

**Minutes of Meeting of Environment Committee of Mid Ulster District Council  
held on Wednesday 4 March 2015 in Magherafelt District Council Offices**

**Members Present**

In the Chair, Councillor Cuddy (Chair)

Councillors Buchanan, Burton, Cuthbertson, Gillespie, Mallaghan, McFlynn, B McGuigan, S McGuigan, McNamee, Mullen (7.08 pm), Mulligan, J O'Neill, Reid (7.11 pm)

**Officers in  
Attendance**

Mr Tohill, Chief Executive  
Mrs Caldwell, Head of Environmental Health (CDC)  
Mr Cassells, Director of Technical Services and Leisure Services (MDC)  
Mr Kelso, Director of Environmental Health and Building Control (CDC)  
Mr Lowry, Head of Building Services (DSTBC)  
Mr McAdoo, Head of Waste and Contracts Management (CDC)  
Mrs McClements, Director of Environmental Services (DSTBC)  
Mr Scullion, Head of Technical Services (CDC)  
Mr Wilkinson, Head of Building Control (CDC)  
Miss Thompson, Committee Services/ Senior Admin Officer (DSTBC)

The meeting commenced at 7.02 pm

**E24/15      Welcome**

The Chair welcomed some of the newly appointed Heads of Service to the meeting.

**E25/15      Apologies**

Councillors McAleer and McGinley.

**E26/15      Declarations of Interest**

The Chair reminded members of their responsibility with regard to declarations of interest.

**E27/15      Receive and confirm minutes of the Environment Committee  
meeting held on Wednesday 4 February 2015**

Proposed by Councillor B McGuigan  
Seconded by Councillor Mallaghan and

**Resolved** That the Minutes of the Meeting of the Environment Committee held on Wednesday 4 February 2015 (E9/15 - E20/15 and E23/15) were considered and signed as accurate and correct.

## **Matters for Decision**

### **E28/15 NIEA Northern Ireland Local Authority Municipal Waste Management Statistics Report July to September 2014**

Mr McAdoo advised Members on the content of the NIEA Northern Ireland Local Authority Collected Municipal Waste Management Statistics Report, July to September 2014. He indicated that the data in the report was based on returns made to WasteDataFlow, a web based system, used by all local authorities to report on local authority collected (LAC) municipal waste.

The latest figures show that for the first time since 2009/10, Northern Ireland's household dry recycling and composting rate has failed to show any quarter on quarter increase, remaining at 45.6%. The figure is the same as that for July to September 2013. Previous improvements in this quarter have been driven by an increasing proportion of household waste being composted but this has remained static at around 25% since last year. Of all household waste collected 21.0% was recycled and 24.6% was composted. A recycling rate of 45.2% was recorded during the previous quarter, for April to July 2014.

He added that stalled performance in recycling comes despite an overall drop in the tonnage of waste sent to landfill. The total tonnage of household waste sent to landfill for this quarter was 88,511 tonnes, down 13.9% compared with the same period a year earlier (102,854 tonnes). 39.9% of Northern Ireland's household waste was sent to landfill across the quarter.

In total, 53,948 tonnes of biodegradable LAC municipal waste was sent to landfill during the quarter, 11.9% less than in the same quarter the previous year (61,228 tonnes). This equated to 18.5% of the annual Northern Ireland Landfill Allowance Scheme (NILAS) allocation used in this quarter and 37% used in the first half of the year.

According to the Department for Environment, the reduction in landfill has been largely achieved through an increasing proportion of waste being diverted for energy recovery, with much of that material being used in the production of Refuse Derived Fuel (RDF).

Mr McAdoo provided figures relating to recycling/composting performance across the three existing councils, advising that performance has increased overall.

Over the four latest quarters for which data was available, (October 2013 to September 2014) the overall percentage of household waste recycled / composted by the three existing Councils collectively was approximately 47%. He indicated that this met with the Northern Ireland Executive's Programme for Government interim recycling target of 45% by 2015. However, there was further improvement required

to achieve the EU Revised Waste Framework Directive target of recycling 50% of household waste by 2020.

In relation to NILAS performance, Mr McAdoo advised that although one of the three Councils may individually exceed its annual NILAS allocation for 2014/15 the existing councils together will achieve compliance.

The total annual NILAS allocation for Mid Ulster decreases to 21,330 tonnes in 2015/16 and falls progressively to 16,932 tonnes in 2019/20. Again, based on the four latest quarters for which data is available, Mid Ulster as a whole has landfilled 16,390 tonnes of biodegradable LAC municipal waste. Therefore assuming no significant decrease in performance over the next four years NILAS target compliance should be achieved up to 2019.

Mr McAdoo informed Members that there is an expected return to a gate fee for the processing of mixed dry recyclables in 2015/16, in addition, proposed amendments to legislation will mean Mid Ulster District Council will be required to gather information to assess improvements in their services and to issue a report annually on their performances against set indicators.

*Councillor Mullen entered the meeting at 7.08 pm during presentation of the report*  
*Councillor Reid entered the meeting at 7.11 pm during presentation of the report*

Councillor Burton asked how recycling could be increased and whether educational work in schools will continue in the future. In addition, Councillor Burton asked if Councils work with commercial premises in trying to reduce the waste they produce and encourage recycling.

Mr McAdoo advised that educational visits will continue as they are important and useful way of spreading the message of recycling. In relation to commercial premises, Mr McAdoo advised that a kerbside service is offered by Council in which a large number use the service. He added that there were also private operators who offer a similar service.

Councillor Burton referred to isolated properties not receiving a refuse collection service and asked that as there is a smaller refuse vehicle in use in one of the three current Councils whether this vehicle can be offered throughout the new Council area.

Mr McAdoo stated he was not aware of any properties not receiving a refuse collection service but this would be checked.

Councillor Cuddy enquired if any Council had been fined for not meeting targets set.

Mr McAdoo advised that he is not aware of any Council being fined although some have had to rely on allocations from other Councils.

Councillor B McGuigan asked what happens to waste from brown bins once collected and commented on the potential use of anaerobic systems for the future.

Mr McAdoo advised that brown bin material is sent to a company for composting. In relation to anaerobic systems he advised this was something which consideration could be given to in the future.

In response to Councillor Gillespie's question on gas capture for export at Ballymacombs Landfill Site Mr Cassells advised that for the amount of gas being produced at this site and the prohibitive cost of NIE connection it was found not to be economically viable to proceed.

Councillor McNamee felt it important that kitchen caddies are also issued with the rollout of brown bins as they are a key component in ensuring that the brown bin is used.

**Resolved** That it be recommended to Council to receive quarterly and annual waste management performance reports.

**E29/15 Discharge of Statutory Functions within Public Health and Infrastructure Department from 1 April 2015**

Mr Kelso presented a report advising Members on the arrangements for the administration of Statutory and Regulatory functions within the Directorate of Public Health and Infrastructure from 1 April 2015.

Mr Kelso indicated that enforcement and regulatory responsibilities for existing statutory council functions will transfer to Mid Ulster District Council on 1 April and the Council had a duty to make appropriate arrangements for the implementation of these responsibilities from that date. Members were made aware of the range of statutory provisions covered within this remit.

In reference to arrangements for the discharge of functions Mr Kelso advised that under Section 7 (4) b of Local Government Act (NI) 2014 the Committee may delegate responsibility for discharge of relevant statutory function to an officer to act on their behalf. Regulation 9 of The Local Government (Transitional, Supplementary, Incidental Provisions and Modifications) Regulations (Northern Ireland) 2014, provides the statutory rationale where required for transfer of existing arrangements from predecessor Councils to Mid Ulster.

In accordance with the statutory provisions, Mr Kelso proposed that the Director of Public Health and Infrastructure be authorised to act for and on behalf of Council by delegated authority in the authorisation of staff for in service provision and the regulation and enforcement of relevant statutory powers conferred on Council for this purpose.

Mr Kelso advised that a further paper on authorisation and draft Enforcement Procedures would be brought to the Committee for consideration, once the Council has been statutorily constituted in April.

Proposed by Councillor McGuigan  
Seconded by Councillor McNamee and

**Resolved** That it be recommended to Council that the Director of Public Health and Infrastructure be authorised to act for and on behalf of Mid Ulster District Council by 'delegated authority' in the authorisation of staff in service provision, and the regulation and enforcement of relevant statutory powers conferred on Council for this purpose.

Councillor Burton asked if proceedings under legislation such as High Hedges Act would be affected.

Mr Kelso advised that if proceedings have already commenced before 1 April 2015 then these would be carried through under existing arrangements.

## **Matters for Information**

### **E30/15      Emergency Planning/Civil Contingency Preparedness**

Mrs Caldwell updated Members on Emergency Planning and Civil Contingency preparedness for Mid Ulster District Council.

The Local Government (Northern Ireland) Order 2005 sets out the statutory basis for the implementation of the Northern Ireland Civil Contingencies Framework and its application to local Councils.

The Civil Contingency Framework, Northern Ireland (2005) outlines the arrangements which Public Service Organisations including Police, Fire Service, Health Trusts, Councils and other Statutory Bodies are obliged to make to effectively discharge their Civil Contingency responsibilities in the event of an emergency situation.

The Emergency Planning requirements are outlined in Article 29 of the Local Government (NI) Order 2005. The Order places specific requirements on Councils to:

- Make arrangements (Emergency Plans and Protocols) to deal with emergencies in their areas and to reduce, control or mitigate the effects of any emergencies that might occur. These plans or protocols may include arrangements for Councils to co-ordinate their activities with those of other bodies.
- Implement their arrangements should emergencies occur and take other measures they think are appropriate for reducing, controlling or mitigating the effects of any emergencies;
- Have regard to Departmental Guidance in carrying out their Emergency Planning functions.
- Enable any Northern Ireland Department to make subordinate legislation conferring new functions on Councils relating to emergencies.

The legislation and associated guidance provides the statutory remit for Council in making preparation for events or incidents which require an Emergency Plan response. The functions and duties which are placed upon Councils are specific and

wide-ranging and require sufficient resource to be made available to ensure the necessary preparedness both within Council, partner agencies and the local community.

Each Council is tasked to undertake the following measures:

- Risk Assessment;
- Business Continuity Management;
- Integrated Emergency Management,
- Preparedness;
- Validation;
- Response; and
- Promotion of Recovery and Restoration

The Civil Contingency Framework Guidance provides the reference by which Emergency Planning Protocols are assessed. OFMDFM in conjunction with the Local Government Emergency Management Group have produced additional Guidance to assist in this regard.

In accordance with these arrangements each of the existing Councils have prepared Emergency Plans. Each of the plans have been reviewed and a composite Mid Ulster Emergency Plan based on existing assessments will be in place by 31 March 2015.

In addition to reformatting the relevant documents there will be a need to refine the assessments and the Contact and Mutual Aid Agreements with relevant statutory bodies and community organisations. These arrangements will form an essential part of the wider Planning and Preparations, so as to ensure appropriate Emergency Planning and Civil Contingency Arrangements are in place for Mid Ulster and enable the Council to respond to an emergency incident across the new geographical area.

In response to Councillor S McGuigan's comment, the Chief Executive advised that the Mid Ulster Emergency Plan will be brought before Members when finalised.

Councillor McFlynn felt it important that all statutory agencies have an input into the preparation of the Emergency Plan.

### **E31/15      Capital Projects and Infrastructure Development**

Mr Kelso updated Members on Capital Projects and Infrastructure Developments for Mid Ulster District Council.

Mr Kelso advised that assessment of the current status of the wider Capital Projects Programme has identified a number of Legacy Projects commenced by the constituent Councils which will extend into the 2015/16. Mr Kelso advised Members of the projects and their planned dates of completion as:

<b>Name of Project</b>	<b>Projected Completion Date</b>	<b>Status</b>	<b>Total Cost</b>
Heaney Project	June 2016	On-site	£4,100k
Earls Project	September 2015	On-Site	£7,100k
Ballymacombs Landfill Site (Gas Management)	October 2015	At Tender	£750k
Ballymacombs Landfill Site (Final capping of Phase D)	October 2015	At Tender	£948k
Council Offices – Dungannon (Roof repairs and associated works)	2015/16	At Tender	£559k
Dungannon Park Pavillion (Extension / Improvement)	July 2015	On-Site	£678k
Tullyvar Landfill Site (Closure and capping Phase 1)	2015/16	Design Stage	£275k (Joint Committee)
Drumcoo Civic Amenity Site (Dungannon)	2015/16	Design Stage	£600k
Improvements to Depot Yard - Cookstown	2015/16	At Tender	£109k

### **Public Realm Schemes**

<b>Name of Project</b>	<b>Projected Completion Date</b>	<b>Status</b>	<b>Total Cost</b>
Cookstown Public Realm (Phase 2)	DSD to Confirm	Design Stage	£3,100k
Dungannon Public Realm (Phase 2)	DSD to Confirm	Design Stage	£2,400k
Magherafelt Public Realm (Phase 1)	DSD to Confirm	Design Stage	£2,700k
Coalisland Public Realm	DSD to Confirm	Design Stage	£1000k

The individual project teams involved in the management and supervision of the contracts, as detailed, will be amalgamated for the Capital Projects Team for Mid Ulster within the Directorate of Public Health and Infrastructure from 1 April 2015. Mr Kelso advised that Members will be regularly informed on the status and progress of Capital Projects.

Councillor Reid asked if Council has the relevant expertise in-house to oversee projects.

Mr Kelso advised that Mid Ulster District Council has a strong team in place.

Councillor McNamee enquired if DSD had given an indication of commitment to the Public Realm Schemes.

The Chief Executive advised that no indication of financial commitment had been given as yet and that a meeting with the DSD Minister had been arranged for 16 March.

In relation to the Heaney Project Councillor Cuthbertson questioned why this project is now costing over four million.

The Chief Executive advised that when brought before Council in November 2014 this project was costed at 3.8 million for construction and £300,000 for professional fees bringing the total for the project to £4.1 million.

### **E32/15      Safety at Sports Grounds (Northern Ireland) Order 2006**

Members were updated on the current status regarding the Safety at Sports Grounds (Northern Ireland) Order 2006 and the inclusion of Regulated Stands.

Mrs McClements advised that the Safety at Sports Grounds (Northern Ireland) Order 2006 introduced statutory safety requirements for Sports Grounds accommodating more than 5,000 spectators at sporting events. Sports Grounds which fall into this category must meet specific safety standards, be formally designated for this purpose and be in receipt of a Safety Certificate issued by Council. Members were advised that only one Sports Ground in the Mid Ulster area had to date been formally designated for this purpose and a number of other venues were assessed at the time, however, they did not meet the relevant criteria and therefore not designated.

Mrs McClements advised that the Safety at Sports Grounds (NI) Order 2006 controls, have now been extended with the introduction of new requirements for 'Regulated Stands' in 'non-designated' Sports Grounds. Under these requirements all 'Regulated Stands' have to be assessed and subsequently comply with the statutory safety requirements, as outlined in the legislation. This will apply to all spectator stands that have a capability of holding more than 500 spectators, seated or standing. The legislation does not apply to 'temporary stands' which are in place for less than 28 days.

Councils are required to consult the PSNI and Northern Ireland Fire and Rescue Service in regards to applications for Safety Stand Certification and any Terms and Conditions that may be applied to same.

For certification purposes the Regulated Stands will be required to meet specific Safety Standards regarding:

- Structural stability;



- Safety of installations contained within the Stands, eg. electrical, mechanical or gas;
- The number, size and situation of entrances and exits, including means of escape;
- Safety capacity of each Regulated Stand and how this will be managed;
- First-aid arrangements for the spectators in the Regulated Stands.

Members were advised that a number of Sports Grounds across Mid Ulster Council area have been identified as having spectator stands and will potentially have to meet the new requirements. Mrs McClements advised that officers will be corresponding and visiting local Clubs in the coming weeks to progress this issue and assist with applications, where necessary.

Councillor Cuthbertson expressed concern that the legislation does not apply to temporary stands at sports grounds.

In response to Councillor S McGuigan's comment, Mrs McClements advised that officers can advise individuals and clubs who wish to come forward to start process of complying with new requirements.

The Chief Executive felt it may be worthwhile to write to Department for Culture Arts & Leisure (DCAL) to ascertain the support being offered to clubs as some may have difficulty in meeting the new legislative requirements.

Councillor Cuthbertson felt that this matter should be left for individual clubs to approach DCAL.

Proposed by Councillor McNamee  
Seconded by Councillor Reid and

**Resolved** That it be recommended to Council to write to DCAL enquiring on the support being offered to clubs to meet new requirements in relation to Safety at Sports Grounds (Northern Ireland) Order 2006 and the inclusion of Regulated Stands.

### **Confidential Business**

Proposed by Councillor Mallaghan  
Seconded by Councillor Gillespie and

**Resolved** That items E33/15 and E34/15 be taken as confidential business.

### **E35/15 Chair's Remarks**

The Chair thanked Members and officers for their support, this being his last meeting as Chair of the Environment Committee before the Annual Council Meeting.

**E36/15      Duration of Meeting**

The meeting was called for 7.00 pm and ended at 8.20 pm.

CHAIR \_\_\_\_\_

DATE \_\_\_\_\_