreement (this is not referred to either in the final PA or the explanatory document).
- vi. In the draft planning agreement the issue of a community fund was considered to be outside its scope (the Council made the comment that it supported the EIP recommendation that an independent monitoring process is agreed with relevant parties and is written into the new Planning Agreement).

It is on points i, ii, iv, v and vi that the Council should seek additional clarification from the Planning Service.

#### Resource Implications

The Council was cited in the EIP recommendations as having a role in evaluating and auditing both the noise monitoring systems and the administration of the community fund (although the latter is not included in the final Planning Agreement). The suggested response does not argue that either role should be a responsibility of the Council. If the Council was expected to undertake additional duties, this would have resource implications and a source of funding to support such an enhanced regulatory role would need to be forthcoming. The documentation suggests that the Department of Regional Development Airports Division already has a regulatory role as does the Planning Service, in terms of monitoring compliance with this Planning Agreement and it is suggested that one of these bodies would be best placed to perform these additional functions.

#### Recommendations

It is recommended that:

- (i) The Committee responds to the final planning agreement by seeking clarification from the Planning Service on how the points listed above and in the Council response of July 2008 were taken into account;
- (ii) The Committee draws the attention of the Planning Service particularly to its concerns regarding noise monitoring and asks why the issue of an appropriate scrutiny and management process has not been clearly defined within either the Planning Agreement or the accompanying Explanatory Document;

- (iii) **The Committee again draws the Planning Service's attention to the recommendations within the EIP relating to changes that should be effected within this revised Planning Agreement, and in particular that the independent panel advised that as all of the issues raised were interdependent they should be adopted in their entirety (Paragraph 2.2.2 and 7.1.1 EIP June 2006). It is also recommended that attention should be drawn to the recommendations of the EIP in respect of a levy against late night flights and the administration of a potential community fund."**

During discussion, several Members expressed concern at the failure by the Planning Service to take into account many of the points which had been highlighted within the Council's response to the draft Planning Agreement.

The Committee adopted the recommendations and agreed that the Planning Service be requested to clarify how issues surrounding the scrutiny and management of noise and the setting of noise contours, for which no timeframe had been provided, would be resolved.

#### **Appointment of Association of Port Health Authorities**

The Head of Environmental Health informed the Members that the Council was a corporate member of the Association of Port Health Authorities which sought to deliver consistent and effective port health services across the United Kingdom. The Association liaised with government, trade and international bodies and contributed significantly to policy development at both national and international level. It played also an important role, through its technical committees, in keeping its members up-to-date with all legislation and guidance.

She explained that the Council had, through nominated Members and officers, played a major role in the governance of the Association and pointed out that Councillor Adamson served currently on its Executive Board. She reported that the position of Vice-President of the Association was vacant currently and that the Council had been invited to nominate an Elected Member for consideration for appointment to this position at the Executive Board Meeting which was scheduled to take place on 10th December. She outlined the duties associated with the role and pointed out that the appointment would require attendance at approximately four meetings in London per year, together with a number of events. The cost to the Council would be in the region of £1,500. Accordingly, she recommended that the Committee nominate a Member to be considered for election to the post of Vice-President of the Association of Port Health Authorities.

After discussion, Councillor Adamson was proposed by Councillor Rodgers and seconded by Councillor Kyle, while Councillor Mullaghan was proposed by Councillor N. Kelly and seconded by Councillor O'Reilly.

On a vote by show of hands, six Members voted for Councillor Adamson and six for Councillor Mullaghan. There being an equality of votes, the Chairman exercised his second and casting vote in his own favour and, accordingly, Councillor Mullaghan was nominated for consideration for appointment to the post of Vice-President of the Association of Port Health Authorities.

### **Local Authority Pollution Prevention and Control Function Audit Report**

The Head of Environmental Health informed the Committee that Councils, in conjunction with the Industrial Pollution and Radiochemical Inspectorate, delivered Pollution Prevention and Control functions in order to control emissions arising from industrial processes. She reported that, as was the case with a number of the functions which were undertaken by the Environmental Health Service, a variety of quality control methods were used to ensure that services provided by Councils were effective and efficient. One such method involved the conducting of inter-authority auditing, whereby one Council or Group Environmental Health Service assessed the activities of another against an agreed standard.

She explained that, as part of an initiative which had been piloted in 2008 by the Chief Environmental Health Officers' Group, one Council from each of the four Environmental Health Group areas, together with Belfast City Council, had been selected for audit on the basis that they were responsible for a reasonable range and number of regulated industrial processes. The Councils were then audited against a number of agreed standards, based upon the most recent audit of industrial pollution work in Great Britain. She informed the Members that the Pollution Prevention and Control auditing process had been designed to reflect compliance with regulatory service requirements and actions which were representative of best practice in the delivery of these functions and had involved discussions with lead officers, together with an examination of premises files and other documentation. An extensive questionnaire, which covered all aspects relating to the provision of the Industrial Pollution Prevention and Control function, had been completed also. An audit report had been published subsequently which had indicated that the function was being carried out by the Council's Environmental Protection Unit to a consistently high standard and that the specialism of the officers concerned had contributed to the development of a strong commitment to service quality. She advised that a number of recommendations and subsequent improvements had been made in relation to the updating of risk assessments, the reviewing of pro-formas and in relation to notice documentation and recording procedures.

Noted.

### **Review of the Council's Industrial Pollution Enforcement Policy**

The Committee was reminded that, for a number of years, Local Authorities had been responsible for the control of pollution arising from the operation of industrial processes. The Head of Environmental Health explained that, prior to the introduction of the Industrial Pollution Control (Northern Ireland) Order 1997 and, subsequently, the Pollution Prevention and Control Regulations (Northern Ireland) 2003, the Council had

undertaken primarily a reactive role in dealing with pollution caused by industrial processes. However, as a result of this legislation, operators of designated industrial processes with a potential to pollute air, land or water were required to apply for a permit which would impose conditions on the operation of the process in order to ensure a high level of environmental protection. She reported that, to date, approximately 83 premises in the City had obtained permits from the Council under the terms of the legislation. These related primarily to petrol stations, the storage and processing of coal and cement, timber storage and manufacture, the treatment of animal and vegetable matter and the coating of vehicles. She added that, during 2007/2008, the Council had collected approximately £30,000 in fees arising from the issuing of permits for prescribed processes.

The Head of Environmental Health informed the Members that, in 2004, the Council had adopted a general enforcement policy, similar to that which had been published in 1998 by the Cabinet Office and the Local Government Association, in order to address all environmental issues and enforcement functions across the City. She explained that, in the following year, it had been realised that a more detailed policy to deal specifically with industrial pollution control was required which would advise operators of installations of the decision framework to be applied in determining which powers, if any, would be used to enforce the requirements of the legislation. The policy had set out also the principles under which the Council would seek to carry out its powers and duties efficiently under the legislation in a way in which was clear to businesses. She explained that the phased replacement of the Industrial Pollution Control (Northern Ireland) Order 1997 by the Pollution Prevention and Control Regulations (Northern Ireland) 2003 had necessitated the updating of this policy. She outlined the main changes which had been made and, accordingly, recommended that the Committee approve the revised Industrial Pollution Enforcement Policy, a copy of which was available on the Modern.gov Intranet site.

The Committee adopted the recommendation.

#### **Tender for the Collection and Analysis of Samples from Dargan Road Landfill Site**

The Head of Environmental Health informed the Committee that the Environmental Protection Unit provided monitoring and sampling services at the North Foreshore in order to ensure that the Council complied with relevant legislation and its duty of care in respect of landfill gas and other discharges through leachate. The Unit undertook also a regular programme of sampling for a range of parameters at the Dargan Road Landfill Site. The samples were collected on a monthly, quarterly and annual basis and forwarded to a specialised laboratory for detailed analysis for a number of indicator parameters. The resultant trends were monitored subsequently to determine their compliance with the requisite legislation.

She reported that the current contract for the analysis of the samples was due to expire and, accordingly, she sought the Committee's approval for the commencement of a tendering exercise for the provision of that service. The tenders would be evaluated on the basis of 70% quality and 30% cost and would take into consideration cost, service delivery, experience, ability to work in partnership and technical capability and capacity.



The contract would be awarded initially for a period of one year, with an option to extend for a further year, subject to satisfactory performance, and would cost in the region of £45,000 per annum, provision for which had been made within the Waste Closure Plan.

The Committee granted the approval sought.

### **Suzy Lamplugh Trust National Personal Safety Awards**

The Head of Environmental Health informed the Committee that the Suzy Lamplugh Trust organised annually a Personal Safety Awards Scheme which sought to encourage individuals and organisations throughout the United Kingdom to improve personal safety awareness. She explained that the categories within the Awards Scheme included Safer Communities, Safer Schools, Safer Workplaces and Personal Safety Champion and stated that the winners in each category would be announced at the Trust's Annual Fundraising and Awards Dinner which would be held on 15th November in London.

She reported that the Community Safety Wardens had been nominated in the Safer Community category by an officer from the Community Safety Team and that the Council had been informed that they had been one of two nominations which had been shortlisted for an award. She advised that winners in each category would be listed in Suzy Lamplugh Trust Publications and on the organisation's website, be entitled to access discounted training rates for one year from the Trust and use the Trust's logo on its publications. The cost associated with attendance at the awards ceremony would be approximately £285 per person.

The Committee agreed that it be represented at the Suzy Lamplugh Trust National Personal Safety Awards by the Chairman (or his nominee) and a Community Safety Warden.

### **Building Control**

#### **Naming of Streets**

The Committee approved the undernoted applications for the naming of streets in the City which did not conflict with existing approved street names and to which the Royal Mail had offered no objections:

<b><u>Proposed Name</u></b>	<b><u>Location</u></b>	<b><u>Applicant</u></b>
Flax Mews	Off Flax Street BT14	Flax Housing Association Limited
Rosehead	Off Ardilea Street BT14	North and West Housing Group
Rosehead Drive	Off Ardilea Street BT14	North and West Housing Group
Wolfhill Link	Off Ligoniel Road BT14	V W P Architects

**Application for the Erection of a  
Dual-Language Street Sign**

The Building Control Manager reported that the undernoted application to erect an additional street nameplate in a language other than English had been received by the Council:

<b><u>Street Name</u></b>	<b><u>Proposed Second Street Name</u></b>	<b><u>Language</u></b>
Ardmonagh Parade, BT11	Paráid Ard na Móna	Irish

He explained that, in accordance with Council policy, a survey had been conducted which had ascertained that in excess of 66.6% of the residents of the street had been in favour of the above-mentioned second street nameplate. Accordingly, he recommended that the erection of the nameplate be authorised.

The Committee adopted the recommendation.

**Extension of Vacant Property Rating Project**

The Committee was reminded that, at its meeting on 8th October, it had been advised that the Building Control Service, together with three other Councils, had undertaken on behalf of the Land and Property Services agency a survey which had indicated that 51% of those properties which had been reported as being vacant had, in fact, been occupied. Arising from the survey, the Agency had requested all twenty-six Councils in Northern Ireland to undertake inspections of those premises which had been reported as being vacant. In relation to Belfast, it had estimated that there were in excess of 10,000 domestic and 2,000 non-domestic unoccupied properties which were comprised of newly-registered properties and those which had been reported previously as being vacant. Accordingly, the Committee had agreed that the Building Control Service undertake until 30th November, on behalf of the Land and Property Services agency, the inspection of those premises in the City which were listed as being vacant and had authorised the Head of Building Control to negotiate with the Agency to extend the agreement beyond that date on the same cost recovery basis.

The Building Control Manager reported that the Agency had confirmed subsequently that all of the Councils could undertake until the end of the current financial year inspections of those premises which had been reported as being vacant. He explained that the Service had deployed fourteen officers on both a full-time and part-time basis to carry out these inspections and had recruited an additional forty casual members of staff. He pointed out that, to date, approximately 2,000 properties had been inspected of which approximately 42% had been shown to be occupied, the details of which had been forwarded to the Land and Property Services agency. He reported that the Service would seek to process as many of these properties as possible before 30th November, which represented the cut-off date for the calculation of the estimated Penny Rate Product. Accordingly, he recommended that the Committee grant approval to the Building Control Service to undertake on behalf of the Land and Property Services agency the inspection of those premises which were listed as being vacant, until:

- (i) the list of premises was exhausted; or
- (ii) the end of the current financial year; or
- (iii) difficulties in identifying the premises rendered the exercise no longer viable financially.

The Committee granted the approval sought.

### **Cleansing Services**

#### **Street Cleansing Index**

The Committee considered the undernoted report:

##### **“Relevant Background Information**

The figures presented in this report cover the second quarter of the financial year i.e. the period from July 2008 to September 2008. Monitoring figures were measured by Cleansing Services Quality Officers. Enforcement, and Education and Awareness information was supplied by the Customer Support Service, and the Community Awareness Section within Cleansing Services, who were responsible for these functions over the period concerned.

The monthly monitoring programme consists of a random 5% sample of streets throughout the city being inspected and graded. From the grading, a Street Cleanliness Index is calculated and plotted for the various areas of the city, and the city as a whole.

The index range is from 1 to 100, with a Cleanliness Index of 67 being regarded as an acceptable standard by Tidy NI. The results show the trends on a month to month basis. To alleviate the influence of spurious results on the overall index, the results are averaged over the last 4 surveys. Spurious results may occur for reasons such as adverse weather conditions, seasonal problems etc.

##### **Key Issues**

The overall city wide cleanliness index for this quarter is 72. This is the same as the previous quarter's cleanliness index of 72. The index for the same period in the previous year was 69.

The breakdown by individual area is as follows:

##### **North**

The North Cleanliness Indices for July 2008 to September 2008 were 72, 70 and 69 respectively. This represents an increase for

July (up 4), August (up 2) and September (up 2), by comparison to those figures for the same period in the previous financial year viz. 68, 68 and 67 respectively.

These figures represent a good level of cleanliness for the area.

#### South

The South Cleanliness Indices for July 2008 to September 2008 were 74, 75 and 77 respectively. This represents a similar score for July and an increase for August (up 8), and September (up 8) by comparison to those figures for the same period in the previous financial year viz. 74, 67 and 69 respectively.

The area is maintaining a consistently very good level of cleanliness.

#### East

The East Cleanliness Indices for July 2008 to September 2008 were 75, 76 and 73 respectively. This represents an increase for July (up 5), August (up 1), and September (up 5), by comparison to those figures for the same period in the previous financial year viz. 70, 75 and 68 respectively. The area is maintaining a consistently very good level of cleanliness.

#### West

The West Cleanliness Indices for July 2008 to September 2008 were 71, 72 and 67 respectively. This represents an increase for July (up 4) and August (up 5), and a similar score for September, by comparison to those figures for the same period in the previous financial year viz. 67, 67 and 67 respectively.

These figures represent a consistently good level of cleanliness for the area.

#### Central

The Central Cleanliness Indices for July 2008 to September 2008 were 74, 70 and 68 respectively. This represents an increase for July (up 6), and a decrease for August (down 4) and September (down 5), by comparison to those figures for the same period in the previous financial year viz. 68, 74 and 73 respectively.

Changes in the levels of litter have contributed to the reduction in scores over this period e.g. in August, Smoking related litter rose by 9% and Fast Food related litter rose by 21%. In September,

Confectionary related litter rose by 26%, Smoking related litter rose by 39% and 'Other' related litter (e.g. papers, elastic bands, cardboard etc) rose by 23%.

These figures however still represent a good level of cleanliness for the area.

#### Complaints/Enquiries

There were 1315 complaints/enquiries regarding street cleansing during the quarter (by comparison to 1165 last quarter).

There were 7 Corporate Complaints (7 Stage One, 0 Stage Two and 0 Stage Three) during the quarter – none of which related to street cleansing.

#### Enforcement

There were 432 Fixed Penalty Notices issued under the Litter (NI) Order 1994, and 78 summonses issued. In addition 136 Article 20 Notices were issued requesting information.

#### Community & Education Projects

During the last quarter, the Community Awareness Team organised 26 cleanups involving 760 volunteers.

The team has attended a number of summer scheme activities during the quarter involving 533 participants. The team also attended the Biodiversity day at Belfast Zoo, Queens Freshers day and the Garden gourmet event in Botanic gardens.

#### Resource Implications

There are no financial, human resources, asset or other implications in this report.

#### Recommendation

**The Committee is requested to note the contents of the report.”**

The Committee adopted the recommendation.

#### Anti-Litter Campaign Update

(Ms. J. Greene, Community Awareness Manager, attended in connection with this item.)

The Community Awareness Manager reminded the Committee that the Council had, for a number of years, organised a campaign in order to increase public and media awareness of litter-related issues. She reported that the campaign had been highly

successful and, importantly, had resulted in a 19% reduction in the number of people admitting to engaging in littering. She explained that the next phase of the campaign, which would be based around the logo "Litter get a Grip", had just commenced and that it would seek to target specifically the most problematic litterers, namely, 18-35 year olds, smokers and those persons who chewed gum. She pointed out that there had been a high recognition in previous phases of the anti-litter campaign of the effectiveness of television and outdoor advertising as a means of communicating the anti-litter message. As a result, two advertisements each of thirty seconds in length focusing on cigarette litter and chewing gum would be aired at regular intervals on UTV. She added that outdoor advertisements at bus-stops and phone-boxes, targeting cigarette, gum and fast-food litter would be used also as part of the campaign, together with press releases and the distribution in the City centre of small receptacles for the disposal of cigarettes and chewing gum. The new campaign would be communicated also by the Community Awareness Team through communities, schools, the general public and businesses.

After discussion, during which the Members commended the work of the Community Awareness Team, the Committee noted the information which had been provided.

### **Waste Management**

#### **arc21 Supplemental Agreement**

The Committee was reminded that, at its meeting on 6th August, it had been advised that, prior to the commencement of the project for the procurement of the infrastructure required for the treatment of residual waste, it had been considered necessary for arc21 to incorporate within its existing Terms of Agreement a number of express legal terms as part of a supplemental agreement in order to clarify the rights and obligations of participant Councils. The Head of Waste Management outlined the main elements of the supplemental agreement, which had been drafted by arc21's legal advisors under the guidance of the Council's Director of Legal Services. He reported that the document had on 25th September been agreed by the arc21 Joint Committee and had been referred to each of the constituents Councils for their approval.

After discussion, the Committee adopted the arc21 supplemental agreement, a copy of which was available on the Modern.gov Intranet site.

#### **Award of arc21 Organic Waste Treatment Service Contract**

The Committee considered the undernoted report:

##### **"Relevant Background Information"**

**This report has been prepared in relation to the award of the arc21 Organic Waste Treatment Service Contract and follows on from the Joint Committee consideration and approval of contract award at its recent meeting on 9 October.**

Members may recall the arc21 Organic Waste Treatment Service Contract Tender Report was brought to the September 2006 meeting of the Joint Committee which was followed by a further Addendum Tender Report presented to the December 2007 Joint Committee meeting, on foot of the Judgement of Deeny J in the Queens Bench Division of the High Court of Justice.

The decision of the Joint Committee at its December 2007 meeting was that, *'subject to financial close and securing appropriate confirmations from NWP, the tender is awarded to NWP'* and that *"the recommendations are then considered as soon as possible by each Council in accordance with the requirements of the arc21 Terms of Agreement"*.

This decision was communicated forthwith to all bidders together with the relevant advantages of the winning bid in comparison to their offers, as required under The Public Services Contracts Regulations 1993 (the governing Regulations, being those extant at the time of dispatch of the Contract Notice). None of the bidders requested any further information.

Subsequent to the decision of the Joint Committee, appropriate confirmations have been received, financial close has been achieved and the final details of the contract documentation agreed. The Council's Legal Services Department is currently completing the administrative task of drawing together the appropriate bundles of documents and preparing the schedules for signature and this work is now almost complete and ready for arc21 to sign the documents.

Accordingly, following approval of the arc21 Joint Committee and its referral to the constituent councils, it is proposed that the Council approves the Joint Committee decision to award the Organic Waste Treatment Service Contract to Natural World Products Ltd (NWP).

The following contractual issues were highlighted in the September 2006 Organic Waste Treatment Service Contract Tender Report to the arc21 Joint Committee and are revisited for clarity:

**'3     Contractual Issues**

**3.1     *Tender Documents***

*The main elements of the tender documents are as follows:*

**3.1.1   *Service Delivery Plan***

*The specification was designed as an output specification requiring Tenderers to demonstrate through a Service Delivery Plan, how the Client's requirements would be met.*

*The documents specified the minimum requirements to be included in each section of the Service Delivery Plan and the fact that the Plan would be incorporated as a binding contractual requirement in any tender accepted.*

### **3.1.2 Specification**

#### **Organic Waste Treatment Service Contract Summary**

##### **Objective:**

- 1. To provide an Organic Waste Treatment Service to assist arc21 in meeting recycling targets and the requirement to divert materials from landfill.**

##### **Elements include:**

- Feedstock material delivered from kerbside collections, primarily commingled (Type 2). Material in a separate stream collected at Civic Amenity Sites (Type 1) will also be presented. Materials will comprise single stream and commingled source segregated organic kitchen and garden waste.**
- Individual Councils deliver kerbside collected waste and Civic Amenity waste to the Contractor's facilities.**
- Compliant bid to utilise the three offered Council sites located within Antrim, Belfast and Down**
- Option to include alternative bids subject to the inclusion of a compliant bid.**
- Contractor may offer start up arrangements to process material in advance of the permanent facilities becoming operational.**
- Planning risk with arc21, the Contractor having to comply with reasonably foreseeable planning conditions and with contractual arrangements in place for termination without fault and compensation of agreed costs in the event of planning refusal.**
- Permitting risk with Contractor.**
- Council sites offered are included as a catalogue with the tender documents, provided without prejudice.**
- Recognized Quality Standard specified for output material to ensure landfill diversion and sale of outputs.**
- Contractor to market outputs.**



### **3.1.3 Conditions of Contract / Pricing Mechanism**

- **Single service contract for all facilities.**
- **Gate fee contract to provide capacity from the processing facilities.**
- **Gate fee banded by tonnage for input materials.**
- **Year on year price indexation arrangement.**
- **Profit sharing mechanism should the market value of outputs rise dramatically.**
- **Minimum tonnage guaranteed by the Client (80% of projections).**
- **Minimum feedstock quality guaranteed by the Client (Maximum 10% contamination in any one load – Maximum 5% overall annual average).**
- **Projected tonnages and material streams as per arc21 Waste Management Plan and agreed with each Council.**
- **First three years tonnages to be agreed with the successful contractor to allow Council roll-out of brown bins to match treatment capacity coming on-line.**
- **Exclusivity clause requiring all relevant organic kitchen and garden waste feedstock to be committed to the contract.**
- **Contract duration of fifteen years, with optional extensions of one-year blocks subject to six months advanced notice being given.**
- **Cost of a bond to the value of £100,000 to be included as an option to be taken up at the Client's discretion.**

### **3.1.4 Other Issues**

- **Where a Council delivers less than their guaranteed tonnage resulting in arc21 failing to deliver the guaranteed tonnage to the Contractor, then the Council will be expected to make a payment at the prevailing rate...'**

### Rates and Prices

The Organic Waste Treatment Service Contract allows for annual indexation (RPI04) of the gate fees to enable the contractor to recover inflationary increases in its operating costs over the life of the contract. The first indexation was due at October 2007 and the second is due at October 2008. This makes the Type 1 October 2008 price £34.74 (up from £31.75 in 2006) and the Type 2 October 2008 price £44.69 (up from £40.85 in 2006).

The contract did not allow for construction indexation as contractors were required to absorb planning delay (up to a 2 year long-stop) and obviously their own construction time was at their own risk (but with a contractual requirement to complete construction within 18 months of planning permission being granted).

The contract did not contemplate any other construction cost escalation as a legal challenge was not foreseen. As matters have turned out however, there has been 14 months of delay and construction cost escalation that was not contemplated by the contract. arc21 have a duty to act fairly and reasonably in the administration of the contract and accordingly have taken expert legal and financial advice on this issue. This has resulted in a one off increase of £0.90 in the price of Type 1 and £1.12 in the price of Type 2 being deemed fair and reasonable in the circumstances and makes the final October 2008 contract Type 1 price £35.64 and Type 2 price £45.81.

### Tonnage and Start-up

The contract allows for up to 2 years for arc21 to achieve planning permissions on all three sites (treatment plant, Antrim transfer and Down transfer) and then requires the contractor to have completed construction of all the new facilities in their bid by the end of 18 months from the granting of the last of the three arc21 planning permissions.

The date on which service commences is the date on which the contractor receives the first material from arc21 for processing after all the arc21 member councils have approved the award. The service adjustment date is the date on which all the new facilities in the bid are fully operational. The start-up period is then the period between the service commencement date and the service adjustment date.

On the basis that achievement of planning permission on all three sites takes between 6 months and 2 years from present day, the start-up period will last between 2 and 3 ½ years (i.e. 18 months after grant of the last planning permission).

During the start-up period, the tonnage is to be progressively agreed between arc21 and the contractor as progress with planning permissions and construction programmes becomes clear with a presumption that the contractor will make available as much capacity in excess of 40,000 tonnes as it can, based on planning permissions and its construction programme and that councils will endeavour to fill the available capacity, based on expiry of their current commitments and roll-out of brown bins and food waste collections.

Once the start-up period has ended and the service adjustment date has been reached, the contractual commitment on councils is to supply all their source segregated organic waste to the contract with a minimum commitment of 80% of the council figure in the contract.

### Key Issues

Regarding the award of the Organic Waste Treatment Services Contract, arc21 has now received appropriate confirmations and financial close has been achieved and the final details of the contract documentation agreed. The Council's Legal Services Department is currently completing the administrative tasks and preparing the schedules for signature and this work is now almost complete.

Accordingly, the Joint Committee confirmed its decision to award the tender to NWP and that the recommendations contained within the arc21 Joint Committee report are then considered as soon as possible by each Council in accordance with the requirements of the arc21 Terms of Agreement and that in so doing each council resolve to:

- Agree the award of the contract to NWP and inter alia,
  - Deliver source segregated organic waste to the contract and pay arc21 at the appropriate rate per tonne,
  - Provide source segregated organic waste exclusively to the contract,
  - During the start-up period, to endeavour to fill the available capacity, subject to expiry of current commitments and appropriate roll-out of brown bins and food waste collections,
  - After start-up, to provide a minimum of 80% of projected tonnage and

- To provide source segregated organic waste with no more than 10% contamination in any one load and no more than 5% overall annual average contamination.

### **Resource Implications**

Members will be aware that a report was approved by Committee to include kitchen waste within the brown bins, in accordance with the Council's Waste Plan. The award of the above contract provides a treatment facility which can appropriately treat both co-mingled kerbside collected waste (Type 2) and Recycling Centre waste (Type 1), both of which count significantly towards meeting the Council's obligations under the Northern Ireland Landfill Allowances (NILAS) Regulations due to their high organic content. The cost to the Council of treating these wastes is likely to be in the region of £690,000 for 2009/10.

This compares with a figure of £888,000 should this material be directed to landfill, and this figure would increase further to approximately £1 million pounds in 2010/11 with the increase in the landfill tax escalator.

Members will be aware that as part of the Council's Waste Disposal Financial Strategy, allowance has been made in previous years' revenue estimates to limit the impact on the ratepayers of the enormous step increases in waste disposal cost which were forecast to be incurred between 2006-2010. In the interim period, the additional financial provision has been used by the Council to fund non-recurring projects across the Council. As the actual increased waste disposal costs are incurred, such as the commencement of the Organic Waste Treatment Service Contract, the funding previously used for these projects is transferred to the operational waste disposal costs without additional impact on the ratepayer.

### **Recommendations**

The Committee is requested to adopt the confirmed decision of the arc 21 Joint Committee and to agree the award of the Organic Waste Treatment Services Contract to NWP and inter alia:

- To deliver source segregated organic waste to the contract and pay arc 21 at the appropriate rate per tonne
- To provide source separated organic waste exclusively to the contract
- During the start up period, to endeavour to fill the available capacity subject to expiry of current commitments and appropriate roll out of brown bins and food waste collections

- After start up, to provide a minimum of 80% of projected tonnage
- To provide source segregated organic waste with no more than 10% contamination in any one load and no more than 5% overall annual average contamination.”

The Committee adopted the recommendations.

### Review of Operation Clean-up

The Committee considered the undernoted report:

#### “Relevant Background Information

Operation Clean Up is a Community Safety multi-agency partnership initiative between the Council, the Northern Ireland Office’s (NIO) Community Safety Unit, the Police Service of Northern Ireland (PSNI), the Driver & Vehicle Licensing Northern Ireland (DVLNI, now DVA) and the Fire & Rescue Service. The scheme commenced in November 2004 and sought to (a) reduce and prevent criminal and antisocial behaviour by removing ‘runaround’ cars from public roads and (b) reduce the number of unlicensed (and potentially uninsured) vehicles on the road. ‘Runaround’ cars are usually low value vehicles which are untaxed (for more than three months), uninsured and are also disproportionately involved in traffic accidents and criminal activities.

Approval was initially granted by the Committee in May 2004 to support the initiative through the provision of land at Duncrue for the construction of a vehicle storage compound and to make a financial contribution to running costs if required.

The main funders of the scheme were the NIO, the PSNI and the Council. The Council’s contribution was (i) the provision of a site at Duncrue for the vehicle storage compound and (ii) administration of the ‘*Management of the Vehicle Storage Compound*’ contract and disposal of the unclaimed vehicles.

The scheme was officially due to finish on 30 April 2007. As it was seen to be effective however the partnership agreed that the scheme should continue, albeit the NIO stated that funding would be reduced. Although the scheme was partly self-financing it could not be sustained at its prevailing level without considerable additional funds. At the 12 March 2007 meeting, and following receipt advice from the Council’s Legal Services Department, the partnership agreed that the scheme should reduce its hours of operation while funding options were investigated by the Police Retraining & Rehabilitation Trust (PRRT).

The PRRT study sought to identify possible partners and funding mechanisms for the continuation and further development of the scheme but, without considerable funding from the individual partners and a guarantee of a steady number of vehicles it was recognised as not being feasible.

In further discussions with the partners another option was identified using the national contract of the Driver & Vehicle Agency (DVA) which could be used to remove untaxed vehicles from public access areas. The DVA has a contract with NCP Ltd to identify, clamp and remove untaxed vehicles. As there is considerable under-utilised capacity in the scheme it was agreed by the partnership that the PSNI and the Council could use the scheme. Instead of the PSNI arranging pickup of untaxed/runaround vehicles they would notify NCP who would clamp the vehicles or remove them immediately. NCP have three compounds for the storage of vehicles in NI which they manage in a similar manner to the Council vehicle compound at Duncrue.

To test this proposal a two week pilot (Operation Evader) was carried out in the Belfast area during which 320 vehicles were clamped or lifted. The PSNI identified untaxed vehicles and reported them to DVA and NCP. During the pilot the vehicles were either dealt with that day, or immediately thereafter if they were detected after 6 pm. The trial was a success and could be considered as a template of good practice with no major problems being experienced and no assaults on the police or NCP staff.

#### Key Issues

The current Operation Clean Up scheme was due to finish on 30 April 2007. As the partnership was eager for it to continue however it was operated at a reduced level to permit an investigation to be conducted into other possible funding mechanisms. The NIO indicated that they might provide reduced funding over the next three years. This funding would not permit the scheme to operate at the level it had achieved between 2004 and 2007.

Between 1 November 2004 and 30 April 2007 Operation Clean Up removed 6357 runaround vehicles, 4085 of which were destroyed. These were vehicles which had been associated with creeper burglaries, vehicle arson, filling station drive offs and hit-and-run collisions. During this time, the number of abandoned vehicles which the Council dealt with dropped from approximately 1500 to 250 vehicles per year. Removing the vehicles earlier meant that fewer vehicles were being abandoned after they had served their purpose. This indicated that many abandoned vehicles which the Council had previously addressed were runaround vehicles before their abandonment.

The Operation Clean Up scheme is widely recognised as good practice and it received an International Community Policing Award in 2005 and a NI Best Practice Award in 2008.

Since Operation Cleanup started, the DVA has established a national contract for dealing with untaxed vehicles which resulted in NCP Ltd being given authority to clamp and remove vehicles from public access areas. In NI, this contract has spare capacity and could be extended to deal with all reports of untaxed vehicles from the police. This would include runaround vehicles and vehicles which have been abandoned but are still capable of being driven on the public road. It would therefore be able to deal with all vehicles currently being lifted under Operation Clean Up. It is therefore proposed that the partnership will continue to run Operation Cleanup until the end of the 2008 calendar year and thereafter the Council would sign up to Operation Evader. At this time, the NIO Community Safety Unit will stand down from the Steering Group as no further funding is required for this scheme.

A schedule for Operation Evader will be established to ensure the scheme works in each of the police districts in NI on a rotational basis for one week per cycle. From initial discussions within the partnership and based on the premise that there are two police districts within Belfast, the Council would be scheduled to have NCP clamping and removing cars for two weeks in every eight week cycle.

NCP have three compounds in NI which negates the need for the Operation Cleanup compound at Duncrue. Upon cessation of Operation Cleanup at the end of the calendar year, this would permit the Council to consider other options for the site.

The partnership remains committed to overseeing the new clamping and removal scheme and is eager to maintain regular contact with the Council on the new scheme. The organisations within the partnership have asked the Council's Waste Management Service to continue to chair it on a regular basis.

#### Resource Implications

There are no financial resource implications for the Council. The vehicles will be lifted by DVA under their national contract at no charge to the Council or PSNI.

A Steering Group, made up of representatives from each of the partnership organisations, will continue to meet but it will be reduced to a six monthly basis. The Council has been asked to continue to chair this group.

The vehicle compound at Duncrue will no longer be required for Operation Cleanup and will therefore become available to the Council for other purposes.

### **Recommendations**

The Committee is recommended to terminate Operation Cleanup on 31 December 2008 and to endorse supporting the DVA scheme (Operation Evader) from 1 January 2009.

The Committee is also asked to approve the Council's commitment to the new scheme in its role as Chair of the new partnership."

After discussion, the Committee adopted the recommendations.

### **Upgrade of the Fire Alarm System at Duncrue Complex**

The Head of Waste Management reminded the Committee that the Duncrue Complex was the main operational base for several of the Council's services. He reported that the current fire alarm system had been installed in 1976 and pointed out that, whilst some areas of the Complex had been upgraded subsequently to include an automatic detection system, this had not been implemented over the entire site. He explained that this system operated by fitting detectors which activated the fire alarm system upon detecting smoke or heat. He pointed out that, although the installation of such a system was not a legal requirement, it was a normal feature in similar-sized sites and would reduce the health and safety risk to staff. Accordingly, he sought the Committee's approval for the commencement of a tendering exercise for the upgrade of the fire alarm system at the Duncrue Complex. The tender would be evaluated on the basis of 70% cost and 30% quality and would take into consideration cost, experience, ability to work in partnership, financial capacity and technical capability. The cost of upgrading the system would be in the region of £60,000 and would be met from within the Waste Management Service's budget.

The Committee granted the approval sought.

### **Development of Clara Street Civic Amenity Site**

The Committee was reminded that, in 2003, the Council had initiated a programme for the development and upgrade of a number of Civic Amenity Sites, together with the construction of three modern Recycling Centres at Alexandra Park, Blackstaff Way and Palmerston Road. The Head of Waste Management explained that the new facilities had been developed by the Council in order to meet new national and EC targets by changing the emphasis from places where the public could dispose simply of their household waste into centres primarily for recycling and the diversion of waste from landfill.



He informed the Members that, in February, 2004, as the new Recycling Centres were being developed, a review of operational requirements at Civic Amenity Sites which had been conducted simultaneously by the Business Improvement Section had made a number of recommendations. As a result, some of the Sites had been designated for temporary or longer term use, whilst others had either been closed and transferred to the Cleansing Services Section for use as mustering stations or referred to the Development Department's Estates Unit. The Business Improvement Section had recommended that the Clara Street Civic Amenity Site should continue to operate but that it would need to be updated considerably. He made the point that the upgrading of the Ormeau and Palmerston Road Recycling Centres had necessitated the Clara Street Civic Amenity Site remaining open to receive general waste. To facilitate this increased use by the public, it had been proposed that the Site would be upgraded in two phases. Phase one had included a new internal layout and the installation of compactors to increase handling capacity, whilst Phase two would involve considerable construction work which would require planning permission. A planning application had been submitted but, due to the changing nature of land use in the Clara Street area, the Planning Service was now seeking specific environmental studies to be conducted prior to completing its consideration of the application.

The Head of Waste Management reported further that the Ormeau and the Palmerston Road Recycling Centres had now been completed and were both fully operational. He explained that the upgrade of the Clara Street Civic Amenity Site had been included within the current year's Capital Programme as a "project not yet committed". Under the Council's Gateway Review process, an economic appraisal was, therefore, required in order to explore the various options and determine which represented the best value-for-money option for this site. He pointed out that the appraisal would be undertaken by way of a quotation process which would be conducted in conjunction with the Council's Project Management Unit and would cost in the region of £10,000.

The Committee noted the information which had been provided.

#### **The Landfill Allowances Scheme (Amendment) Regulations 2008**

The Committee considered the undernoted report:

#### **"Relevant Background Information**

**The aim of the EC Landfill Directive is to harmonise landfill management and improve environmental controls within the European Community through the establishment of a series of targets and using 1995 as the base year for their calculation. The targets are binding and established specific limits for Member States on the amount of Biodegradable Municipal Waste (BMW) which they can send to landfill. The UK sought a four year derogation meaning the target years are 2009/10, 2012/13 and 2019/20. In 2003, the Government introduced the 'Waste Emissions Trading (WET) Act' which allocated limits on the tonnage of BMW which councils could send to landfill per annum on a council-by-council basis in England and Wales through the**

establishment of the landfill allowance trading scheme (LATS). Should a council breach its allocation a civil financial penalty of £200 per tonne could apply for every tonne over a council's BMW 'allowance' unless they could demonstrate they had used 'best endeavours' to prevent this breach.

On 1 April 2005, the Northern Ireland Landfill Allowances Scheme (NILAS) Regulations were introduced using the same mechanism as established under the WET Act to translate the EC Landfill Directive targets into annual allowances for each council in Northern Ireland. The NILAS allowances are the local equivalent to LATS and through collaboration and the joint procurement of new waste treatment and disposal facilities the three waste management groups assist their constituent councils in meeting these NILAS targets.

Shortly after the Regulations were introduced, the NILAS Implementation Steering Group was established to maximise the possibility of Northern Ireland meeting the EC Landfill Directive targets. The group is a partnership between councils and central government and comprises of representatives from the waste management groups, officers from the Department of the Environment's (DOE) Planning & Environmental Policy Group and the NI Environment Agency.

As part of the Steering Group's work programme a review of NILAS was scheduled for completion by the end of the third year of NILAS operation. This was completed in April 2008 and considered the results arising from a recently completed waste compositional study for Northern Ireland, commissioned by the DOE in 2007. The study was developed to be comprehensive, representative and robust and included such factors as seasonality, population density and socio-economic variation. It concluded that the percentage of BMW within Northern Ireland Municipal Solid Waste (MSW) is 64%.

Currently, Regulation 12 of NILAS states that the percentage of BMW in MSW is 71% based on a waste compositional study completed in 2000. The results from the recent study suggest this figure does not reflect present circumstances and accordingly should be amended.

#### Key Issues

The DOE proposes to revise the NILAS Regulations to amend the assumed proportion of BMW in MSW to 64% as the new figure more accurately reflects the waste composition of MSW in Northern Ireland. The DOE propose that this new percentage will come into effect on 1 April 2009.

This change will be helpful to the Council in meeting its targets and should be welcomed.

**Resource Implications**

None

**Recommendation**

**The Committee is requested to note the report and confirm its support for the proposed changes to the Regulations. ”**

The Committee adopted the recommendation.

**Loo of the Year Awards**

The Head of Waste Management informed the Committee that the British Toilet Association represented the interests of public toilet providers, suppliers and users and acted as a catalyst for change in the pursuit of standards of excellence in all areas of public toilet provision and management. The Association organised annually a national Loo of the Year Awards competition which sought to raise awareness of the issues and to encourage the highest possible standards in all types of public toilets. He explained that this year's awards ceremony would be held in Birmingham on 5th December and pointed out that the Council had attained considerable success in recent years. He indicated that the Council had improved on last year's results and had achieved seven five-star, five four-star and one three-star awards. He stressed that this success reflected the importance which the Council had placed on public toilet provision in recent years and pointed out that it had a continuing programme for the upgrading and installation of facilities. The cost of attendance at the awards ceremony would be in the region of £250 per person.

The Committee agreed that it be represented at the Loo of the Year Awards ceremony by the Chairman and the Head of Waste Management (or their nominees).

Chairman