

Minutes of Meeting of Environment Committee of Mid Ulster District Council held on Wednesday 3 December 2014 in Cookstown District Council Offices

Members Present: In the Chair, Councillor B McGuigan (Vice Chair)

Councillors Buchanan, Burton, Cuddy (7.17 pm), Cuthbertson, Gillespie, Mallaghan, McAleer (7.08 pm), McFlynn, McGinley, S McGuigan, McNamee, Mullen (7.08 pm), Mulligan, J O'Neill

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 Hall, Head of Audit, Risk and Governance (CDC)
Mr Kelso, Director of Environmental Health and Building Control (CDC)
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

In the absence of Councillor Cuddy (Chairman), Councillor B McGuigan (Vice Chairman) took the Chair

E41/14 Apologies

None.

E42/14 Declarations of Interest

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

E43/14 Receive and confirm minutes of the Environment Committee meeting held on Wednesday 5 November 2014

Councillor J O'Neill requested that the minute be amended to read:

Item E36/14 Receive and consider paper on status of Building Control Service Convergence across existing Councils

Councillor O'Neill made reference to the hand delivering of documents by Council officers and representatives of other agencies.

Proposed by Councillor Mulligan
Seconded by Councillor S McGuigan and

Resolved That the Minutes of the Meeting of the Environment Committee held on Wednesday 5 November 2014 (E28/14 – E38/14 and E40/14) were considered and subject to the foregoing amendment were signed as accurate and correct.

Matters for Decision

E44/14 Eco-Schools Programme

The Chief Executive asked that Members note the content of the report being presented tonight as the request for financial support contained within it is only one of many received from outside bodies and will be considered collectively when setting budgets.

Mr McAdoo presented a report on the Eco Schools Programme which was developed in 1994 on the basis of the need for involving young people in finding solutions to environmental and sustainable development challenges at a local level. Currently across two of the three Council areas all schools are registered on Programme with 98% of schools registered in the remaining Council area.

Mr McAdoo advised that the Eco Schools Programme is requesting support for 2015/16 at a cost of £1500 plus VAT.

Councillors McAleer and Mullen entered the meeting at 7.08 pm

Councillors B McGuigan and McFlynn spoke in support of the Programme and its benefits not only to schools but the wider community.

Councillor Burton enquired as to what the outcomes of the Eco School Programme were and how the current Recycling Officers will be designated in future.

Mr McAdoo advised that the outcomes of the Programme are difficult to measure but the response to the programme has been very positive. Designation of officers is still to be addressed and will be decided in the coming months.

Councillor Mulligan expressed concern that the level of support being requested from Mid Ulster District Council is double what is currently being provided to the Eco Schools Programme.

Proposed by Councillor S McGuigan
Seconded by Councillor Mulligan and

Resolved That it be recommended to Council to note the content of the report and the request for financial support.

E45/14 Cyclical Fleet Replacement Programme

Mr Scullion provided a report on the proposals for a rolling replacement programme for Mid Ulster District Council's vehicle fleet and associated diverse machinery.

Currently, the existing Councils operate a fleet of approximately 128 vehicles (excluding diverse machinery, plant and equipment). The fleet profile includes refuse vehicles, mechanical sweepers, tipper lorries, light commercial vehicles, 4x4s and items of diverse plant from ride-on mowers to diggers, mechanical dumpers and telescopic handlers. Refuse collection vehicles are the most expensive fleet assets, while the remaining fleet is utilised supporting service delivery within grounds maintenance/ parks, cemeteries, street cleansing, building maintenance, dog enforcement and other direct Council services.

Mr Scullion informed Members that the existing Councils do not have a scheduled fleet replacement programme and vehicles were replaced based on service need and availability of annual budgets. It is proposed to develop a rolling fleet replacement plan to replace vehicles at a stage in their lifecycle when maintenance costs increase significantly, vehicle efficiency decreases and the condition of the vehicle deteriorates. The criteria used for replacements has been determined by fleet age. For Heavy Goods Vehicles the replacement cycle would be eight years old, and for Light Goods Vehicles every six years in a rolling programme of replacements.

The proposed rolling programme requires a capital investment of approximately £5.5million over the next five years. Mr Scullion referred to previously circulated figures illustrating a breakdown of the anticipated spend per year based on the Net Present Value of vehicles:

	Year1	Year 2	Year 3	Year 4	Year 5
HGV's (£)	1,125,000	1,023,000	765,000	545,000	513,000
LGV's (£)	124,000	104,000	150,000	165,000	74,000
Diverse Machinery (£)	12,000	131,000	87,000	291,000	411,000
Total per annum (£)	1,261,000	1,258,000	1,002,000	1,001,000	998,000
Total Capital profiled (£)	5,520,000				

Due to the high average age of the current fleet and to realise the replacement cycle on a rolling basis it is necessary to phase the implementation through the service. From year four HGV's would be replaced every six years, whilst from year five LGV's would be replaced every eight years. From year three approximately £1million capital will be required per annum to cyclically replace and maintain the current fleet at the present level of service demand and vehicle mix.

It is proposed that fleet replacement be based on outright purchase financed through a central government loan charges paid off over the life of the fleet to realise the planned cyclical replacement programme.

Councillor Cuddy entered the meeting at 7.17 pm

Councillors B McGuigan and McNamee felt that details of future fleet replacement should be brought before this committee in the first instance.

The Chief Executive advised that procurement procedures are still being developed.

Councillor McNamee added that vehicles due to be taken out of service should not be replaced purely because of age and that consideration should be given to other relevant factors.

Councillor S McGuigan enquired as to whether there is opportunity for links with other Councils when purchasing vehicles.

The Chief Executive advised that there are options to explore this idea and that Members will be informed of any preferred method of procurement.

Councillors J O'Neill and Cuddy expressed concern that two of the three current Councils have taken steps to update their fleet.

Councillor Mulligan felt it is important to try to minimise the burden on the rates.

The Chief Executive advised that the Council is trying to avoid a dramatic rise in Rates in any one year by proposing this rolling replacement programme.

Councillor B McGuigan enquired whether maintenance of vehicles is currently outsourced or done in house.

Mr Scullion advised that two Councils currently complete this work in house while the other Council outsources the work.

The Chief Executive added that Council was currently in a transitional phase with existing arrangements to continue until such times as alternatives are put in place.

Proposed by Councillor Buchanan
Seconded by Councillor McFlynn and

Resolved That it be recommended to the Council to endorse a rolling replacement programme for the Council vehicle fleet, subject to budget confirmation during the annual rates setting process.

E46/14 Building Control and Land and Property Services Joint Working Programme

Mr Wilkinson provided Members with an update in relation to the work of the Building Control and Land and Property Services Joint Working Programme. He said that, currently on a monthly basis each Council's Building Control Service provides information on new build/ construction for their council area to Land and Property Service on;

- Commencement Lists
- Completion Notices – Ready List

- Address Details
- Property Data Set and Occupancy Information

A Mid Ulster Building Control / Land & Property Services Working Group was established in June 2014, to ensure a consistent and structured approach was taken to refine the Pointer Database and to update the general address dataset for Mid Ulster District. The Working Group identified a number of key action points:

- Data Referencing / Land & Property Services
- Commercial Database Review
- 'New Build' Notifications
- Road / Street Name Standardisation
- Unverified Address Lists - Refinement
- Boundary Changes – Dungannon and South Tyrone

As part of the programme, each Council's Address Database is being reviewed and verified to enable redundant and historical information to be removed. A special focus has been placed on 'data cleansing', for each of the existing address databases in preparation for 1 April 2015.

Mr Wilkinson also advised that Land & Property Service has requested constituent councils to assist with the Non-Domestic Vacancy Control Programme focussed on ensuring all commercial business activities are 'Valued and Rated' for the purposes of rates collection, including dormant commercial properties which are re-occupied.

A number of Council's are currently working closely with Land & Property Services to deliver this programme. At the moment five of the eleven new cluster areas are currently undertaking non-domestic vacancy checks. As part of the process Land & Property Services identify a summary list of premises for review and then Building Control Services, in conjunction with other programmed work, complete a Premises Check List for the properties concerned. The completed reviews are returned to Land & Property Services to enable the commercial Rate Register to be updated and so provide additional Rate Revenue for Council, as additional contribution to the Local Penny Product.

The Non-Domestic Vacancy Control Programme is being piloted in Cookstown Council area. If Members are in agreement, it is proposed that the Vacancy Control Programme be further developed and rolled-out across Mid Ulster, to take effect from 1 April 2015, as part of new arrangements for Mid Ulster District Council.

In response to Councillor McNamee's question as to whether Councils are reimbursed for work undertaken on behalf of Land and Property Services Mr Wilkinson advised that Councils are not reimbursed. Councillor McNamee felt that Council should seek reimbursement for the work completed.

Councillor S McGuigan enquired as to the pitfalls and benefits to Council in undertaking the additional work being requested by Land and Property Services in relation to non-domestic vacancy checks.

Mr Wilkinson advised that the additional work will create an extra workload but will also provide for extra rateable income. Mr Wilkinson envisaged that more Councils are likely to undertake the non-domestic vacancy control checks in the coming months.

Councillor Mallaghan expressed concern in relation to the issuing of rates bills to homes that are deemed 'watertight' but are in reality uninhabitable and the additional pressure this puts on families trying to complete their homes which happens when a Completion Ready Notice is issued. Councillor Mallaghan felt that Council should be selective in the information being provided to Land and Property Services to enable a rates bill to be issued, Councillor McNamee concurred with these comments stating that as these houses are not habitable exceptions should be allowed.

Councillor Cuddy felt that the Building Control Service should be paying for itself or aiming to in the future and that going forward this should be a key performance indicator.

Resolved That it be recommended to the Council that a report be brought to the next Environment Committee on Completion Ready Notices.

E47/14 Private Water Sampling taken by Environmental Health staff on behalf of Drinking Water Inspectorate

Mrs McClements presented a paper seeking approval for existing working arrangements between the three Mid Ulster cluster of councils Environmental Health departments and the Drinking Water Inspectorate to continue in Mid Ulster District Council.

The Officer added that Environmental Health staff currently, through a voluntary agreement with the Drinking Water Inspectorate, collect water samples and undertake risk assessments of private water supplies. Councils are then reimbursed for undertaking these duties

Proposed by Councillor Gillespie
Seconded by Councillor Buchanan and

Resolved That it be recommended to Council that the current voluntary agreement between the three Mid Ulster cluster of councils and the Drinking Water Inspectorate continue in Mid Ulster District Council.

E48/14 Street Trading Fees

Mrs McClements presented a paper in relation to establishing fees for Street Trading licence applications.

The Officer advised that Council is permitted to charge maximum fees sufficient to recover the full costs of administering the scheme but not including enforcement against illegal traders. Where the Council decide to charge a fee there is a legislative process that must be carried through:

- Proposed fees must be publicised in two or more newspapers circulating in the district.
- Council must give notice of the proposed fees to licence holders affected by the proposal.
- 28 days must be permitted for anyone to make a written representation concerning the proposed fees.
- Council must consider any such representations made and determine the fees.
- Having reached such a decision the Council must again publicise the fees in two or more newspapers in the district and notify all licence holders affected by the decision.

In setting the Street Trading fee the decision is made based on a cost recovery basis, designation procedure fees, review/ calculation of fees and the number of newspapers used for advertising.

Proposed fee calculations have made the assumption that it is year zero in relation to administration costs of the scheme as a new council and as such there are no outstanding deficits or surpluses which need to be taken into account from predecessor council administration of the Street Trading regime. The proposed fees can be summarised as:

STATIONARY TRADERS	Advertising in 2 papers	Advertising in 8 papers
Fee advertising costs, Application and Regulation costs	£173.47	£213.39
Advertising costs for designation of street	£23.45	£85.99
Total Cost Per Licence (excluding designation costs)	£173.47	£213.39
Total Cost Per Licence (including designation costs)	£196.92	£299.38

MOBILE TRADERS	2 papers	8 papers
Advertising costs – Fees/Application/Regulation	£173.47	£213.39
Total Cost Per Licence	£173.47	£213.39

TEMPORARY TRADERS	
Administration & Regulation Costs	£54.40
Total Cost Per Licence	£54.40

As the number of temporary traders to be licensed is currently not known and that an exact figure for corporate costs has not been included, but that the Council can recoup enough money (but not make profit) from licence fees to cover the cost of administering under the 2001 Act, it is proposed that, subject to a Council decision

on the number of newspapers to be used for advertising purposes the fees for Street Trading Licences for 2015 - 2016 be:

	MUDC (2 papers used)	MUDC (8 papers used)
STATIONARY TRADER	£175	£215
MOBILE TRADER	£175	£215
TEMPORARY TRADER	£55	£55
VARIATION OF LICENCE	£70	£70

Councillor Mullen enquired what the eight papers are which Council proposes to advertise in.

Mrs McClements advised that she would be aware of some of the eight newspapers but did not have a complete list available tonight.

On this basis Councillor Mullen felt that the committee would be unable to make a decision tonight on how many newspapers to advertise in until Members are aware of what the newspapers are. Councillor Mullen added that she is aware of thirteen papers circulating in the area.

Councillor Mallaghan expressed the need for an advertising policy to address issues such as this and in particular going forward to deal with planning issues.

Resolved That it be recommended to the Council to bring a list of papers in circulation across the Mid Ulster District Council area to a future Council meeting and defer decision on Street Trading fees until this has been considered.

Matters for Information

E49/14 Health and Safety Audit on Waste and Technical Services

Mr Hall provided Members with the outcome of an initial gap analysis on occupational health and safety management systems across waste and technical services within the existing councils and referred to a series of issues contained within a previously circulated report.

Risk Assessment Processes

In carrying out the risk assessment process some sources of information or inputs need to be considered, for example legal requirements, records of incidents and visitors to the workplace. The following issues were identified:

- All Councils had in place a fairly extensive suite of general risk assessments as regards Technical based operations; these did go a long way towards significantly addressing the high risk activities.

- Two Councils already use same General risk assessment format.
- Two Councils had extensive procedural documents in place to guide the risk assessment process across the spectrum of risks (*General, Manual Handling, Control of Substances and Hazards to Health (CoSHH) and DSE*)
- Some review and updating of existing procedural documents is required
- Some issues are yet to be addressed in all three Councils, for example noise
- Significant gaps were identified in not meeting legal requirements in one Council in there not being documented risk assessments for Manual Handling, COSHH

Mr Hall advised that it would be relatively easy to achieve alignment if Mid Ulster District Council adopts the processes, format and common documentation already in use within two of the Councils. He added that there was an opportunity to disseminate the completed assessments across Mid Ulster District Council as work practices are broadly common in these areas.

It is recommended that the common documentation is put in place for Mid Ulster District Council.

Organisational Arrangements:

Mr Hall advised that it is a legal requirement that a Health and Safety Policy exists and all three Councils do have in place a policy.

Two of the Councils had formal reporting structures in place to ensure that elected members, senior management and trade unions were kept informed about the suitability and adequacy of health and safety performance. One Council did not have in place a Health and Safety Committee which is a legal requirement if requested by unions.

Reporting arrangements for health and safety to elected members within Mid Ulster District Council has already been broadly outlined. There will be a need to establish the Terms of Reference and membership of a Mid Ulster Health and Safety Committee at an early stage.

It is recommended that Terms of Reference for a Mid Ulster Safety Committee is prepared and a Committee put in place at an early stage.

Monitoring, Inspection and Review

Inspections and reviews are a vital element of any safety management system to determine whether the standards set for the work activities are being met and to allow the identification of problems before they become more serious or result in an incident or accident. They also provide essential evidence to enforcers and as a claims defence that safety management is actively taking place. Some inspections are required by law such as lifting equipment, local exhaust ventilation and pressure vessels.

All of the Councils had inspection systems of one kind or another in place. Two of the Councils have a formal audit and inspection regime.

There is a need to agree and align the documentation used and the frequency rates of inspection increased in moving forward to Mid Ulster District Council.

It is recommended that this be put in place.

Training

It is a statutory requirement that employees receive adequate training to allow them to do their job safely. Two of the Councils had in place a formalised training programme and while the other was more ad hoc the training in high risk activities was mostly evident. There was a gap in training in high risk activities in one Council as regards mobile and static street works and the reversing of refuse vehicles.

All of the Councils were fortunate to have managers in the Technical Services disciplines who had received formalised manager's safety training to an accredited standard.

While it is envisaged that the capacity training programme will contain elements of health and safety related training the opportunity exists immediately for greater use of an offer to cluster partners of safety related training and this should be built on.

There is a need for all of the Councils to identify the essential safety training requirements for each job role and to ensure the consistent delivery of the same.

It is recommended that a role specific, health and safety related, training needs analysis is undertaken as soon as structures are embedded in Mid Ulster District Council.

Measurement

It was relatively easy for two of the Councils to measure their performance in relation to numbers of accidents and trends as they are using an IT system for the reporting and recording of accidents. While the system used is relatively simple in the short to medium term it is adequate and could be expanded out for use in Mid Ulster District Council.

It is recommended to expand the existing IT system for use in Mid Ulster District Council in the short to medium term, and in the longer term a more comprehensive IT based Health and Safety system be introduced.

Councillor McGinley enquired if one of the Councils appeared to be less progressive in relation to health and safety than the other two.

Mr Hall advised that as there was a past partnership in health and safety arrangements with two of the councils which is why their processes are similar however this is not to the detriment of the other council, which has in place different processes and procedures. Additionally the health and safety officer at this council is only part time.

Councillor Buchanan left the meeting at 8.25 pm

Councillor Mallaghan left the meeting at 8.27 pm

Councillor McGinley asked if Council anticipates any barriers in carrying out a similar health and safety gap analysis across leisure related facilities as one is privately owned.

Mr Cassells advised that there have been no issues in the past at this particular site with regards to health and safety visits and that all required access has been given.

The Chief Executive stressed the importance of health and safety and advised that the Health and Safety Executive will be invited to present at a future meeting of committee.

Councillors McAleer and Mullen left the meeting at 8.33 pm

Proposed by Councillor McNamee
Seconded by Councillor Cuddy and

Resolved: That it be recommended to Council to adopt recommendations as set out above. In addition, an examination of occupational health arrangements relating to health surveillance be carried out, a similar health and safety analysis be carried out across leisure related facilities and that existing health and safety policies be reviewed and a format developed for Mid Ulster District Council health and safety policy.

IN COMMITTEE

Proposed by Councillor McGinley
Seconded by Councillor J O'Neill and

Resolved That item E50/14 be taken 'in committee'.

E51/14 Duration of Meeting

The meeting was called for 7.00 pm and ended at 8.37 pm.

CHAIR _____

DATE _____