

Health and Environmental Services Committee

Wednesday, 4th February, 2009

MEETING OF HEALTH AND ENVIRONMENTAL SERVICES COMMITTEE

Members present: Councillor Mullaghan (Chairman); and
Councillors Adamson, Cunningham, Cush,
Hendron, Kirkpatrick, Kyle, Mhic Giolla Mhín,
O'Neill, O'Reilly and Rodgers.

In attendance: Mr. W. Francey, Director of Health and
Environmental Services;
Mr. T. Martin, Head of Building Control;
Mr. S. Skimin, Head of Cleansing Services;
Mr. T. Walker, Head of Waste Management;
Mrs. S. Wylie, Head of Environmental Health; and
Mr. H. Downey, Committee Administrator.

Apologies

Apologies for inability to attend were reported from Councillors Campbell, N. Kelly, McKenzie and Rodway.

Minutes

The minutes of the meeting of 7th January were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 2nd February.

Directorate

Update on Fatal Accident at Dargan Road Landfill Site

(Mr. J. Walsh, Principal Solicitor, attended in connection with this item).

The Principal Solicitor reminded the Committee that, on 4th September, 2006, an accident had occurred at the former Dargan Road Landfill Site, which had resulted in the death of Mr. Ashley Cunningham. He 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 had, on behalf of the Council, pleaded guilty to the charge and, as a result, a fine of £40,000 had on 23rd January been imposed upon the Council. He added that the Health and Safety Executive had, during the course of the hearing, stated that it was satisfied with the health and safety arrangements now in place at the landfill site.

After discussion, the Committee noted the information which had been provided.

Building Control

Policy on Naming of Streets and Numbering of Buildings

The Head of Building Control informed the Members that Article 11 of the Local Government (Miscellaneous Provisions) Northern Ireland Order 1995 placed a duty upon the Council in relation to the naming of streets and the numbering of buildings within the City. He stated that the Council's primary consideration in undertaking these functions was one of protecting public safety and that it sought to ensure that streets and buildings were named and numbered in such a way as to facilitate easy identification by the general public, emergency services, postal services and utility providers.

He reported that the Building Control Service had produced a draft policy document in order to provide clear guidance on the naming of streets and the numbering of buildings. He provided an overview of the document and pointed out that it would incorporate the Council's policy governing the erection of dual-language street signs. He added that the purpose of the policy was to give guidance to applicants on the process and assistance to Members in reaching a decision. All applications for the naming and re-naming of streets would continue to be submitted to the Health and Environmental Services Committee for its consideration.

After discussion, the Committee approved the draft policy in relation to the naming of streets and the numbering of buildings, a copy of which was available on the Modern.gov site.

Building Control Service Enforcement Policy

The Committee was advised that the Building Control Service had a duty to protect members of the public through the enforcement of regulations relating to Amusements Permits, building regulations, dangerous structures, entertainments licensing and Sunday trading.

The Head of Building Control reported that the Service had drafted a policy document which outlined the scope of its enforcement work and which sought to promote a co-ordinated and consistent approach to enforcement. He stated that the policy would provide Members, officers, businesses and the general public with a guide on how the Service intended to enforce and regulate and would be applicable across a wide range of potential enforcement situations. He provided an overview of the policy and pointed out that the Council would, when required, work with other public bodies and statutory agencies to safeguard the public through the prosecution of offenders. He added that the policy would be reviewed on a regular basis in order to take account of any changes in the Council's legal responsibilities or further development of the Government's principles of good enforcement.

After discussion, the Committee approved the Building Control Service Enforcement Policy, a copy of which was available on the Modern.gov site.

Naming of Streets

The Committee considered the undernoted applications for the naming of streets in the City:

<u>Proposed Name</u>	<u>Location</u>	<u>Applicant</u>
Abercorn Crescent	Off Sydenham Road, BT3	Robinson McIlwaine Architects
Blackdam Close	Off Mill Avenue, BT14	VWP Architects
Blackdam Court	Off Mill Avenue, BT14	VWP Architects

The Head of Building Control informed the Committee that there were no objections in connection with the applications for Blackdam Close and Blackdam Court. However, there were matters to be considered by the Committee concerning the application for the naming of Abercorn Crescent to which the Council had received an objection. He explained that there were currently three streets in the South and West of the City which included a reference to the name Abercorn. He pointed out that, whilst the Northern Ireland Fire and Rescue Service and the Royal Mail had offered no objections in relation to the proposed name, the Northern Ireland Ambulance Service had indicated that an additional street of this name in another part of the City could lead to confusion in responding to emergency calls. He stated that, in his opinion, this street had been created as a result of the re-alignment of a short portion of the existing Queen's Road in order to facilitate the construction of several apartment blocks. Therefore, it was not a new street and, in view of the limited configuration of the change resulting from the re-alignment, it should continue to be known as Queen's Road.

After discussion, the Committee approved the applications in relation to Blackdam Close and Blackdam Court, neither of which conflicted with existing approved street names and to which the Royal Mail had offered no objection. In addition, the Committee agreed that the application for Abercorn Crescent be refused and that the street be named Queen's Road as it was a re-alignment of the existing road.

Environmental Health

Process for Prioritisation of Areas for Future Alleygating

The Committee considered the undernoted report:

“Relevant Background Information

The Committee will be aware that last year Belfast Community Safety Partnership completed a pilot alleygating scheme which saw the installation of nearly 200 alleygates in five areas across the city (Little Americas, Lower Windsor, Woodvale, the Mount/Willowfield and Beechmount). The scheme attracted considerable political, public and media attention and there has since been a high level of demand for gates across the city.

Members will also be aware that the objectives of an alleygating scheme are to:

- Reduce anti-social behaviour;
- Reduce domestic burglary;
- Reduce the fear of crime;
- Reduce littering and illegal dumping; and
- Gain community involvement in environmental improvement and neighbourhood initiatives.

An independent evaluation of the pilot scheme has shown that a positive contribution has been made to these objectives. For example, as a result of the pilot phase, 89% of residents reported a positive impact on reducing the fear of crime.

The Community Safety Team has been working on the development of proposals for the future implementation of a comprehensive alleygating scheme across the city for the next 2-3 years, taking into account factors such as finance/potential funding, staff resources and the average time taken to complete the detailed process set by the Department for Regional Development to enable gates to be legally erected. To support this work, Deloitte LLP was engaged to develop and agree selection criteria for alleygating that could be used for prioritising and phasing alleygating across Belfast.

A briefing, to which all Members were invited, was held on the 8th October, 2008 to inform Members of the emerging approach and ask for their input into the process. The views of Members and those of other partner agencies consulted by Deloitte have now significantly influenced the recommendations detailed in Deloitte's report.

Key Issues

The Community Safety Team is facilitating the development of proposals for future gating within the city, using the findings of the evaluation and experiences of the pilot scheme. To support this work Deloitte LLP has been engaged to identify selection criteria to allow the prioritisation of potential areas for the roll-out of the Belfast Community Safety Alleygating Scheme as well as supporting the development of ongoing evaluation criteria.

As part of this process, Deloitte consulted with key stakeholders such as the Belfast Community Safety Partnership, the Police Service of Northern Ireland, the Northern Ireland Housing Executive, Northern Ireland Fire and Rescue, the Roads Service and colleagues internally within the Council, including Cleansing Services, responsible for cleaning the entries.

Deloitte has used the findings of this research to develop a series of considerations/indicators which will allow the Community Safety Team to assess both the 'need' for and the 'feasibility' of, alleygating in neighbourhoods across the city. These include:

- Completion of streets adjacent to the pilot areas;
- ASB and criminal damage;
- Community support for & capacity to support an alleygating scheme;
- Physical structure of alleyways

Deloitte has structured these factors into two levels of criteria, mandatory criteria; i.e. those that *must* be met before an area would be earmarked for alleygating and *prioritisation criteria*; i.e. those against which each street is assessed and weighted marks are awarded as a score. Deloitte has applied the prioritisation criteria to streets throughout the city (where there have been requests for alleygating) to develop an initial list of streets. The mandatory criteria would then be applied by the Community Safety Team as a second phase as this will require on-site surveys to assess for example whether it is physically possible to erect gates. For efficiency reasons, streets will be surveyed taking the initial list in descending order until resources are likely to be exhausted.

Taking cognisance of the comments of Members, Deloitte has prioritised streets in each of the four city quadrants, North, South, East and West to ensure a cross-city approach. It is important to note that these lists of streets have not been surveyed for their physical suitability and this will form the next phase of the application and roll out of the scheme over 2009-11.

The size of the scheme will depend on the finances available and the staff capacity. In order to take forward a significant alleygating scheme across the City over the next 2-3 years, it will be necessary to seek external financial assistance. Each gate is likely to cost in the region of £4,000 installed, which in effect means it is likely to cost £500,000 to erect gates in approximately 65 streets.

Negotiations are already taking place with the Northern Ireland Office and the Belfast Regeneration Office. However, it must be appreciated that outside bodies providing funding are likely to stipulate some further conditions for spending their funds which could then affect the prioritisation of streets presented in the Deloitte report.

Given the costs outlined above, it is unlikely that all streets that are on the current waiting list can be facilitated in the near future. Therefore the prioritisation of the streets against agreed selection criteria is critical.

It is important that Members agree the broad process so that the Community Safety Team can take the various stages forward.

Evaluating the impact of future alleygating schemes will be important to demonstrate how these have helped to achieve the overall objective of making Belfast safer as well assuring value for money. Deloitte has therefore refined the evaluation criteria originally used in the pilot and developed a new evaluation framework which is linked to the selection criteria and which includes performance targets which will be measured against neighbourhood baselines.

Resource Implications

Financial

£500,000 for alleygating has been proposed as part of the Council's Capital Programme. However, given that existing capital programme commitments mean that the cost of the capital programme is already at or close to the agreed affordability limits, it has not yet been possible to subject this proposal to the first stages of the Gateway process and to present a report to Committee requesting approval to progress the scheme. The Strategic Policy and Resources Committee is to consider affordability and prioritisation of the capital programme during February, 2009

Match funding is being sought from other sources mainly the Department for Social Development (Belfast Regeneration Office) and the Northern Ireland Office. Key meetings with these organisations will take place over the next few weeks.

Human Resources

None at present. This work is being supported by the Community Safety Team, namely 2 posts of Project officer (Alleygating) within the Environmental Health Service. If the scheme is rolled out across the City it is likely there will be an increase on the administration burden. Support for this may have to be drawn from within current budgets or through funding agreements.

Asset and Other Implications

None at present.

Recommendations

The Committee is asked to:

1. **Agree to the proposed process to be used for the roll-out of the Community Safety Alleygating Scheme for Belfast, including the methodology for selection of areas;**
2. **Agree to the Environmental Health Service progressing the development of a Business Case/Economic Appraisal for submission through the Gateway process to progress the £500,000 scheme for alleygating within the Capital Programme, subject to discussions at the Strategic Policy and Resources Committee in February, 2009;**
3. **Note that once further negotiations have been held with the other potential funding organisations a further report will be brought forward to Committee on the implementation of the scheme.”**

The Head of Environmental Health informed the Committee that Miss K. Irvine and Mr. S. Smith, representing Deloitte LLP, the company which had been engaged to develop and agree selection criteria for alleygating, were in attendance in order to provide clarification on any matters relating to the process, and they were admitted to the meeting and welcomed by the Chairman.

During discussion, a number of issues were raised in relation to the weightings which had been applied to each of the criteria as well as the adequacy of the consultation process in the West of the City. The Head of Environmental Health pointed out that, under the consultant's recommendations, a level of priority would be applied to areas adjacent to those which had been gated previously under the Council's pilot scheme. It was suggested that the same priority principle should apply to those areas where gates had been installed previously under schemes established by the Northern Ireland Housing Executive.

The Committee agreed to the development of a Business Case/Economic Appraisal for submission through the Gateway process to progress the £500,000 scheme for alleygating within the Capital Programme, subject to discussions at the Strategic Policy and Resources Committee at its meeting in February, 2009 and noted that once further negotiations had been held with the other potential funding organisations a further report on the implementation of the scheme would be presented to the Committee.

In addition, Members discussed the allocation of funding for the project and whether it should be based upon identified need on a City-wide basis or be divided equally in the first instance throughout the four areas of the City and then allocated on the basis of need within each of these areas.

After discussion, it was

Moved by Councillor Cush,
Seconded by Councillor Mhic Giolla Mhín

That alleygating schemes be provided with funding in descending rank order based upon identified need on a City-wide basis.

Amendment

Moved by Councillor Rodgers,
Seconded by Councillor Kirkpatrick,

That the potential £500,000 funding package be distributed to alleygating schemes equally across the four areas of the City, based upon each scheme's ranking index within each area.

On a vote by show of hands, six Members voted for the amendment and four against and it was accordingly declared carried.

The amendment was thereupon put to the meeting as the substantive motion when six Members voted for and four against and it was accordingly declared carried.

Memorandum of Understanding on Better Regulation

The Committee considered the undernoted report:

"Relevant Background Information

The Government has over the last 10 years been committed to reform the regulatory regime in the UK. In 1998 the Cabinet Office published 'The Enforcement Concordat' which set out principles of good enforcement. The Council recognised the importance of the Better Regulation Agenda and formally adopted the Enforcement Concordat in 2003. These good enforcement principles have formed the basis of the enforcement policies subsequently agreed by Council and have consequently influenced how the Department plans and implements its regulatory functions.

More recently, the Government has renewed its focus on how to reduce costs imposed on businesses by regulators and how to make regulation more effective and efficient. Following the Hampton Report into regulatory practices and the Macrory Report into the effectiveness of regulatory sanctions, the Government gave a commitment to enact the recommendations made in these reports into UK law.

In 2007, the Department for Business, Enterprise and Regulatory Reform (BERR) published The Regulators Compliance Code, a statutory code for English local authorities introducing new requirements to be used alongside the Enforcement Concordat. The actions required by the Code reflect the principles of better regulation which state that the regulatory activities, specifically those activities related to environmental health, trading standards, licensing and fire safety, should be consistent, accountable, transparent, targeted and proportionate to risk.

Furthermore, in 2008 the Local Better Regulation Office (LBRO) was established to work with the above regulators to improve standards and the Regulation Enforcement Sanctions Act was passed to reduce inconsistency of enforcement. The Act also introduced the Primary Authority Principle giving businesses access to a special legal relationship with a single council that would be responsible for providing specialist advice and liaising with other authorities over inspection regimes and any enforcement action.

The scope of both the Act and the compliance code is limited in the Northern Ireland context as they exclude legislation which is transferred to devolved administrations. In Northern Ireland this means Councils, with the exception of matters under the Consumer Protection Act 1987 (safety of goods), are not legally obliged to observe the requirements or LBRO guidance. It also means that businesses in NI have no legal right of access to a Primary Authority.

However, irrespective of these limitations, the Health and Environmental Services Department is committed to delivering the highest possible standards of regulation in respect of both its environmental health and licensing functions. It has made and continues to make improvements to reduce the burdens on business whilst targeting the worst offenders and effectively protecting the public. These include:

- Providing a confidential business advice service to help small businesses understand their responsibilities;
- Improving the application of risk assessment for planning regulatory interventions to target the highest risk premises;
- Combining inspections across different functions where appropriate into a single visit;
- Reducing the numbers of inspections and visits where businesses are broadly compliant;

- Promoting compliance through seminars, advice, resource packs and one to one consultations;
- Developing ongoing communication arrangements between inspectors and organisations representing groups of businesses as well as the provision of training, customer panels, etc.
- Introducing Scores on the Doors as an incentive to improve compliance with food hygiene legislation;
- Taking formal action where merited in line with the principles of good enforcement and consistent with our published enforcement policies.

However, notwithstanding the above, it is recognised that in order to help deliver better regulation and to maximise the contribution good regulation can make to economic prosperity, councils across Northern Ireland would benefit from:

- A formal relationship with LBRO;
- The ability to participate in the Primary Authority Scheme, as suggested in the Council response made on the BERR consultation exercise on this scheme in November 2008; and
- The formal adoption of The Regulators Compliance Code.

Key Issues

The Northern Ireland Chief Environmental Health Officers' Group (CEHOG) has been negotiating with LBRO and the Department of Trade and Investment in Northern Ireland (DETI) to secure a voluntary agreement between these organisations and Councils. Councils signing up to the agreement will follow the principles and guidance produced by LBRO and will have regard to practices that are established in Great Britain affecting the work of regulators who are bound by the Regulatory Enforcement Sanctions Act and the Regulators Compliance Code.

CEHOG has drafted a Memorandum of Understanding/Statement of Intent that sets out a proposed relationship between local councils in Northern Ireland, DETI and LBRO and BERR in GB. The principles of this draft document have been agreed by all of these parties, however further negotiations are still to be had with the professional liaison group representing the licensing function in Northern Ireland. In addition there will also be a need to produce a protocol or guidance on the practical arrangements for working with Primary Authorities.

All district councils are now being asked to consider adopting the draft document as a policy. Subsequent to agreement across councils and with the licensing group, and to formalise the agreement at a Northern Ireland level, it has been suggested that the document should be signed by the DETI Minister and possibly the Chair of NI Local Government Association before being signed in GB by the Chair of LBRO and a senior representative of BERR.

Resource Implications

Financial

None

Human Resources

None

Asset and Other Implications

No implications

Recommendation

The Committee is requested to agree in principle to the adoption of the draft Memorandum of Understanding/Statement of Intent which will establish the relationship between the Council and LBRO in GB in regulatory matters not otherwise covered by the Regulatory Enforcement & Sanctions Act of 2008.”

After discussion, the Committee adopted the undernoted Memorandum of Understanding on Better Regulation:

“DRAFT MEMORANDUM OF UNDERSTANDING

Between:

LOCAL BETTER REGULATION OFFICE, DEPARTMENT OF ENTERPRISE, TRADE AND INVESTMENT, TRADING STANDARDS SERVICE AND DISTRICT COUNCILS in NORTHERN IRELAND

1. INTRODUCTION

1.1 The intent of the Regulatory Enforcement and Sanctions (RES) Act is to ensure high standards of regulatory activity and to minimise the burdens imposed on those businesses motivated to achieve high standards of compliance. The extent to which the Act will apply directly in Northern Ireland is limited by the exclusion of those matters which have been transferred from Westminster to the NI Assembly.

- 1.2 The regulatory functions specified in the Legislative and Regulatory Reform (Regulatory Functions) Order 2007 are those local authority functions in GB which must be exercised having regard to the Principles of Better Regulation. These currently include environmental health, trading standards, licensing and fire safety.
- 1.3 Regulators in Northern Ireland have recognised that to promote economic prosperity and to support the development of the business community, (and consequently benefit both communities and the environment), standards of enforcement and regulatory practice within Northern Ireland must be consistent with those exercised in GB and, having met the requirements of all previous guidance to this effect, intend to have regard to the Principles of Better Regulation, LBRO Guidance to Local Authorities in England and Wales and to comply with the standards of the Regulators Compliance Code.
- 1.4 The purpose of this Memorandum of Understanding is to set out the principles of an agreement between Local Councils, the Trading Standards Service and the Department of Enterprise Trade and Investment which will ensure that those objectives are met and provide an assurance to the business community of that commitment.

2. SCOPE

- 2.1 Part 1 of the RES Act sets out LBRO's functions and applies to local authorities in England and Wales.
- 2.2 Part 2 of the Act establishes the Primary Authority scheme which aims to promote consistency in the way that multi-site businesses are regulated by local authorities. This part will apply to Northern Ireland in respect of non-transferred matters.
- 2.3 Part 3 of the Act makes provision for regulatory sanctions and only applies in Northern Ireland in respect of non-transferred matters
- 2.4 Part 4 refers to regulatory burdens. This part applies to Northern Ireland only in respect of non-transferred matters.

- 2.5 To ensure parity of enforcement practice between Northern Ireland and GB it is therefore necessary that this MOU establishes an agreed policy for standards and practices in respect of matters that are included within the RES Act, but fall within the category of legislation that is 'transferred', i.e. under the control of the Northern Ireland Assembly.

3 IMPLEMENTATION PRINCIPLES

(In the paragraphs in this section, 'Regulators in Northern Ireland', will be assumed to include the Trading Standards Service, the Environmental Health Service across the 26 District Councils and will include the full normal range of those functions and any associated licensing regulation carried out by those services in Northern Ireland).

- 3.1 **LBRO Guidance.** Regulators in Northern Ireland agree to recognise and have regard to any guidance issued by LBRO in England and Wales wherever adoption of that guidance might impact upon or contribute to, the quality and consistency of enforcement in Northern Ireland and to the development of consistent practice when compared with equivalent functions in GB. This consideration currently applies to the Enforcement Concordat under which regulators adopted the principles of transparency, consistency, proportionality and targeting as those that exemplify good practice and will be extended to the new Regulators Compliance Code.
- 3.2 **Priorities for Enforcement,** Regulators in Northern Ireland will consider LBRO published enforcement priorities when allocating resources to functions. NI Regulators will also seek to contribute to discussion of, and decisions upon, those LBRO priorities.
- 3.3 **Risk Assessment.** Regulators will have regard to advice and guidance from appropriate national agencies and from LBRO when adopting and maintaining systems for risk assessment of businesses subject to regulation.
- 3.4 **Burdens on Businesses.** Northern Ireland regulators will develop strategies to minimise burdens on businesses imposed by regulatory mechanisms. These strategies will be informed by consultation with businesses, with Government Departments, other regulators and with LBRO to ensure appropriate alignment of strategies and their implementation with those elsewhere.

- 3.5 Primary Authorities.** Regulators will work with local authorities in GB and with all other regulatory bodies in Northern Ireland to give effect to the general principles of the Primary Authority scheme. To this end, regulators acting as primary authorities within Northern Ireland will provide advice and information to other regulators on standards of compliance of businesses within their area of concern. Regulators will also seek similar information from other Primary Authorities when considering enforcement action against a business having a head office or decision-making centre in another area. For this to be taken forward protocols and guidance will need to be developed.”

George Best Belfast City Airport – Planning Agreement and Proposed Runway Extension

The Committee considered the undernoted report:

“Relevant Background Information

Planning Agreement

The Committee, at its meeting on 5th November, was advised that the Planning Service had agreed and executed a modified Planning Agreement controlling the use of the George Best Belfast City Airport.

Having considered the implications arising from the revised document, the Committee agreed that:

- the Planning Service be requested to clarify how the points raised within the Council’s response to the consultation on the Planning Agreement were considered in the review process;
- the Planning Service be advised of the Committee’s concerns in relation to noise monitoring and noise contours and be requested to explain why the issue of an appropriate scrutiny and management process had not been defined clearly within either the Planning Agreement or the accompanying Explanatory Document;

- the attention of the Planning Service be drawn to the recommendations within the Examination in Public relating to:
 - (i) changes which should be effected within the revised Planning Agreement and, in particular, that the independent panel had advised that, as all of the issues raised were interdependent, that they should be adopted in their entirety (Paragraph 2.2.2 and 7.1.1 EIP June, 2006); and
 - (ii) the imposition of a levy against late night flights and the administration of a potential community fund.

A letter to this effect was issued to the Planning Service following ratification by the Council of the Committee minutes at its meeting on 1st December 2008.

Runway Extension

At its meeting on 7th January, the Committee was provided with a verbal report on the application made by GBBCA to extend the runway. At this meeting, the Committee endorsed the approach which had been taken to date by the Environmental Health Service in respect of seeking more information from the applicant on noise and odour and agreed that a holding letter be sent to the Planning Service in this regard. It also agreed that the Town Planning Committee be recommended to consider writing to the Planning Service to request that a Public Local Inquiry be held and, further, to write to the Minister with responsibility for Health, Social Services and Public Safety, together with the Minister with responsibility for the Environment, recommending that a Health Impact Assessment be carried out in respect of the runway extension. The Committee agreed also that the Council investigate the possibility of encouraging expert advice on the impact of the runway extension.

Key Issues

Planning Agreement

A letter of response to the Council's correspondence was received from the Planning Service on 12th January 2009. The letter provides a response to each of the issues raised by this Committee. However, it is considered that there are still two specific areas of concern relating to noise monitoring which need further clarification, namely:

- Clarification on which body has overall enforcement powers in respect of noise monitoring and noise control in respect of the airport. The Airports (NI) Order 1994 gives the Department for Regional Development (DRD) powers to direct the Airport Operator to mitigate any excessive noise in respect of the airport and gives DRD powers to develop a sound insulation scheme for homes within the 63 dB contour. However with the introduction of the Environmental Noise Directive (END) and the Draft END Action Plan (including the draft Noise Action Plan for GBBCA), DRD has asked for a legal opinion as to where their powers under the Airports Order have been superseded by END which is the responsibility of the Department of the Environment. In addition the Department for Regional Development does not carry out any monitoring of noise from the airport at present;
- The letter states that the Department 'is satisfied that arrangements have been put in place by the airport that provide for adequate scrutiny and oversight of the noise monitoring position'. However the question needs to be asked as to where the expertise to assess this is based as this is a very specialised area of acoustics.

The Environmental Health Service will work with both the Department of the Environment and the Department for Regional Development to try to clarify these issues over the coming weeks and will bring a further report on the outcome to Committee.

Runway Extension

The Town Planning Committee at its meeting of 8th January, agreed to write to the Planning Service requesting that a Public Local Inquiry be held in respect of the runway extension. Given this, the Environmental Health Service is of the opinion that it will need to engage an expert to assist it in making a full response to the Planning Service on the areas of specific concern, namely noise control.

Although there are a number of suitably qualified and experienced officers in acoustics within the Environmental Protection team, aviation acoustics is a specialist area of noise control and an expert in this field is required to assess the noise chapter of the Environmental Statement submitted by the applicant and to initially provide direction to the Council on the comments it should be making to the Planning Service. However depending on what the initial assessment shows up, there could be a need to

request that an alternative noise statement is prepared which could include modelling. It may also be advisable that this expert would present issues on behalf of the Council at any Public Local Inquiry. The use of the consultant would place the City Council in a strong position to consider the application in terms of potential noise problems for residents who may be affected by the proposal.

The Unit has undertaken an initial scoping exercise to assess the level of expertise needed, the extent of the assignment and the likely costs and these are detailed below:

- To conduct an assessment of the Environmental Statement prepared by the applicant would cost approximately £3,000;
- If, following this assessment, it is decided that a similar noise statement including actual measurements and modelling is required, then completion of this work would cost in the region of £12,000 - £15,000, depending on the actual consultancy days required; and
- The above estimates are based on the current cost of an Aviation Acoustics expert, which is approximately £1,000 a day.

Resource Implications

Financial

The costs of engaging an Aviation Acoustics expert to assist the Council to make comment on the Environmental Statement would be at most £15,000. If further work is required by way of presentation to a Public Local Inquiry, a further report will be brought back to Committee seeking approval.

A small sum was included in the Revenue Estimates (2008/2009) for consultancy work of this nature. However the remainder will need to be made up from a slight underspend caused by a member of staff leaving the Environmental Protection Unit earlier in the year and a time lag in terms of replacing that member of staff.

Human Resources

None.

Recommendations

The Committee is asked to:

1. **Note the response from the Planning Service and the continued concern of the Environmental Health Service in respect of management and scrutiny of noise measurement and monitoring systems. A further report on this issue will be brought back once further negotiations have been held with the parties involved; and**
2. **Agree to the engagement of an aviation acoustics expert to assist the Environmental Health Service in assessing the Environmental Statement submitted as part of the application for the runway extension and to undertake a noise assessment, including actual measurements and modelling should this be required.”**

The Committee adopted the recommendations.

Northern Ireland Energy Agency

The Committee was reminded that, from 1994 to 2001, it had provided funding in the sum of £5,000 per annum to the Belfast Energy Advice Centre. This had subsequently been increased to £7,000 per annum over a three-year period by the Committee at its meetings on 8th October, 2001 and 8th November, 2004.

The Head of Environmental Health reported that the organisation, which was now named the Northern Ireland Energy Agency, was supported by a consortium of public and private sector organisations, including the Energy Savings Trust, the Northern Ireland Housing Executive and the Council. The Agency was administered and managed by the Bryson Group and was one of a network of fifty-two within the United Kingdom, three of which were based in Northern Ireland. She pointed out that the purpose of the project was to provide advice and information on insulation, draught-proofing, heating, energy labelling, grants and energy efficiency installers. The Agency carried out home visits in order to provide energy advice on issues such as heating controls and reducing energy bills and undertook many outreach activities such as presentations to community groups and schools and various promotional events involving businesses and other statutory partners.

The Head of Environmental Health informed the Members that the Council's Air Quality Action Plan 2004/2010 required, amongst other actions, the delivery of a range of marketing and educational initiatives in order to increase public awareness of the causes of air pollution. The Plan had included a specific provision to work in partnership with the Northern Ireland Energy Agency and to provide it with ongoing financial support. She added that, during the development of the Council's Corporate Plan for the period 2008-2011, Elected Members had identified the issue of climate change as an

environmental priority and, subsequently, a key objective of assisting in the reduction of the City's impact on climate change had been adopted. She pointed out that greater engagement with the Northern Ireland Energy Agency would be one way of assisting the Council in addressing this commitment in the first instance. Accordingly, she recommended that the Committee agree:

- (i) to the continued funding of the Northern Ireland Energy Agency in the sum of £7,000 per annum for the financial years 2008/2009 and 2009/2010; and
- (ii) that the funding be subject to a review of the impact of the Northern Ireland Energy Agency's energy conservation initiatives within Belfast, to be carried out in the next financial year, along with the receipt of a commitment to ensure that future energy conservation initiatives would contribute towards the delivery of Belfast's Air Quality Action Plan and the Council's Corporate Plan in respect of climate change.

The Committee adopted the recommendations.

Future Role of Council in Health and Wellbeing

The Head of Environmental Health informed the Members that the Council's key objective was to improve the quality of life in the City. She reported that one of the greatest quality of life issues affecting the City related to health and wellbeing and that there continued to be a significant difference between the health and life expectancy of people living in deprived areas and those in more affluent areas. She pointed out that this health gap, together with the health of the general population in the City, was worse than that encountered in many other cities within the United Kingdom. She explained that these issues could not be addressed solely by the Health Service as they related to many other social, economic and environmental factors, such as employment, education, housing, social inclusion, access to leisure and people's lifestyles. She stressed that the Council had a key role to play in terms of service delivery, civic leadership and advocacy in addressing these issues and added that it had included the development of a healthier City as one of its key priorities under the 'Supporting People and Communities' theme of the Corporate Plan.

She reported further that the Minister for Health, Social Services and Public Safety had written to the Chief Executive of each District Council within Northern Ireland seeking expressions of interest from those which might wish to host a Regional Agency for Public Health and Social Wellbeing/Council joint working pilot during 2009/2010. The Minister had indicated that Local Government had a major role to play in improving public health and in reducing health inequalities and was proposing that a number of pilot arrangements be put in place to test joint working between Local Government, the new Regional Agency for Public Health and Social Wellbeing and Local Commissioning Groups. She explained that early proposals had suggested the co-location of health and social care staff and those from Local Government in order to support local government in taking forward its future power of wellbeing and community planning role and in the leadership of local inter-sectoral partnerships. The staff involved would assist also in developing local health improvement plans, programmes and projects in order to reflect local community need and would support also the Local Commissioning Group in developing commissioning plans which would deal not only with health service provision but also with measures to prevent ill-health.

She informed the Members that the Strategic Policy and Resources Committee, at its meeting on 23rd January, had agreed to the Council submitting to the Chief Medical Officer an expression of interest to host a joint working pilot scheme. It was recognised that it would be necessary to ensure that Elected Members were involved in the new arrangements from the outset and that they were provided on a regular basis with the necessary information in order to assist with decision-making and policy development. A further report would be presented to the Committee at a later date in order to gain agreement on how the matter should be progressed.

The Committee noted the information which had been provided.

Belfast Flooding

The Head of Environmental Health reminded the Committee that a major flooding incident had occurred in the City on 16th August, 2008. She explained that the response to the incident had now been reviewed extensively using information which had been obtained from the main organisations involved, together with Elected Members and Council officers. A comprehensive report had then been produced which provided background information, together with a series of recommendations, relating to the incident. The Emergency Co-ordination Officer had initiated work to analyse data obtained from recent flooding emergencies in order to identify the main hotspots in the City, establish the likely causes and outline preventative measures which could be put in place.

She explained that the report had been considered by the Strategic Policy and Resources Committee, at its meeting on 23rd January, and pointed out that that Committee had endorsed the findings contained therein, together with proposals to establish a Working Group, with representation from all of the political parties, in order to oversee the implementation of the recommendations and the work with other agencies in order to establish preventative measures to mitigate the risk of future flooding.

Noted.

Cleansing Services

Outstanding Accounts

The Head of Cleansing Services informed the Committee that, prior to the centralisation in October, 2007 of the debt recovery and debt management functions within the Central Transactions Unit of the Corporate Services Department, the Cleansing Services section had been responsible for the annual collection of over £2,000,000 of income from commercial waste customers, most of which was paid for on receipt of accounts. However, a number of debtors who had received this service had failed to pay their accounts and, despite having implemented procedures for the recovery of outstanding debts, £3,399.00 had remained unpaid. He advised that the outstanding accounts fell within the provision of the Financial Regulations regarding the writing-off of unrecoverable debts and he recommended that, in accordance with Section K12 of the Council's Financial Regulations, this amount be written off.

The Committee adopted the recommendation.

Tender for the Provision of a Professional Marketing Service for an Integrated Anti-Litter Campaign

The Committee was reminded that the Cleansing Services section had, for a number of years, managed an anti-litter campaign in order to change attitudes amongst the public towards littering through awareness and education initiatives. He outlined the success of the campaign to date and reported that the current contract for the provision of a professional marketing service for the delivery of the initiative was due to expire in the near future. Accordingly, he 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 60% quality and 40% cost and would take into consideration ability to provide the service, budget management proposals, experience of similar campaigns, financial capability and ideas for the delivery of the campaign and associated methodology. He advised that the contract would be awarded initially for a period of one year, with an option to extend for a further year, at the Council's discretion.

He pointed out that the Committee, at its meeting on 7th May, 2008, had agreed ongoing funding of £150,000 per annum in order to support the campaign but that the planned cost for delivering the project in Year 1 would be £130,000, provision for which had been made within the 2009/2010 revenue estimates. The allocation for Year 2 of the campaign would be dependent upon the sum allowed for within the revenue estimates for 2010/2011 and upon the nature of the service required for delivery at that time.

The Committee granted the approval sought and delegated authority to the Director of Health and Environmental Services, in consultation with the Chairman, to award the contract on the basis of the most economically advantageous tender received.

Street Cleanliness Index

The Committee considered the undernoted report:

“Relevant Background Information

The figures presented in this report cover the third quarter of the financial year i.e. the period from October, 2008 to December, 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 standards. 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 70.

The breakdown by individual area is as follows:

North

The North Cleanliness Indices for October 2008 to December 2008 were 72, 69 and 71 respectively. This represents an increase for October (up 2), November (up 2) and December (up 1), by comparison to those figures for the same period in the previous financial year viz. 70, 67 and 70 respectively.

The area is maintaining a consistently good level of cleanliness.

South

The South Cleanliness Indices for October 2008 to December 2008 were 75, 76 and 73 respectively. This represents a decrease for October (down 2) and an increase for November (up 9), and December (up 4) by comparison to those figures for the same period in the previous financial year viz. 77, 67 and 69 respectively.

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

East

The East Cleanliness Indices for October 2008 to December 2008 were 74, 75 and 77 respectively. This represents an increase for October (up 3), November (up 6), and December (up 3), by comparison to those figures for the same period in the previous financial year viz. 71, 69 and 74 respectively.

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

West

The West Cleanliness Indices for October 2008 to December 2008 were 70, 69 and 69 respectively. This represents an increase for October (up 1) and December (up 2), and a similar score for November, by comparison to those figures for the same period in the previous financial year viz. 69, 69 and 67 respectively.

The area is maintaining a consistently good level of cleanliness

Central

The Central Cleanliness Indices for October 2008 to December 2008 were 70, 70 and 68 respectively. This represents an increase for December (up 1), and a decrease for October (down 2) and November (down 4), by comparison to those figures for the same period in the previous financial year viz. 72, 74 and 67 respectively.

Changes in the levels of litter have contributed to the reduction in scores over this period e.g. in October, Dog Fouling related litter rose by 6% and Fast Food related litter rose by 6%. In November, Drinks related litter rose by 9%, Smoking related litter rose by 17% and 'Other' related litter (e.g. papers, cardboard etc) rose by 21%.

The area is however maintaining a consistently good level of cleanliness

Complaints/Enquiries

There were 1193 complaints/enquiries regarding street cleansing during the quarter (by comparison to 1315 last quarter).

There were 3 Corporate Complaints (3 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 89 summonses issued. In addition 65 Article 20 Notices were issued requesting information.

Community & Education Projects

During the last quarter the Community Awareness Team organised 9 cleanups involving 127 volunteers, and 3 community talks involving 55 people.

The team also attended 51 schools involving 1801 young people, including 34 visits to nursery schools with the Christmas Elf, spreading the anti-litter message.

Resource Implications

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

Recommendation

Members are asked to note the content of this report.”

Noted.

Snow and Ice Clearance

The Committee was reminded that, at its meeting on 6th February, 2008, it had been advised of a number of issues surrounding the clearance of snow and ice from footpaths in the City centre, following a period of heavy snowfall in the previous month. The Committee had approved the purchase of equipment to be fitted to three existing street sweeping machines in order to clear snow from footways, subject to a suitable form of agreement being reached with the Roads Service in relation to the undertaking of this work, confirmation by the Council’s insurers that no additional premium would be required and to the Department of the Environment agreeing to sanction the incurring of any expenditure relating to implementation of the agreement.

The Head of Cleansing Services informed the Members that all of these conditions had now been put in place and that the Service had in January obtained the necessary equipment at a cost of £21,252, which had been met from within existing budgets. The Service was now in a position to respond to requests from the Roads Service to undertake snow and ice clearance within agreed areas of the City centre. However, It would only undertake such clearance if its staff were unable to carry out normal cleansing work arising from the presence of snow or ice.

The Committee noted the information which had been provided.

Access Difficulties for Refuse Collection Vehicles

The Committee was reminded that, at its meeting on 4th June, 2008, it had considered a report highlighting the ongoing problem of refuse collection vehicles being unable to access a number of the City’s streets due to obstructions caused by parked vehicles. The Head of Cleansing Services informed the Members that, at that meeting, he had explained that the Service was of the view that the primary approach to alleviating the problem was to remove problematic streets from the normal waste collection routes and place them on a designated route facilitated by a narrow-bodied bin lorry which should lead to first-time access for collection vehicles on most occasions. Accordingly, the Committee had agreed that a report outlining the effectiveness of such vehicles be submitted to a future meeting.

The Head of Cleansing Services reported that the new vehicle had commenced operation on 19th January and that it would operate in approximately eighty-seven streets/part-streets throughout the City, covering approximately 2,500 households. He confirmed that its use would ensure a higher rate of first-time collection in these areas, thereby negating the need to return to streets in order to gain access and would improve the overall service provided to the public. The cost of the vehicle had been approximately £90,000 and operational costs would be met from within existing resources.

Noted.

Chairman