

**Minutes of Meeting of Environment Committee of Mid Ulster District Council
held on Wednesday 8 October 2014 in Cookstown District Council Offices**

Members Present:	In the Chair, Councillor Cuddy (Chair) Councillors Buchanan, Burton (7.16 pm), Cuthbertson, Gillespie, Mallaghan, McAleer, McFlynn, McGinley, B McGuigan, S McGuigan, McNamee, Mullen (7.02 pm), Mulligan, J O'Neill, Reid (7.12 pm)
Officers in Attendance:	Mr Tohill, Chief Executive Mr Cassells, Director of Technical Services and Leisure Services (MDC) Mr Kelso, Director of Environmental Health and Building Control (CDC) Mr Law, Waste Operations Manager (DSTBC) Mr McAdoo, Head of Waste and Contracts Management (CDC) Mr Young, Director of Environmental Health (MDC) Miss Thompson, Secretariat (DSTBC)

The meeting commenced at 7.00 pm

E18/14 Apologies

None

E19/14 Declarations of Interest

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

**E20/14 Receive and confirm minutes of the Environment Committee
meeting held on Wednesday 3 September 2014**

Councillor Mulligan queried why the minutes are being brought before committee again tonight when they had been adopted at the last Council meeting.

The Chief Executive advised that the minutes were essentially for information tonight as they had already been considered at the September Council Meeting.

Councillor Mulligan requested that item E14/14 of the minute be amended to read:

“UUP Members commented on the Tullyvar site and its potential to be used as a waste processing station in the future.”

The Chief Executive agreed to make the amendment as underlined above.

Councillor Mullen entered the meeting at 7.02 pm

Matters for Decision

E21/14 Receive and consider proposed Waste Management and Technical Services Charges 2015/2016

Mr McAdoo presented a report which provided a scale of charges for the period 1 April 2015 to 31 March 2016 for the following:

- Commercial Waste - Kerbside Collections

Bin Size	Cost per Collection	
	Residual	Recycling
120 Litre	£2.50	£1.25
240 Litre	£4.60	£2.30
360 Litre	£6.80	£3.40
660 Litre	£12.10	£6.05
1100 Litre	£19.90	£9.95

- Purchase of Wheeled Bins

Bin Size	Cost	Delivery Charge	Total (Exc VAT)
120/180 Litre	£25	£9	£34
240 Litre	£25	£9	£34
360 Litre	£50	£12	£62
660 Litre	£125	£12	£137
1100 Litre	£170	£12	£182

- Disposal of Commercial Waste at Recycling Centres

Landfilled Waste

Active Waste - £134 per tonne + vat

Inert Waste - £54 per tonne + vat

Treated Waste

Active - £120 per tonne + vat

Inert - £40 per tonne + vat

- Bulky Household Collections

It is recommended that all household bulky collections will be provided free of charge from 1 April 2015. This can be re-examined later in the first term of the new Council if necessary.

Councillor McFlynn sought clarity on irregularities relating to how people disposing of waste are charged at landfill sites. Mr McAdoo advised that this is a grey area but

typically households who are bringing small amounts of waste are not charged whereas those attending regularly and bringing larger amounts of waste as part of their business activity are charged.

Councillor Mallaghan questioned whether the collection of commercial waste was something Council wanted to undertake in future. Mr McAdoo advised that Council, where requested, has an obligation to provide for the collection of commercial waste and to levy a charge which covers both the cost of collection and disposal/ treatment of that commercial waste.

Councillor Reid entered the meeting at 7.12 pm

Proposed by Councillor Buchanan
Seconded by Councillor McNamee and

Resolved That it be recommended to the Council to adopt the proposed charges as set out above for the period 1 April 2015 to 31 March 2016.

E22/14 Receive and consider paper on Environmental Health Level of Charges/Fees and Fixed Penalties

Mr Young provided a report regarding the current prescribed charges/fees and level of fixed penalties across the three councils.

Mr Young highlighted in some cases the level of fees/charges and fixed penalties are prescribed by applicable legislation whilst in other cases the level is left to the discretion of the Council, within specified parameters. In respect of the fees/charges and fixed penalties that are not prescribed, Mr Young took Members through appendix 1 of the report and asked for Members thoughts on what the level of charge/fee or fixed penalty should be for the Mid Ulster District Council.

Councillor Burton entered the meeting at 7.16 pm

During discussion the following was noted:

High Hedges Act (NI) 2011

Mr Young advised that investigations of complaints relating to this Act can be costly for Council, however to date, the number of complaints has been low and it was Members' decision whether they wanted to adopt a low fee or look more towards cost recovery.

Councillor Reid felt there is a need for Council to place a charge on the complainant.

Street Trading Act (NI) 2001

Councillor Burton felt that a higher street trading fee will mean the further decline of local markets and there is a need for Mid Ulster District Council to work to promote markets in the future.

Declaration of Interest

Councillor Mullen declared an interest in this item but did not leave the room.

Councillor Mullen felt that street trading fees need to be kept low.

Local Government (Miscellaneous Provisions) (NI) Order 1985

Mr Young spoke in relation to Schedule 2 of the above Order which defines a sex shop and specifies the requirement and procedure to obtain and hold a licence for such premises. At the moment Dungannon and South Tyrone Borough Council is the only Council of the three which has adopted Schedule 2.

Councillor McNamee proposed that Mid Ulster District Council adopt Schedule 2 of the Local Government (Miscellaneous Provisions) (NI) Order 1985.

Councillor Mullen felt that the fee for acupuncture/electrolysis/tattooing/piercing should be increased as these trades are more profitable than the current fee reflects.

Private Tenancies Order (NI) 2006 (PTO)

Councillor S McGuigan stated there needs to be an appropriate fee to cover costs.

Betting and Gaming (NI) Order 2004

The Chair, Councillor Cuddy, felt that the fee needs to be at the higher end to combat gambling problems.

Places of Marriage/Civil Partnerships

Councillor Cuthbertson felt this fee should be at the upper end.

Dogs (NI) Order 1983 as amended

Some charge to be imposed for the collection of unwanted dogs and harmonisation of kennel charges.

The Poisons (NI) Order 1976 The Poisons Regulations (NI) 1983

Fee should be £5.

Resolved That it be recommended to the Council to take on board the comments as above and bring back a further report with recommendations for fees/charges and fixed penalties for Mid Ulster District Council.

Matters for Information

E23/14 Receive paper on DARD Review of the Implementation of the Welfare of Animals Act

Mr Young presented a report with regard to the current Review of the Implementation of the Welfare of Animals Act 2011 being carried out by the Department of Agriculture and Rural Development (DARD). Mr Young explained how the review will consider the implementation of the Welfare of Animals Act 2011 under the following themes:

- Sentencing for animal welfare offences
- Delivery structures for non-farmed animals currently being carried out through four Environmental Health Groups and Belfast
- Working together (both within and between several agencies)
- Serving the public (information and complaints)

The Chair, Councillor Cuddy, referred to the length of time and considerable cost to Councils in bringing such cases to court.

Councillor Burton expressed the need for this review to consider all aspects of animal welfare including provision of veterinary services.

The Chief Executive spoke in relation to the current cluster approach for the delivery of the Welfare of Animals Act 2011. Within the current Local Government Reform process the current structure will require changes but it will be important to maintain some sort of cluster approach to ensure the Act is delivered in the most appropriate way.

Mr Young advised that two officers from the cluster had been involved in discussion sessions. It is anticipated that DARD will produce an interim report by late November with a final report coming forward in early 2015.

E24/14 Receive paper on DSD Affordable Warmth Programme in Mid Ulster

Mr Kelso presented a report in relation to the Affordable Warmth Programme advising that it is now operational across the Mid Ulster District Council area with surveyors in place undertaking household surveys. The Programme is 100% funded by DSD. Cookstown District Council will lead the Programme for 2014/15 with funding of £126,000. The proposed funding for 2015/16 has been set at £153,000 and it has also been confirmed that Programme funding will extend to 31 March 2019 with a review period at end of March 2017.

Mr Kelso reminded Members that eligibility for the Programme is targeted to the most vulnerable households across the three Councils with a prioritised address database provided by DSD. Mr Kelso also encouraged Members to make referrals

onto the Programme if they felt there are other vulnerable households and their eligibility can then be assessed.

Mr Kelso advised that an information workshop will be held in November to make installers of home heating equipment across the Mid Ulster District Council area aware of how to become involved in the Programme.

IN COMMITTEE

Proposed by Councillor S McGuigan
Seconded by Councillor Mallaghan and

Resolved That item E25/14 and E26/14 be taken 'in committee'.

E27/14 Duration of Meeting

The meeting commenced at 7.00 pm and ended at 8.25 pm.

CHAIR _____

DATE _____