

Health and Environmental Services Committee

Monday, 18th January, 2010

Meeting of Health and Environmental Services Committee

Members present: Councillor McCarthy (Chairman); and
Councillors Adamson, Austin, Campbell, Cunningham,
Cush, Hendron, Humphrey, Jones, B. Kelly, Kirkpatrick,
Kyle, Mallon, McKenzie, Mhic Giolla Mhín
O'Neill and Rodway.

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;
Mr. J. Hanna, Senior Committee Administrator; and
Mr. H. Downey, Committee Administrator.

Minutes

The minutes of the meeting of 2nd December were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 5th January.

Councillor Mallon

The Chairman, on behalf of the Committee, welcomed Councillor Mallon to her first meeting.

Revenue Estimates 2010/ 2011

(Mrs. J. Thompson, Director of Finance and Resources, attended in connection with this item.)

The Committee considered a report which had been prepared by the Director of Finance and Resources in relation to the estimates of revenue expenditure for the year 2010/2011. A copy of that section of the report, insofar as it applied specifically to the Health and Environmental Services Committee, is set out hereunder:

“A spending limit of £43,057,644 is recommended for the Health and Environmental Services Committee in 2010/2011. This represents an increase of £444,816 or 1.04% over last year. The main items of expenditure of the department are set out within the attached appendix.

The *Environmental Health Service's* budget has increased by £62,820 representing an increase of 0.88% on 2009/10. This includes expenditure of £425,000 on the Good Morning Project which will be fully financed by external funding. The estimates also include the full cost of the City Wide 25 person Community Warden Service with an estimated net cost to the Environmental Health Service of £217,975 during 2010/11. As previously advised to Committee the estimates are based on the balance of funding required for the service being secured through external partners (estimated at £620,000 for 2010/11) and a successful bid of £100,000 from the Council's Thematic Funding for 2010/11. It should be noted that if thematic funding was not available for 2010/11 then the planned Wardens Service would have to be curtailed unless specific growth to match the £100,000 was included in the Environmental Health Service revenue estimates.

The Council will incur an additional £542,000 of Landfill Tax costs during 2010/11 due to the annual increase in the landfill tax rate of £8 per tonne announced by the Chancellor of the Exchequer in the March 2007 Budget. In-vessel composting costs for the treatment of food waste collected through the brown bins will also increase *Waste Management* costs by £121,000 during 2010/11. Despite these major increases, significant budget savings within the Waste Management Service have resulted in the overall increase in net expenditure for the Service being limited to £367,059. The savings include a reduction of £105,000 of landfill contract gate fees mainly due to the reduction in tonnages disposed of by landfill, £200,600 of reductions in operational costs at the Waste Transfer Station, £80,000 reduction in external services contracts for the Public Conveniences (PC's) £50,000 of which relates to the savings in the tender for mobile security at PC's and reductions of £137,000 of costs for Waste Education and Projects of which the major element is savings in advertising costs of the waste communication programme and a reduction in the scale of the Waste Week initiative.

The impact of the economic downturn on the construction industry continues to have a major affect on the *Building Control Service*. Members will be aware of the range of initiatives which the Service has implemented to reduce the impact of the major reduction in Building Control income since June 2008. These have included undertaking the vacant rating project via a service level agreement with the Land and Property Service, the non filling of vacant posts which have arisen through staff turnover, the redeployment of staff within the Council so that vital skills are not lost, the agreement that the Council will be the provider of Energy Performance Certificate (EPC) regulation for Northern Ireland which will be fully funded by the Department of Finance and Personnel and the downsizing of the service following a review by the Council's Business Improvement

Section. Normal Building Control income is estimated to decrease by a further £626,250 during 2010/11 (excluding the additional £255,450 of EPC income). The increase in net expenditure for the Service has however been lessened due to reductions in staff costs of £242,600 based on the recommendations for the restructuring of the service as well as other anticipated staff turnover savings and a reduction of £43,527 in other external service costs. The net cost of the service will therefore increase from £661,263 in 2009/10 to £1,001,384 in 2010/11.

The net cost of the *Cleansing Services* for 2010/11 is £15,461,721 which is a reduction of £314,046 or 1.99% on the 2009/10 budget. Overall income is estimated to increase by £382,230 with £366,920 of the increase relating to Commercial Waste charges necessary to recover the increased costs of disposal of commercial waste. The increase on employee related costs has been limited to £73,000 following a reduction in overtime of £71,440. Given the trend in fuel costs for Cleansing vehicles during 2009/10, the budget for fuel costs has been reduced by £363,200 on the 2009/10 estimate.

Recommendations

Members are requested to note the contents of the report and agree the cash limit for the Health and Environmental Services Committee for 2010/11 of £43,057,644 and the proposed allocation of the resources therein.

APPENDIX

HEALTH AND ENVIRONMENTAL SERVICES COMMITTEE

MAIN ITEMS OF ESTIMATED EXPENDITURE 2010/11

	<u>Net Expenditure</u> <u>2010/11</u> £
<u>Environmental Health</u>	7,164,222
Health Policy and Procedures	107,815
Health Protection	5,213,669
Consumer Protection	1,842,738

	<u>Net Expenditure</u> <u>2010/11 (contd.)</u> £
<u>Waste Management</u>	18,644,340
Waste Disposal	10,463,589
Waste Control Monitor Enforcement	2,889,589
Civic Amenity Sites	2,385,324
Public Conveniences	464,850
Waste Control Projects and Out reach	825,250
Waste Management Business Support	616,924
Duncrue Complex	765,613
Policy and Resources	233,800
<u>Building Control</u>	1,001,384
<u>Cleansing</u>	15,461,721
Depot Summary	355,474
Cleansing Direct Costs	13,235,824
Cleansing Business Support and Quality Assessment	1,465,850
Waste Collection Management	404,570
<u>Directorate Support</u>	785,977
TOTAL	43,057,644”

The Director of Finance and Resources outlined the factors which had been taken into consideration in the preparation of the estimates and highlighted the costs which had contributed to a Departmental increase of 1.04% from the previous year. She informed the Members that, on 8th January, the Strategic Policy and Resources Committee had agreed that the cash limit for the Health and Environmental Services Committee should be set at £43,057,644.

After discussion, the Committee agreed that its cash limit for the 2010/2011 financial year be £43,057,644 and approved the allocation of resources as set out within the foregoing appendix.

Directorate

National Association of Councillors' Conference

The Director of Health and Environmental Services informed the Members that the National Association of Councillors would be holding a conference in York from 22nd till 24th January. He reported that the theme of the conference was “Tackling Climate Change – Protecting Our Environment” and that it would consider important

issues such as flood risk, low carbon vehicles, sustainable waste management and wind energy. It would provide also an opportunity for Members to increase their awareness of a wide range of environmental policy issues of immediate relevance to the Council. The total cost per delegate for attendance at the event would be approximately £660.

The Committee authorised the attendance at the National Association of Councillors' conference of the Chairman, the Deputy Chairman, the Council's representatives on the National Association of Councillors (Northern Ireland Region) (or their nominees) and a representative of each of the Party Groupings on the Council not represented by the aforementioned Members.

Secondment of Sustainable Development Manager

The Committee was reminded that, at its meeting on 8th March, 2005, it had approved the secondment of the Sustainable Development Manager to the Department of the Environment for a period of two years to act as a support officer for the Sustainable Development Commission. This secondment had been extended until April, 2009 and for a further year by the Committee at its meetings on 11th September, 2006 and 8th October, 2008 respectively.

The Director of Health and Environmental Services informed the Members that the Sustainable Development Commission had indicated that it now wished to extend the arrangement by a further twelve months. He pointed out that the secondment represented a suitable development opportunity for the Sustainable Development Manager in an area which was of significant strategic importance to the Council. Accordingly, he recommended that the Committee agree to extend till April, 2011 the secondment to the Department of the Environment of the Sustainable Development Manager, subject to all salary costs and associated expenditure being met by that Department. He recommended further that the Committee agree that the post within the Health and Environmental Services Department vacated by the Sustainable Development Manager continue to be filled through the extension of the current secondment in accordance with appropriate Council procedures.

The Committee adopted the recommendations.

Northern Ireland Local Government Awards

The Committee was advised that the Northern Ireland Local Government Association would be holding its Annual Conference in Newcastle on 18th and 19th February. The Director of Health and Environmental Services reported that the Association would, on the evening of the 18th, be hosting a dinner during which the various winners of the Northern Ireland Local Government Awards 2009 would be announced. The awards, which had attracted in the region of seventy entries, sought to recognise exceptional performance and achievement by both officers and Members.

He explained that the Health and Environmental Services Department had been advised that submissions made by three of its Services had been shortlisted for awards. The Community Safety Team within the Environmental Health Service had been nominated in the "Best Local Authority Service Team" category in recognition of its work in tackling issues such as alcohol-fuelled violent crime, anti-social behaviour and hate crime. The Lord Mayor's Big Clean-Up campaign, which had been led by Cleansing Services, had been shortlisted for an award in the "Best Sustainable Development Initiative" category. Finally, the Building Control Service had been nominated in the "Best Improvement Project" category as a result of its partnership working with the Land and Property Services Agency in collecting data to facilitate the early and accurate valuation of properties. The Director pointed out that these nominations reflected the Council's ongoing commitment to service delivery. He explained that two officers associated with each of the three submissions had been invited to attend the awards dinner and ceremony and that additional places could be purchased at a cost of £45 per person.

The Committee authorised the attendance at the Northern Ireland Local Government Awards 2009 of the Chairman and the Deputy Chairman, together with two officers from each of the three Services whose submissions had been shortlisted for an award.

Waste Management

Waste Management Service – Customer Service Standards

The Committee was advised that, in line with the Council's ongoing commitment to delivering better services, the Waste Management Service had been working with the National Consumer Council and the Corporate Communications Section in order to develop a set of Customer Service Standards and associated performance targets. The Head of Waste Management explained that these would relate specifically to the following services:

- purchasing a bin;
- public toilets;
- household recycling centres;
- glass recycling banks;
- waste management helpline and support services;
- abandoned vehicles;
- asbestos collections;
- promotion and education; and
- household waste assessments.

He informed the Members that it was proposed that the Customer Service Standards and associated performance targets be published on the Council's website, monitored regularly and reported to the Committee on an annual basis. He pointed out that, in so doing, the Waste Management Service would be demonstrating its commitment in terms of addressing customer expectations. Information derived from the performance data would be used to improve service delivery and inform new proposals and approaches in relation to waste management within the City. Accordingly, he recommended that the Committee approve the Customer Service Standards and agree that performance information be presented to the Committee on an annual basis.

During discussion, a Member suggested that performance data should be presented to the Committee on a six-monthly basis, rather than annually. In response, the Head of Waste Management explained that, although it would not be feasible to collate data on some of the performance measures to enable them to be presented to the Committee within such a timeframe, a report could be provided as part of the half-yearly update on the Departmental Plan to include those performance measures for which information was available.

The Committee approved the Customer Service Standards for the Waste Management Service and agreed that they be submitted for its consideration as outlined.

Producer Compliance Schemes –

Collection and Processing of Waste Electrical and Electronic Equipment

The Committee was advised that, under the provisions of the Waste Electrical and Electronic Equipment (Waste Management Licensing) Regulations (Northern Ireland) 2006, the Council was obliged to accept waste electrical and electronic equipment from members of the public. The Head of Waste Management reported that the Council had, in accordance with the Government's Take Back Scheme, registered a number of sites as designated collection facilities in order to receive waste equipment such as large household appliances, cooling appliances, televisions and monitors and gas discharge lamps, such as fluorescent tubes. Such items were collected and processed subsequently free of charge through a Producer Compliance Scheme which operated on behalf of manufacturers.

He explained that, when the Take Back Scheme had been introduced in July, 2007, it had been determined that some Councils could have difficulty in securing a Producer Compliance Scheme owing to the small quantities of waste electronic and electrical equipment which they generated. Accordingly, it was agreed that a collaborative process involving the three waste management partnerships should be used. He reported that arc21 had, subsequently, completed tendering exercises for the collection and processing of waste electrical and electronic equipment from designated collection facilities under Councils' control and, as a result, a contract had been awarded to cover the period from 1st July, 2007 till 31st December, 2009. Arc21, in collaboration with the North West Region Waste Management Group, had re-tendered recently for this service and had awarded a new contract for the period from 1st January, 2010 till 31st March, 2013, with the option of six-monthly extensions until 31st March, 2015. Accordingly, he recommended that the Committee approve the Council entering into an agreement with arc21 and the North West Regional Waste Management Group for the collection and processing of household waste electronic and electrical equipment, which would involve no cost to the Council.

The Committee adopted the recommendation.

Collection and Processing of Batteries and Accumulators

The Head of Waste Management informed the Members that the provisions of the Waste Batteries and Accumulators (Treatment and Disposal) Regulations (Northern Ireland) 2009 placed a responsibility upon producers in relation to the collection and processing of waste batteries and accumulators. Councils were, therefore, entitled to access a service which would collect and process free of charge waste batteries and accumulators from designated collection facilities.

He explained that arc21, together with the North West Region Waste Management Group, had conducted a tendering exercise with a view to establishing a batteries and accumulators Take Back Scheme, similar to that which operated in relation to waste electrical and electronic equipment. As a result, a contract had been awarded to cover the period from 1st January, 2010 till 31st March, 2013, with an option to extend on a six-monthly basis until 31st March, 2015. Accordingly, he recommended that the Committee approve the Council entering into an agreement with arc21 and the North West Region Waste Management Group for the collection and processing of household batteries and accumulators from designated collection facilities, which would involve no cost to the Council.

The Committee adopted the recommendation.

Sustainable Carbon Reward Card

The Committee considered the undernoted report:

“Relevant Background Information

Since 2004, the Waste Management Service has been considering proposals to develop a reward card system to encourage changes in attitude and behaviour amongst the city’s public. However, progress with these proposals was limited by the need to prioritise operational issues, such as the roll-out of new waste collection arrangements.

In 2008, however, the EC INTERREG IV:B North West Europe region programme Priority 4 Strong and Prosperous Communities was identified as providing a possible source of funding for the development of a reward card, and two reports were prepared and the proposals approved by the Committee to consider the development of an application.

The Committee may recall that, at its meeting on 8th April, 2009, approval was granted for the Waste Management Service to lead the preparation of an application under the INTERREG programme for a Sustainable Carbon Reward Card, in conjunction with partners from Dublin Regional Authority, Liverpool City Council and the Brussels Institute for Management of the Environment. The Committee was informed that 50% of the cost of developing the reward card would be directly funded by INTERREG.

The Committee agreed that, should the application be successful, a report would be submitted to a future Committee meeting providing details of the project, the organisations involved and the associated costs to enable a decision to be taken regarding the Council's participation in the programme.

In accordance with the Committee's decision, an application was submitted to INTERREG in October, detailing the partners' plans for a Sustainable Carbon Reward Card which would seek to encourage users in each of the cities to become more aware of the impact of their personal choices and to alter their lifestyles. The aim of the card is to reward positive personal behaviour by issuing points which will save the user money, impact positively on the environment and improve the use of Council resources.

In December, the application for a five year project was conditionally approved by INTERREG, subject to several conditions being met. These have been clarified at a meeting with the INTERREG management team last week. The partners also met last week to address the conditions and to finalise the application form by 26th February in line with the INTERREG timetable.

In each of the partner cities, the card will seek to promote change in particular areas of public behaviour. The different areas and how they can be targeted by rewarding behaviour are due to be scoped fully in the first year of the project but the Service is proposing that Belfast should consider issues such as sustainable consumption and how to reward users for:

- Increasing their recycling rates
- Minimising their production of waste
- Increasing their use of the Council's leisure centres and
- Increasing their use of public transport.

Other areas which it may prove possible to include in the card scheme include (i) increasing donations to and the use of charity shops (ii) buying local produce/supporting the St George's Market (iii) restaurants which source local supplies and (iv) shops and businesses which have achieved environmental accreditation such as that offered by the Council's BITES (Business Improvement through Environmental Solutions) programme.

Another key focus in the first year of the project will be to determine how users can redeem the points which they have gathered.

The aim is to reward users' choices which have a more beneficial environmental impact and to stimulate businesses to improve their environmental performance by increasing their customer base.

By promoting these particular areas, the Council will benefit because recycling is costing increasingly less than waste disposal, especially as it is not subject to the annual increases in landfill tax. There are also further savings for the Council in that recycling and waste prevention have lower financial and energy costs than other waste treatment and disposal options.

In addition, the reward card could help demonstrate the Council's commitment to taking the necessary steps to maximise the amount of wastes diverted from landfill under the NI Landfill Allowances Scheme, and thereby avoid being financially penalised.

By the end of 2012, the United Kingdom will also have to increase its focus on waste prevention in line with the EC Waste Framework Directive and this card could prove instrumental in helping the Council deliver upon this locally by encouraging new behaviours and attitudes amongst the city's public.

Other Council services can also be included where points can be earned and redeemed, thereby increasing footfall in our facilities. A similar situation exists for other stakeholders, such as Translink, and reducing congestion and improving air quality, where changes in behaviour could have a positive impact for the city.

The Service will seek to establish a local partnership comprising of both internal and external members to help implement the project.

Key Issues

In its Corporate Plan, the Council has made a commitment to addressing climate change and improving air quality. In November, 2009, it also signed the Eurocities Declaration on Climate Change. The introduction of the Sustainable Carbon Reward Card could be a key action in delivering these commitments.

In terms of the Sustainable Carbon Reward Card, the final revised application form must be submitted to INTERREG IV:B, with all relevant approvals by each of the partners, by 26th February. The other partners have the appropriate decisions in place and, in line with the April 2009 report, the Committee is now being asked to consider the Council's involvement in the reward card.

The development of a reward card provides an opportunity for the Council to develop a scheme which will encourage positive changes in users' attitudes and behaviours with regards to a number of services the Council provides directly, and could also deliver other benefits for the city. The costs associated with the development of the reward card would be 50% funded if the INTERREG application is successful.

The total cost of the Sustainable Carbon Reward Card is estimated to be €5,609,408 before INTERREG support. This is split between the different partners depending on what they propose to undertake. The costs of implementing the scheme are also not incurred evenly between 2010/11 and 2015/16 and are profiled in each of the partnering councils.

If the application is successful, it is anticipated that Belfast will issue 50,000 Sustainable Carbon Reward Cards for use in around 250 premises across the city.

At the end of the project term, the partners believe they will have successfully trialled the reward card and it should be economically viable to continue without further support.

Resource Implications

The total cost of the project is estimated to be €5,609,408, with 50% funding being provided by INTERREG. The remaining costs will be split between the partners in relation to the number of cards they seek to issue and premises they seek to authorise. The Council will be eligible to draw down some €1,310,000 for its elements of the scheme. Additionally, as lead partner, three staff (including the Reward Card Manager) will be based in Belfast and funded out of the total cost of the project.

It is estimated that the cost to the Council will be around €655,000 profiled over the project term. Match funding will be provided by INTERREG and there are further "in-kind" indirect costs. These are accrued by the Council through officer time in supporting, overseeing and managing the reward card, and account for €10,000 per annum approx during the term of the project. The net additional cost will therefore be around €600,000 over the five year period of the project.

The first year of the project (2010) will incur lower costs than the years following as it primarily involves research, and setting up the appropriate structures to administer the reward card. Costs already incurred in preparation of the INTERREG application can also be redeemed, which is shown by the 2009 figure.

Years two and three will record the highest levels of expenditure as the cards and terminal infrastructure are issued. An approximation of the profiled budget in Euros can be seen below.

Year	2009	2010	2011	2012	2013	2014	2015
Cost	9000	100,000	200,000	150,000	130,000	25,000	0

Provision for the 2010/11 costs have been included in the Revenue Estimates and future years' costs have been included in the Medium Term Financial Plan.

Recommendation

In order to meet the INTERREG timetable, the Committee is asked to approve the Council's participation and expenditure in relation to the Sustainable Carbon Reward Card."

During discussion, a Member voiced concern in relation to the potential for success of the Carbon Reward Card and expressed the view that the expenditure could be put to other uses, such as encouraging large companies to minimise the amount of waste which they created in the form of packaging and the public to reduce the amount of domestic food waste which they generated. However, a further Member pointed out that, although the Council's recycling rate was continuing to grow, it would still be in danger of breaching its Northern Ireland Landfill Allowance Scheme targets and that more innovative and imaginative ideas were required in order for the upward trend in recycling to continue. In this regard, the Head of Waste Management stated that developing a Carbon Reward Card could help to demonstrate that the Council was making "best endeavours", which would be an important factor in determining whether penalties should be applied if its allowances were to be exceeded.

After further discussion, it was

Moved by Councillor O'Neill,
Seconded by Councillor Jones,

That the Committee approves the Council's participation in the Sustainable Carbon Reward Card scheme and authorises the expenditure associated therewith.

On a vote by show of hands twelve Members voted for the proposal and one against and it was accordingly declared carried.

Building Control

Enforcement of Energy Performance Certificate Scheme – Authorisation of Council Officers

The Head of Building Control informed the Committee that responsibility for the enforcement of the Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008 had, on 3rd December, been transferred by the Northern Ireland Assembly to District Councils. Under the legislation, Councils would assume responsibility for enforcing the Regulations for all buildings, with the exception of those which were Council-owned, which would fall within the remit of the Department of Finance and Personnel.

He reminded the Committee that, at its meeting on 4th June, 2008, it had been advised that the Council would seek to become the enforcing authority for all of Northern Ireland. Subsequently, the Committee, at its meeting on 5th August, 2009, had been informed that the Council had been appointed by the Department of Finance and Personnel to undertake this role on behalf of District Councils for the duration of the pilot scheme, which was being funded by the Department.

He reported that the Council had appointed recently four Energy Performance Certificates officers, of which two were Building Control employees, who would be responsible for ensuring compliance with the Regulations. The officers would be located within the Building Control Service and, in order to ensure the effective enforcement of the Regulations, each officer would undertake enforcement activities within a specific geographical area within Northern Ireland. He stated that it was essential to ensure that the work of the officers was co-ordinated and undertaken in conjunction with the Building Control Services of the other Councils. Therefore, in order to ensure an effective and consistent approach to enforcement across Northern Ireland, Building Control Northern Ireland had produced a document which set out how the relationship would be managed.

The Committee granted authority for the Energy Performance Certificates officers to enforce the legislation on behalf of the Council within its boundary.

Environmental Health

Consultation on the Regulation of the Sunbed Industry in Northern Ireland

The Committee considered the undernoted report:

“Relevant Background Information

On 19th November, 2009, Michael McGimpsey, Minister for Health, Social Services and Public Safety, launched a public consultation on the regulation of the sunbed industry in Northern Ireland. The closing date for receipt of comments is 19th February, 2010. A copy of the consultation document, together with the Council's response is attached.

Sunbeds and Health

The use of sunbeds is one of the major risk factors in developing skin cancer. In August 2009, the International Agency for Research on Cancer (IARC) published a report which reclassified sunbeds into the highest cancer risk category, i.e. 'carcinogenic to humans' (Group 1).

In Northern Ireland, skin cancer is the most common cancer, currently accounting for 28% of all individuals diagnosed with cancer. In 2007, 233 cases of malignant melanoma and 2,772 cases of non-melanoma skin cancer were recorded. In the United Kingdom, the mortality from melanoma due to sunbed use alone is estimated to be about 100 deaths per year.

Members will recall that, in response to health concerns, the Council agreed to phase out the use of sunbeds in council leisure and community centres by 31st December, 2003. Since that date there have been no sunbeds on Council premises.

The current situation with sunbeds in NI

There are now approximately 400 outlets in Northern Ireland offering sunbed sessions, with around 115 in the Belfast area. In addition, many individuals have purchased or hired sunbeds for private use at home.

In 2007, the first Northern Ireland-wide survey of operating practices in tanning bed parlours was carried out to assess operational safety and user protection measures. The survey was carried out by Environmental Health Practitioners (EHPs) who visited a total of 332 tanning parlours in 25 District Council areas. The main findings gave cause for concern in that it revealed a wide variation in operating practices and poor standards of operation / client protection among some providers.

Committee on Medical Aspects of Radiation in the Environment (COMARE)

The Committee on Medical Aspects of Radiation in the Environment (COMARE) is an expert committee which offers independent advice to UK Government Departments and Devolved Administrations on the health effects of natural and man-made radiation. It also assesses the adequacy of available data and advises on the need for further research. In 2007, the four UK Departments of Health requested that COMARE provide advice regarding the safety of UV sunbeds in the UK. COMARE's 13th report: *'The health effects and risks arising from exposure to ultraviolet radiation from artificial tanning devices'* was published in June, 2009 and made four recommendations:

1. Regulation of commercial use of sunbeds should be introduced. The report further provides recommendations of the areas that the legislation should cover and this includes a prohibition on use by under 18s, training for staff and much greater information provided to clients.
2. A duty to be placed on local authorities to periodically inspect commercial outlets to determine compliance with whatever level of regulation is imposed.
3. That Government should review its funding for campaigns raising awareness of risk factors for skin cancer; and stronger publicity campaigns should be run on the risks of UV exposure and sunbeds that are directed at children and other potential sunbed users. In addition, the appropriate authorities should review the advertising employed by the sunbed industry.
4. Further research is recommended into sunbed usage and the risk and aetiology of malignant melanomas and non-melanoma skin cancers.

Members can access the full COMARE report on <http://www.comare.org.uk/documents/COMARE13thReport.pdf>

Controls elsewhere

Scotland introduced regulation of the provision of sunbeds in the Public Health etc (Scotland) Act 2008. England and Wales are currently working on legislation to create powers to regulate the sunbed industry in those jurisdictions. The Department of Health and Children in the Republic of Ireland launched a public consultation in 2008 and a Bill is currently being drafted. Many other countries have also introduced specific legislation of this nature.

Key Issues

The various options to control the sunbed industry in Northern Ireland are set out in the consultation document which is attached, along with a draft Council response to the questionnaire provided.

In summary, the comments made are that Belfast City Council is supportive of the introduction of legislation which regulates the sunbed industry in the following ways:

1. Prohibition of the use of sunbeds by anyone under 18 years of age in commercial premises;
2. Prohibition of the sale or hire of sunbeds to anyone under 18 years of age;
3. A duty placed upon the operator of a sunbed premises to display a public information notice on the health risks associated with sunbed use;
4. A duty placed upon the operator of sunbed premises to provide customers with detailed written information on the health risks associated with sunbed use;
5. Prohibition of an operator of sunbed premises from making unfounded or unproven claims attributing health benefits to sunbed use;
6. A duty placed upon the operator of sunbed premises to ensure adequate protective eyewear is worn by the customer;
7. A duty placed upon the operator of sunbed premises to limit the number and/or frequency of sunbed sessions that they provide to any individual;
8. A duty placed upon the operator of sunbed premises to ensure that staff are trained to a specified standard;
9. Prohibition of the provision of user-operated sunbeds in unsupervised commercial premises;
10. A duty placed upon the operator of sunbed premises to ensure that all sunbeds adhere to specified British and European standards.

The comments also suggest a number of additional measures, as detailed below:

1. The consultation document suggests placing a duty on the operator of sunbed premises to register with a local authority or other body with regulatory functions. The Council considers that the introduction of a licensing scheme for such premises would provide a much more robust control mechanism. Businesses selling sunbeds or providing them for hire should also be required to be licensed or registered.

2. The provisions of the regulations relating to eye protection, the provision of information to clients, compliance with British and European Standards, registration/licensing and unfounded health claims should also be extended to businesses selling/hiring sunbeds.
3. Enforcement provisions should be included in the legislation and enforcement duties/powers should be conferred on district councils.

Resource Implications

It is anticipated that local authorities will be responsible for enforcement of any new legislation regulating the sunbed industry in Northern Ireland. Belfast City Council will be able to enforce the new controls within existing resources as part of current and future inspection programmes within the Environmental Health Service.

Recommendation

It is recommended that the Committee approve the comments contained within the attached consultation questionnaire.

COUNCIL RESPONSE

Q1. *In respect of each of the measures listed in Section 6, please state whether you support or do not support its implementation and explain your reasons.*

Measure 1: Prohibit the use of sunbeds by anyone under 18 years of age in commercial premises.

Belfast City Council supports a prohibition on the use of sunbeds by anyone under 18 years of age in commercial premises.

The use of sunbeds is one of the major risk factors in developing skin cancer. In August 2009, the International Agency for Research on Cancer (IARC) published a report which reclassified sunbeds into the highest cancer risk category, i.e. 'carcinogenic to humans' (Group 1). This places sunbeds within the same risk category as tobacco smoke, asbestos, benzene, formaldehyde and the Epstein-Barr virus, which causes glandular fever. In the UK, the mortality from melanoma due to sunbed use alone is estimated to be about 100 deaths per year. Furthermore, the Council notes that it is

well established that excessive solar ultraviolet radiation exposure in the first two decades of life increases the risk of melanoma developing later in life. It is therefore possible that exposure to UV radiation emissions from sunbeds in childhood and adolescence could be even more damaging to the skin in the long term, than use after the age of 20 years.

There is also a risk of severe burning when using sunbeds. The Council is also concerned at the recent national media articles highlighting incidents of young persons under 18 obtaining severe burns after using sunbeds in tanning salons.

The Council considers that, although there is longstanding advice that young people should not use sunbeds, a growing number of reports show that this advice is being ignored and significant numbers of young people are using them. Furthermore the fact that childhood sunbed use seems to be more common in relatively deprived areas and the concentration of commercial tanning salons is higher in deprived urban areas is equally concerning. This of course is of particular relevance to Belfast and to the Council's efforts to tackle inequalities in health.

The Council notes that a number of international and UK health organisations have recommended that sunbeds should not be used by persons under 18 years of age including:-

- The World Health Organisation (WHO);
- The International Agency for Research on Cancer (IARC);
- Cancer Research UK;
- The Committee on Medical Aspects of Radiation in the Environment (COMARE)

In response to the health risks posed by sunbed use, in November 2003, Belfast City Council agreed to phase out their use by 31st December 2003. Since that date there have been no sunbeds on Council premises. The Council would therefore welcome greater control of sunbeds in the private sector.

It is essential therefore that children and young people are fully protected from the risks associated with the use of sunbeds.

Measure 2: Prohibit the sale or hire of sunbeds to anyone under 18 years of age.

The Council supports a prohibition on the sale or hire of sunbeds to anyone under 18 years of age.

The Council is concerned at the lack of information about businesses which sell or hire out sunbeds. Whilst the NI survey of sunbed premises carried out in 2007 indicated that there are approximately 400 premises in Northern Ireland offering sunbed sessions, similar data is not available in relation to sale or hire. This sector is even less regulated than premises and therefore poses an even greater risk to the public in general and children and young people in particular. Furthermore if tighter controls were introduced in relation to premises alone, it is likely that business might transfer to an unregulated sale / hire sector, resulting in greater risks to users.

Measure 3: Place a duty upon the operator of sunbed premises to display a public information notice on the health risks associated with sunbed use.

The Council agrees with this proposal.

Whilst it is reasonable, in view of the health risks, to prohibit the use of sunbeds by children and young people under 18 years of age it is equally important that adults who decide to visit sunbed parlours receive as much information as possible on the health risks associated with sunbed use. This will enable them to make an informed judgement. The findings of the sunbed survey indicate that this is not currently happening with insufficient steps being taken to educate fair skinned users.

Measure 4: Place a duty upon the operator of sunbed premises to provide customers with detailed written information on the health risks associated with sunbed use.

The Council agrees with this proposal.

However it recommends that, in line with COMARE's recommendations, the information should also be clearly and easily visible on machines and that a similar duty is placed upon businesses which sell and / or hire out sunbeds. Furthermore informed consent should be obtained from the clients prior to use. As previously stated, adults require adequate information in order to make informed judgements. This is equally, if not more important, when using sunbeds in the home as within a business premises.

Measure 5: Prohibit an operator of sunbed premises from making unfounded or unproven claims attributing health benefits to sunbed use.

The Council agrees with this proposal.

The sunbed survey revealed that 16% of premises visited in NI were advertising supposed health benefits of sunbed use.

The Council further recommends that this prohibition is extended to include businesses which sell and / or hire out sunbeds. Once again it is important to ensure that businesses selling or hiring out sunbeds are subject to the same controls as fixed premises.

Measure 6: Place a duty upon the operator of sunbed premises to ensure adequate protective eyewear is worn by the customer.

The Council agrees with this recommendation.

Council feels that the recommendation of COMARE in this regard should be implemented, that is, that legislation should include a requirement for commercial outlets to ensure adequate protective eyewear is provided for users. The use of protective eyewear by clients should be compulsory. Council also recommends that a duty is placed upon businesses selling or hiring out sunbeds to provide clients with adequate protective eyewear.

Eyes are particularly susceptible to damage from UV radiation. Council notes the scientific evidence relating to cumulative UV radiation exposure and the potential it has to cause damage, such as photokeratitis of the eyes and increased risk of cataracts. It also notes the research carried out by the IARC in which several case-control studies linked sunbed use to a raised risk of developing melanoma of the eye.

The 2007 sunbed survey indicated existing bad practice in relation to protective eyewear; within those premises surveyed eye protection did not conform to the relevant European standard in almost 30% of premises. The practice of charging users for eye protection was observed in 35% of premises.

The Council notes that the advice of the Sunbed Association is that 'It is essential that anyone using a sunbed should be provided with protective goggles and must be instructed to wear them. Stress to your customers the importance of wearing goggles'.

Measure 7: Place a duty on the operator of sunbed premises to register with a local authority or other body with regulatory functions.

The Council considers that in line with the recommendations of COMARE the duty should be to license with the local authority and if licensing is be effectively enforced, the Local Authorities should be provided with sanctioning powers. Licensing would provide a much stronger means of control.

A duty should also be placed on local authorities to periodically inspect commercial outlets to determine compliance with whatever level of regulation is imposed. Commercial outlets should be required to show Local Authorities that a standard level of competence is being met and that the outlet is staffed at all times with trained, competent personnel.

The Council also considers that, in line with COMARE, the operator should have to retain a register of the types and powers of machines on the premises.

In relation to businesses selling and hiring out sunbeds, the Council feels that they pose a particular risk. A duty should be placed on local authorities to investigate and effectively deal with risks to health associated with the sale and / or hire of sunbeds. Such businesses should have to register with the local authority. There is currently very little data about this area of business. It's important that local authorities have up to date information about this sector to enable them to effectively manage their resources.

Measure 8: Place a duty upon the operator of sunbed premises to limit the number and/or frequency of sunbed sessions that they provide to any individual.

The Council agrees with this proposal.

The more an individual is exposed to UV radiation, the higher the risk of damage occurring. It has been estimated that using a sunbed once a month or more can increase the risk of skin cancer by more than half. It's therefore important to limit the number and / or frequency of sunbed sessions.

The Northern Ireland Omnibus Survey in 2008 revealed that of those who have ever used a sunbed, 19% had between 10 to 20 sessions, and 10% had more than 20 sessions per year. The sunbed survey indicated that whilst some providers used a token system to encourage clients to control duration and frequency of exposure, this and other measures to limit exposure appeared inadequate.

Measure 9: Place a duty upon the operator of sunbed premises to ensure that staff are trained to a specified standard.

The Council agrees with this proposal.

The need to provide trained, competent staff is also included in COMARE's recommendations.

The NI sunbed survey highlighted a number of concerns in relation to training and competency of staff. There were insufficient steps taken to educate fair skinned users and prevent minors from using devices. Basic maintenance of devices was poor, with 38.5% of sunbeds not regularly maintained. A wide range of tanning devices were being used in premises, with 62.1% of premises surveyed unaware of the ultraviolet (UV) type or power of their devices and over 25% operating type 4 devices against internationally agreed standards of practice. Staff training was supplied by multiple sources but there was no clearly defined standard. Basic hygiene was an issue in a number of premises with around 20% of premises relying on the user to clean the sunbed after usage. Eye protection did not conform to the relevant European standard in almost 30% of premises. Of the operators who were surveyed, only 16% were registered with the Sunbed Association, with 79% not registered and 5% of staff not knowing whether the salon was registered.

Measure 10: Prohibit the provision of user-operated sunbeds in unsupervised commercial premises.

The Council agrees with this proposal.

Again this is in line with COMARE recommendations. The Council notes that the Department is not aware at present, of any 'self-service' sunbeds in unsupervised commercial premises in Northern Ireland, although it is aware that they are in use in other parts of the UK. Indeed there have been well documented cases of young people being badly burned as a result of using sunbeds in such premises. It is essential that, where sunbeds are provided within commercial outlets, they are staffed and supervised by well trained and competent staff. This is necessary to ensure that no children or young people are using the sunbeds, suitable and sufficient health protection measures are in place and that clients are fully aware of the risks.

Measure 11: Place a duty upon the operator of sunbed premises to ensure that all sunbeds adhere to specified British and European standards.

The Council agrees with this proposal which is in line with COMARE recommendations. As stated earlier, the NI sunbed survey revealed a wide range of tanning devices used in premises, with 62.1% of premises surveyed unaware of the ultraviolet (UV) type or power of their devices and over 25% operating type 4 devices against internationally agreed standards of practice.

The Council also recommends that this duty is extended to include businesses selling or hiring out sunbeds.

Q2. *Please provide any other measures that could be considered for regulating the industry.*

Response:

N/A

Q3. *Please provide any issues or difficulties that would need to be resolved regarding the enforcement of any of the measures listed.*

Response:

Belfast City Council believes that local councils are best placed to implement and enforce any new regulations. Councils currently inspect a range of premises to assess health and safety risks. Sunbed parlours should currently be included within these programmes of work. The enforcement of any new regulations should not therefore require any extra resources.

There is no mention within the consultation document of the specific means of enforcing any new regulations. The Council would recommend that the Department discusses with local authorities, the best means of securing compliance. The use of improvement notices / prohibition notices / fixed penalties or other enforcement procedures and the details of any licensing / registration scheme should form part of such discussions.

Q4. Are any of the measures listed likely to have an adverse impact on any group of people correlating to one or more of the nine distinctions made in Section 75(1) of the Northern Ireland Act 1998.

Response:

No.

Q5. Please provide any general comments or evidence on the possible health, economic and social impacts of regulation, whether adverse or beneficial.

Response:

If the new regulations are effectively implemented and enforced fewer children and young people will be exposed to UV radiation from sunbeds. This will result in a reduced risk of them developing skin cancer, cataracts, photokeratitis, melanoma of the eye and early ageing of the skin. There will also be a reduced risk of them being badly burnt.

Businesses offering sunbed sessions within premises and businesses selling / hiring out sunbeds will be much more tightly controlled. The standards within these premises should improve greatly. This will reduce health risks to clients.

With much more information about health risks being made available to clients, coupled with the prohibition on unfounded or unproven health claims, clients will be in a much better position to make informed judgements about the risks they are taking.”

After discussion, the Committee approved the foregoing response in respect of the regulation of the sunbed industry in Northern Ireland, subject to the comments provided in Question 1, Measures 3 and 4, therein being amended to include a recommendation that a standard form of wording be required for public information notices and other documentation highlighting the health risks associated with sunbed use.

Consultation on Proposals to Establish a Commissioner for Older People

The Committee considered the undernoted report:

“Relevant Background Information

In December 2007, the then First Minister and the deputy First Minister announced their commitment to work towards the establishment of a Commissioner for Older People. To take this forward, Deloitte Consulting was commissioned to prepare a

feasibility study which considered the extensive evidence base available and looked at other comparable Commissioner models, focusing on the Children's Commissioner in Northern Ireland and the Older People's Commissioner in Wales. In the interim, an Older People's Advocate was appointed.

The principal aim of establishing a Commissioner for Older People is to safeguard and promote the interests of older people throughout Northern Ireland.

Summary of proposals

To establish a strong independent voice for older people, it is proposed that:

- A Commissioner for older people will be established with a wide range of promotional, advisory, educational, legal and investigatory functions and powers to be deployed in the interests of older people, both generally and individually.
- The Older People's Commissioner may have formal agreements (known as Memoranda of Understanding) with other regulatory bodies so that there is a 'joined-up' approach to the interests of older people. Consideration is also being given to whether it is possible or appropriate to have a statutory requirement for collaborative working included in the Draft Bill, or whether the same result could be achieved on a purely voluntary basis by administrative arrangements.
- The Commissioner will be appointed by the First Minister and the deputy First Minister acting jointly, for a term of four years and may serve a maximum of two terms of office.
- Older people will be involved in the process to appoint an Older People's Commissioner.
- The Commissioner will perform his or her role in respect of people over the age of 60.
- The Commissioner will be able to provide assistance (e.g. offer support, guidance and/or funds) to an older person with their complaint against a relevant authority.
- The Commissioner will support legal cases on behalf of older people.

- The Commissioner will have specific powers to review, in general and individual cases, the advocacy, complaint, inspection and whistle-blowing arrangements of relevant authorities.
- The Office of the First Minister and deputy First Minister will provide funds to the Older People's Commissioner.
- The Commissioner may appoint such staff as he or she may determine and any function of the Commissioner may be exercised by a member of staff who has been so authorised by the Commissioner.

A copy of the Consultation Documentation can be downloaded from www.ofmdfm.gov.uk/index/equality/age/older-peoples-commissioner.htm

Key Issues

A draft response has been prepared to the consultation questionnaire comprising of 46 questions (attached). The key points forming this response are:

- The Council welcomes the proposals for a Commissioner for Older People in Northern Ireland that has sufficient powers to protect the interests of older people. The Council, however, recommends that promoting the interests of older people should not be to the detriment of the wider population or community.
- The Council welcomes the approach of formal agreements (known as Memoranda of Understanding) with other regulatory bodies so that there is a 'joined-up' approach to the interests of older people. The Council asks that synergies are made with the Equality Commission and other Commissioners and that administration costs are kept to a minimum.
- The Council falls within the scope of a relevant authority meaning that a complaint about the Council by an older person can be investigated by the Commissioner. The Council agrees that the Commissioner should be able to provide assistance to an older person with their complaint against a relevant authority, for example offer support, guidance and/or funds. The Council recommends that clear guidance is provided to ensure that internal complaints systems are exhausted prior to formal intervention by the Commissioner and that expectations in relation to financial assistance are carefully managed. The Council is of the view that financial assistance should only be given in special circumstances.

- The Council welcomes the recommendations contained in the Age Sector Report that there should be ‘champions in government and public sector ...to work with the Commissioner in promoting and protecting older people’. The Council, however, recommends that hierarchical structures and unnecessary costs be avoided in the achievement of this recommendation.
- The Council agrees that back office services should be shared where possible to help minimise the impact on the public purse and recommends that the number of new posts created is kept to a minimum.
- The Council is supportive of the proposal that older people are involved in the process of appointing the Commissioner in line with its recognition of the importance of civic participation by older people.

Resource Implications

None.

Recommendation

It is recommended that the Committee approves the attached response to the consultation document in relation to the establishment of a Commissioner for Older People in Northern Ireland.

COUNCIL RESPONSE

1. *Do you agree with the need for a Commissioner for Older People? (See Chapter 1, Paragraph 1.4 and Chapter 2)*

Belfast City Council welcomes the proposals for an Older People's Commissioner in Northern Ireland that has sufficient powers to protect the interests of older people, uphold their rights and act with urgency in cases of need.

2. *The United Nations Principles for Older Persons are set out in full at Annex 1 of this document. They are: Independence, Participation, Care, Self-fulfilment, and Dignity. (See Chapter 3, Paragraph 3.2).*

Do you think the Commissioner should take account of the UN Principles for Older Persons whenever he or she is deciding:

- a) How to act?*
- b) What constitutes the interests of older people?*

Belfast City Council agrees that the Commissioner should take account of the UN Principles for Older Persons whenever he or she is deciding how to act and what constitutes the interests of older people.

3. *What age range do you think the Commissioner should mainly cover?*

The Council agrees that the Commissioner should mainly cover the ages 60 and over.

4. *Do you think that the Commissioner should be able to provide his or her services to people aged 50 years and over in certain circumstances? (see Chapter 6, Paragraph 6.6)*

The Council agrees that the Commissioner should cover the ages 50 and over in exceptional circumstances.

5. *Do you think that the age range of the people that the Commissioner caters for should be able to be changed? (see Chapter 6, Paragraph 6.8)*

A period of review with potential for change should be factored into the proposals

6. *Do you think that the Commissioner should have a Principal Aim to safeguard and promote the interests of older people? (see Chapter 7, Paragraph 7.1)*

The Council agrees that the Commissioner should have a Principal Aim to safeguard and promote the interests of older people. The aim should be clear including a clear purpose of what will be involved for the Commissioner. Promoting the interests of older people should not be to the detriment of the wider population or community.

7. *When dealing with the case of a particular older person, do you think that the Commissioner should have as a paramount consideration the interests of that older person? (see Chapter 7, Paragraph 7.1)*

The Council agrees that the commissioner should have consideration for the interests of the older person. The Commissioner should also consider the potential benefits or pitfalls to the whole society in all cases. The Council would ask that a fair and transparent process is adopted in taking into consideration the interests of the wider population/community.

8. *Do you have any other suggestions about what the Principal Aim and Paramount Consideration should be?*

The aim should be clear including a clear purpose of what will be involved for the Commissioner.

9. *Do you think the Commissioner's role and functions should be based on the interests of older people? (Chapter 7, Paragraph 7.4)*

Yes.

Consideration for the interests of the wider population/community should also be considered

10. *Do you agree that the duties proposed (listed in Chapter 8, Paragraph 8.5) are suitable for a Commissioner for Older People?*

Yes

11. *Are there any other duties not included that you believe it would be essential for the Commissioner to carry out?*

No

12. *Do you think the Commissioner should have memoranda of understanding or working protocols with other organisations? (see Chapter 9, Paragraph 9.4 – 9.6)*

The Council welcomes the approach to formal agreements with other regulatory bodies so that there is a 'joined-up' approach to the interests of older people. The Council suggests that these protocols are clear in order to avoid confusion or duplication. The Council asks that synergies are made with the Equality Commission and other Commissioners and that administration costs are kept to a minimum.

13. *Do you agree with the general powers proposed for the Commissioner? (see Chapter 10, Paragraph 10.2) If not, please explain.*

Yes

14. *Are there any other general powers that you think the Commissioner would need? That is, do you think that there is anything else the Commissioner would need to be able to do?*

No

15. *Due to the potential for a conflict of interest (see Chapter 10, Paragraph 10.7) we are not currently proposing that the Commissioner should have powers of mediation or arbitration, however we are interested in your views on the following potential options:*

- a) *If it is possible, should the Commissioner be able to provide financial assistance towards the cost of mediation in a dispute involving an older person?*
- b) *Should the Commissioner hold a register of mediation/arbitration services and be able to direct older people to these services?*
- c) *Do you think the Commissioner should have the power to 'make arrangements' with any other person to provide mediation/arbitration services in relation to disputes involving older people?*

Finally, in what circumstances do you think that mediation or arbitration would be appropriate?

- a) **The Council is not averse to provision of financial assistance however the Council would ask where the funding would come from and what criteria would be applied to ascertain whether funding would be provided. How would this message be communicated and the expectations of this be managed within the older population? The Council would ask that the boundary between the Commissioner's powers and civil action through a court of law is clearly defined.**
- b) **The Commissioner should hold a register of mediation/arbitration services and be able to direct older people to these services**
- c) **The Commissioner should have the power to 'make arrangements' with any other person to provide mediation/arbitration services in relation to disputes involving older people. However the commissioner's independence in these circumstances should not be compromised.**

16. *Do you agree that the Commissioner should have the specific powers to review in general and individual cases, the advocacy, complaint, inspection and whistle-blowing arrangements of relevant authorities? (See Chapter 11, Paragraph 11.5)*

Yes

17. *Do you agree that the Commissioner should be able to provide assistance (e.g. offer support, guidance and/or funds) to an older person with their complaint against a relevant authority? (See Chapter 11, Paragraph 11.8)*

The Commissioner should be able to provide assistance to an older person.

The Council suggests that internal complaints systems are exhausted previous to Commissioner involvement. Expectations in relation to financial assistance should be carefully managed by the Commissioner.

Financial assistance should be given in special circumstances only and clear guidance given for when the Commissioner would be involved.

18. *In relation to relevant authorities, do you think there are any other formal or specific powers (in addition to those outlined in Chapter 11, Paragraphs 11.5 – 11.14) that the Commissioner would need?*

No

19. *What do you think the Commissioner should be able to do if a relevant authority (see Annex 6) does not follow the Commissioner's recommendations? (See Chapter 11, Paragraphs 11.16 – 11.21)*

The Commissioner should provide support to relevant authorities in following their recommendations.

Any punishments should be considered in line with the legal standing of the recommendations and considering the relevant authority's circumstances including resources.

20. *In Chapter 11, Paragraph 11.23 we set out the reasons why the Commissioner should not act in any case where an existing organisation already has the power to act. What do you think about this?*

Agree

21. *Do you think that the list of organisations at Annex 6 should be included as relevant authorities?
(Chapter 11, Paragraph 11.30 – 11.31)*

Yes

22. *Are there any other organisations that you believe should be included in Annex 6 as relevant authorities?*

Private, Community and Voluntary organisations

23. *If you answer yes to question 22, can you explain why they should be included?*

In order to benefit from the commissioners powers and independence and scrutiny.

24. *Of the three potential options, outlined in Chapter 11, Paragraph 11.39, regarding the extent of the Commissioner's powers in relation to relevant authorities, which do you consider to be the most appropriate and why?*

Option 3

All organisations are expected to work to a similar standard, be scrutinised in the same way and gain similar benefits.

25. *Do you have any other suggestions in relation to question 24?*

No

26. *Do you agree that the Commissioner should be able to take or support legal cases? (support includes providing financial support) (See Chapter 12, Paragraph 12.1)*

The expectations of this needs to be managed and a clear differentiation made between test cases and routine civil action.

27. *As explained in Chapter 12, Paragraph 12.4, it is very unlikely that the Assembly will be able to give the Commissioner 'victim standing' for Human Rights cases. What is your view of the Commissioner having 'victim standing', that is being able to take Human Rights cases in his or her own name?*

The Council is supportive of this principle, but is of the opinion that the legal implications for the Commissioner on this matter should be considered in making a decision.

28. *Regarding Chapter 13, what are the main issues that you think the Commissioner should be able to speak out about?*

Social inclusion
Age discrimination
Poverty
Services for older people
Healthy ageing

29. *Do you agree that the Commissioner should be a full-time paid post?*

The Council agrees in theory subject to funding and the sustainability of the post and support structures.

30. *Who should be responsible for appointing a Commissioner for Older People? (See Chapter 14, Paragraph 14.6)*

OFMDFM should be responsible for appointing the Commissioner on the basis of a transparent appointment process.

31. *Should older people have a role in the recruitment/selection process for a Commissioner? (See Chapter 14, Paragraph 14.7 – 14.8)*

The Council agrees that older people should be represented in the process for selecting a commissioner. The role for older people in this process should be made clear.

32. *If you answered yes to question 31, how should it be done? (see Chapter 14, Paragraph 14.7 – 14.11)*

In a clear and transparent way to ensure they are clear of the role

33. *How long should the term of appointment for the Commissioner be? (See Chapter 14, Paragraph 14.15)*

3 years initially to give the person an opportunity to establish the post and following that the appointment should be subject to review

34. *Should the Commissioner be eligible for reappointment? (See Chapter 14, Paragraph 14.15)*

Yes

35. *Do you agree with the proposal that the Older People's Commissioner should be an independent body sponsored (including funded) by OFMDFM? (See Chapter 14, Paragraph 14.16)*

The Council agrees that the Older People's Commissioner should be an independent body sponsored (including funded) by OFMDFM. The Council welcomes that the Commissioner should have clear links with the Equality Commission and other commissioners and share a consistent approach and potentially resources. Costs need to be kept to a minimum.

36. *Do you agree that the Commissioner should be accountable to the Department /body that provides his or her funding (i.e. OFMDFM)? (By accountable we mean report on his or her actions and how the Commissioner's office allocates and spends his or her budget). (See Chapter 14, Paragraph 14.17 - 14.20)*

37. *To achieve accountability of the Commissioner to older people, do you think that older people should be consulted (and informed) about the priorities of the Commissioner and what the Commissioner does? (See Chapter 14, Paragraph 14.21 – 14.22)*

Yes

38. *The Age Sector Report¹ recommended that the, 'Commissioner should have an active relationship with, but be demonstrably independent from, stakeholder organisations.' Do you agree with this statement?*

The Council is in agreement with this statement.

39. *If you answered yes to question 38, how do you think this should be achieved?*

Through engagement with older people and by developing synergies with existing organisations and partnerships that facilitate strong representation and advocacy on behalf of older people.

¹ 'A Commissioner for Older People in Northern Ireland -: A Report and Recommendations from the Age Sector', February 2009. Recommendation 9 (page 18).

40. *The Age Sector Report*² recommended that there should be ‘an infrastructure of champions in government and across the public sector, with visible leadership demonstrated at Ministerial level, to work with’ the Commissioner ‘in promoting and protecting older people’. Do you agree with this recommendation? (Chapter 14, Paragraph 14.23)

The Council welcomes the recommendations of The Age Sector Report that there should be ‘champions in government and public sector ...to work with the Commissioner in promoting and protecting older people’. The Council would not be in support of an unnecessary or cumbersome hierarchical structure being developed or unnecessary costs being incurred in order to achieve this recommendation.

41. *If you answered yes to question 40 – how do you think they will improve the lives of older people?*

In driving forward the agenda for older people within their respective Departments, organisations and constituencies.

It is good practice for every organisation providing services to the public to have a complaints procedure. Do you think the Commissioner should have one? (See Chapter 14, Paragraph 14.24- 14.26)

Yes

42. *Do you agree that the Commissioner should be able to recommend the legislation should be changed? (See Chapter, Paragraph 14.27)*

Yes

43. *If you answered yes to Question 40, how often do you think the Commissioner should be required to examine the legislation? (See Chapter 14, Paragraph 14.28)*

- A. *Every 3 years.*
- B. *Every 4 years.*
- C. *Every 5 years.*

The time period should be considered in line with best practice

² A Commissioner for Older People in Northern Ireland -: A Report and Recommendations from the Age Sector’, February 2009. Recommendation 8(page 18).

44. How can the Older People's Commissioner demonstrate value for money? (See Chapter 15, Paragraph 15.6 – 15.7)

To set clear goals and outcomes and deliver and report on them.

45. Do you agree that, where possible, the Commissioner should share back office services (e.g. administrative costs or accommodation) with other Commissions to help to save public money? (See Chapter 15, Paragraph 15.8 – 15.10)

The Council agrees that back office services should be shared where possible to help save public money. Efficiency and effectiveness should be considered in all decisions.

The Council suggests that the Commissioner considers carefully the alignment of the office with other commissioners and avoids creating new posts unless absolutely necessary."

The Committee adopted the recommendation.

Future Alleygating Projects - Community Consultation

The Committee considered the undernoted report:

"Relevant Background Information

Alleygate Pilot

As the Committee is aware, Belfast City Council has delivered an Alleygate pilot project which involved the erection of 200 gates in Little America, Lower Windsor, Woodvale, the Mount and Beechmount. £490,000 was made available from the NIO Community Safety Unit and BRO for this pilot (£420,000 for gates and the remainder to support revenue costs for delivery partner Bryson House).

An evaluation of the pilot project in March 2006 showed that:

- The most positive impact of the gates was in terms of reducing the fear of crime in the areas with 89% of respondents reporting that they believed the gates had a positive or very positive impact on *reducing the fear of crime*.
- 73% of residents reported a positive impact on the *reduction of littering and dumping*.
- 87% of residents believed that the gates had a positive impact on *reducing crime*.
- There were substantial reductions in anti-social behaviour reports in four of the five pilot areas.

In addition the Development Department's Arterial Routes Programme initiated the erection of alleygates in the Lower Ormeau Road area. In 2008 this scheme transferred to the Community Safety Team for completion and to allow the coordination of the emerging citywide approach.

Current Position

At present no significant funding has been made available to gate further areas in Belfast, apart from some small one off funding opportunities, the most recent being through DSD in the Cooke Court area. However, there is considerable public and political demand for an expansion of the current pilot.

A business case for £500,000 has been prepared which would be subject to the Council's gateway process should Alleygating be agreed as a new project under the capital programme. Furthermore the NIO Community Safety Unit has submitted a bid for a regional scheme to the value of £1.5 million and it is hoped that Belfast would secure considerable match funding. Initial discussions with DSD have also indicated that there may be opportunities to work in partnership in neighbourhoods of common interest. The Housing Executive has also been approached to see if a pilot could be carried out in areas of intensive concentrations of Houses in Multiple Occupation and a report on this will be brought before Committee should more firm proposals be agreed.

Key Issues

Members will be aware that the process to gain permission to install alleygates is often a lengthy one. The steps involved include the completion of a household consultation and then an application to the DRD Roads Service for a Road Traffic Order (RTO) to allow the alley to be gated. This in itself involves a statutory consultation period and thus in total these processes can take in the region of 6 months, assuming there are no objections.

However, in light of the proposed transfer of functions from central to local government, as part of the RPA, Roads Service has indicated that it is unable to direct the same level of resources to support this legal process. As a result it is possible that the processing of Road Traffic Orders may slow down considerably, particularly from autumn 2010 onwards.

There is a significant risk therefore that, when the funding does become available, this delay could make it difficult to deliver the gates within the necessary timescales.

In order to manage this risk therefore the community safety team proposes to submit applications for Road Traffic Orders in some of the highest priority areas that may potentially be gated as soon as is practicable. When granted, the RTO stands indefinitely and therefore would allow for quick installation of gates in these areas when funding becomes available. The areas chosen would be based on the prioritisation process agreed by the Council at its meeting of June 2009. It would not preclude securing RTOs for additional areas if this was required at a later stage. The householder survey to facilitate these applications will be undertaken in January and February.

Clearly it is important that we manage expectations when we undertake this consultation as funding for gates in these areas has not yet been secured. A communications plan will therefore be developed alongside this consultation process to ensure elected representatives, residents and stakeholders are aware of the purpose of the consultation. Forms of communication will include advisory leaflets, public meetings and using existing community networks. Crucially we want to work closely with Elected Representatives to distribute accurate and relevant information. Copies of the leaflet and questionnaire to be used are attached as appendices.

Resource Implications

Financial

The necessary budget to undertake this specific time bound community consultation is allowed for in the revenue estimates for the 2009/2010 year.

Human Resources

Gavin Bell, Community Safety Project Officer will manage the consultation process in line with his current role and responsibilities.

Asset and Other Implications

None at this stage

Recommendation

It is recommended that the Committee notes the content of this report.”

During discussion, several Members highlighted the success of the pilot scheme in addressing crime, fear of crime and anti-social behaviour and voiced concern in relation to the delay on the part of the Northern Ireland Office in bringing forward funding for a regional alleygating scheme across Northern Ireland.

After discussion, the Committee agreed that the Ministers with responsibility for Criminal Justice, Roads and Social Development be requested to meet with an All-Party Delegation from the Committee to discuss issues surrounding the progression of alleygating in the City. The Committee noted that a further report would be submitted to its next meeting highlighting those areas which would, under the proposed future Council funded scheme, be prioritised for alleygating, subject to physical suitability, community buy-in and sufficient funding. Following this, consultation would be carried out with residents and the relevant Road Traffic Orders would be sought.

Attacks on Environmental Health Service Staff

The Committee was reminded that, at its meeting on 2nd December, it had agreed that a report providing details in respect of any incidents encountered by staff employed within the Environmental Health Service in undertaking their duties be submitted on a regular basis. Accordingly, the Head of Environmental Health submitted for the Committee's consideration information relating to two assaults, one on Community Safety Wardens which had taken place in the York Road area on 21st November, and another on two members of the Night-time Noise Team in the New Lodge area on 27th November. She outlined the nature of the attacks and pointed out that, in the case of the Community Safety Wardens, first aid treatment had been required. Both incidents had been investigated by the Police Service of Northern Ireland and, subsequently, two males had been arrested and charged in relation to the attack on the Night-time Noise Officers.

She reviewed the level of training which had been made available to both teams prior to them taking up their duties and explained that, following the incidents, a number of measures had been put in place in order to improve their health and safety. These had included the provision of training in relation to vehicle and on-foot patrolling, the allocation of radios to the Police Service of Northern Ireland to improve communication with Council officers and the placing of a protective layer on vehicle windows to prevent them shattering in the event of an attack. She added that no further incidents had occurred since those which had been outlined.

During discussion, several Members voiced concern in relation to the assaults and stressed the need to ensure that all Council staff were permitted to undertake their duties safely and without fear of attack.

After further discussion, the Committee agreed that a letter be forwarded on its behalf to each of the officers who had been assaulted expressing its support and acknowledging the valuable work which they undertook in what was often the most difficult of circumstances.

**Consultation on Proposed Pollution
Prevention and Control Charging Scheme**

The Committee considered the undernoted report:

“Relevant Background Information

The Pollution Prevention and Control (District Councils) Charging Scheme (Northern Ireland) 2010 Consultation Paper was issued by the Department of the Environment (DOE) in November 2009. It invites views on proposals for a revised Pollution Prevention and Control (PPC) charging scheme for Part C installations (lower emission levels) and mobile plant. The scheme is made under Regulation 22 of The Pollution Prevention and Control Regulations (Northern Ireland) 2003 ('the Regulations').

The revised scheme, namely, the PPC (District Councils) Charging Scheme (Northern Ireland) 2010, replaces The PPC (District Councils) Charging Scheme (Northern Ireland) 2007, and relates to the regulation of emissions into the air from industrial sources. The overall aim of the charging scheme is to provide full cost recovery for the regulation of prescribed installations in keeping with the Government's *polluter pays* policy, thus preventing the burden falling on the taxpayer. Enforcement duties are carried out by Environmental Health Officers employed by district councils and the fees and charges payable to district councils have, in effect, not increased since 2005.

The charging scheme relates to Part C installations with potentially low emission levels into the air, such as petrol stations, dry cleaners and activities including, for example, ceramic production, coating, printing and textile treatments.

In March 2009, there were 623 council controlled processes in the whole of Northern Ireland, 39% of which were petrol stations, 16% relating to cement and 21% relating to activities using solvents such as dry cleaners. In Belfast, there are 88 Council controlled PPC installations.

Key Issues

To summarise, the proposals contained in the new scheme seek to:

- Increase existing fees by 7% to account for the increased costs of regulating this sector and also to introduce a fee for service stations operating Petrol Vapour Recovery (PVR) Stage I and Stage II. 'Stage II petrol vapour recovery system' means equipment aimed at recovering

the petrol vapour displaced from the fuel tank of a motor vehicle during refuelling at a service station. This only applies to large service stations dispensing greater than 3.5 million litres of petrol per annum. This is in line with the charges applied in England and Wales.

- Introduce a new 'fee' where a district council discovers a business operating without a permit. District councils occasionally inspect premises they suspect may need a permit and this fee would allow the council to recoup the costs of carrying out such inspections and also provide an additional financial incentive for businesses to ensure that they have a valid permit. Such a fee has been in place in England and Wales since 2007.
- Move to a risk based charging scheme in 2011/2012. The scheme should generate the same revenue as the existing scheme but the burden of costs will be redistributed, with the greatest burden resting on the processes posing the greatest environmental risk. Again this is in line with the position in England and Wales.

It is intended that the proposed new fees and charges will apply from 1st April, 2010, with a view to moving to a risk-based scheme from April, 2011.

The consultation period closes on 22nd February, 2010. A copy of the Council's response is attached.

Resource Implications

None

Recommendation

It is recommended that the Committee agrees the attached response to the consultation document.

COUNCIL RESPONSE

The Council understands that the Department of the Environment Northern Ireland is required to have in place a charging scheme so that, as far as practicable, fees and charges payable for permits under the PPC Regulations Northern Ireland 2003 are sufficient to recover the costs incurred by district councils in exercising their functions under the Regulations. Although the charging scheme was

last revised in April 2007, the changes resulted in the application, variation and transfer fees for refinishing vehicles, defined by EU Directive 70/156/EEC, being lowered in line with those for small waste oil burners, petrol stations and dry cleaners, but at this time no fees chargeable by district councils were increased. The last occasion on which fees chargeable by district councils were increased was in 2005.

The Council appreciates that the Department is now proposing a number of new charges and an increase to existing charges in 2010, i.e

- Existing fees are to be increased by 7% to account for the increased costs of the regulation by district councils of this sector of industrial pollution;
- The introduction of a fee for service stations operating Petrol Vapour recovery (PVR) Stage I and Stage II;
- The introduction of a fee for operating without a permit;
- A move to a risk based charging scheme in 2011/12.

A review of the charging scheme and any increases in charges is welcomed by the Council. However, whilst it is anticipated that such increases will enable district councils to maintain their regulatory functions at satisfactory levels, it should be noted that the fees have not been increased since 2005 and that the increases proposed do not reflect the inflation rate of 12% since that time according to the Consumer Price Index (CPI). The result of this is that some of the costs of regulation will continue to fall upon the tax/rate payer thus falling short of compliance with the 'polluter pays' principle.

It is understandable in the current difficult economic circumstances that it would be difficult to expect businesses to meet the full 12% increase all at once. However steps to ensure compliance with the 'polluter pays' principle should be taken as soon as practicable. Therefore, Belfast City Council is of the opinion that the charging scheme should be reviewed on an annual basis and not bi-annually as proposed.

Alternatively, if it is not deemed practicable to review the District Council Charging Scheme on an annual basis, consideration should be given to the adoption of a similar process to that proposed in the current Consultation Paper – Northern Ireland Environment Agency, Draft Charging Policy 2010-2013. In this document it is proposed to increase fees on an annual basis in line with the GDP deflator (currently 2.45%). This would help to ensure that fees keep pace with current inflation levels, are proportionate to risk and that the gap between Northern Ireland charges and those in Great Britain does not increase further.

The introduction of a fee for service stations operating petrol vapour recovery (PVR) Stages 1 and 11 is to be welcomed as it recognises the extra complexity of the work involved when compared to a standard Stage 1 installation.

The introduction of a 'fee' for those premises operating without a permit is also welcomed. This will allow district councils to recoup the costs of an inspection of a premises they may suspect needs a permit. It will also provide a financial incentive for businesses to ensure that they have a valid permit.

The proposal for the introduction of a Risk Based scheme in 2011/12 whereby the fee assigned is proportional to the environmental risk is to be largely welcomed. The risk rating takes into account operator performance and so businesses can reduce the fees paid through enhanced performance. Currently district councils in Northern Ireland operate an inspection programme based on environmental risk although this is not linked to fees. The move to link this to fees should be straightforward for standard installations, although it should be noted that the situation relating to those activities where 'reduced charges' apply may be more problematic.

In relation to Standard Charge installations, programmed inspections are currently in general either once, twice or three times a year, depending on the risk associated with the activity and it would be expected that something similar would pertain in 2011/12. Reduced Charge installations currently require one visit per year. However, if these are to be further subdivided into 3 categories this could mean that some low risk installations could only be visited once every three years, thus significantly reducing the current level of control over such processes. Belfast City Council would be of the opinion that sub dividing Reduced Charge installations into 3 categories unnecessarily complicates the process and considers that the 2011/12 Risk Based scheme should not be applied to Reduced Charge installations but rather that they continue to be inspected at least once per year with a common fee.

It is also noted that in case of an activity described in: - Regulation 5(2d), 7(2d), 11(2d), 13(2d) and 14(2d) of the Draft Charging Scheme that the carrying out of *vehicle refinishing activities* are listed as a *Reduced Fee Activity* along with dry cleaners, waste oil burners and petrol stations. However, in a document issued by DEFRA in September 2009 (Consultation on Partial Bi-ennial Review of Local Authority Environmental

Regulation of Industrial Plant: 2010/11 Fees and Charges) *vehicle refinishers* are rated in a separate category from both Standard Processes and Reduced Fee activities and that for 2010/11, the Application fee is £346 and the Annual Subsistence fee is, depending on risk, £218, £349 or £524. Belfast City Council would consider that the Draft Charging Scheme should likewise separate Vehicle refinishers into a separate fees category for Northern Ireland.”

The Committee adopted the recommendation.

Consultation on Proposals to Change Dog Control Legislation

The Committee considered the undernoted report:

“Relevant Background Information

In November 2007, following a number of high profile dog attacks and concerns that existing legislation governing the control of dogs had not had the desired effect, the Minister of Agriculture and Rural Development announced a wide-ranging review of all aspects of dog control in Northern Ireland. As part of the review, the Minister met with a broad range of stakeholders, including Council officers, and has considered submissions from them. On 23rd November, 2009, the Department of Agriculture and Rural Development (DARD) subsequently published a consultation paper setting out proposals for changes to the legislation governing the control of dogs. Despite the wide-ranging nature of the review, the consultation does not cover dog fighting, dog breeding or dog fouling. Dog fouling was a specific issue which this Committee has raised with the Minister on a number of occasions.

The Minister claims that the review has highlighted a serious problem with dog attacks on people and is concerned that there is a real risk that a child or a vulnerable adult could be killed, seriously injured or disfigured. She is also concerned about the unacceptable number of stray dogs compared to the Republic of Ireland, England, Scotland or Wales.

The consultation document asks a number of specific questions relating to proposed changes to legislation.

The Minister has proposed to:-

- support responsible dog ownership through compulsory micro-chipping and a more robust and effective dog licensing regime;

- focus on prevention through earlier intervention to reduce the number of dog attacks on people;
- make it an offence to allow a dog to attack another dog;
and
- increase penalties for offences.

The Minister also proposes to increase the licence fee to £12.50 to meet a greater proportion of the costs of dog warden services but with specific incentives for responsible dog owners and protection for the elderly and those on benefits. A copy of the consultation document can be obtained from:

www.dardni.gov.uk/.../consultations/...consultations/dog-control-consultation.htm

Key Issues

The draft Council response to the Minister's proposals is specified in the attached document and the key issues are summarised below:-

- The consultation should address options related to dog fouling such as 'having the means to lift and dispose of dog excrement while in control of a dog in a public place';
- The Council agrees that micro-chipping should be a compulsory condition of a dog licence, the cost of which should be borne by the dog owner;
- The Council considers that DARD should manage, or regulate management of, a statutory micro-chipping data base;
- The specification of control measures on licences for individual dogs would make enforcement difficult and resource intensive;
- The Council agrees that the licence fee should be increased in line with inflation with protection and concessions for certain vulnerable groups;
- In respect of dangerous dogs, DARD should not legislate by reference to breed but according to the likely degree of danger to the public;

- The Council agrees that fixed penalties for no licence and straying should be increased to £50 for each of these offences;
- The Council should be able to retain the income from fixed penalties to offset against the costs of working to promote responsible dog ownership whether through enforcement or other means;
- The Committee would caution against legislating to outlaw dog on dog attacks except in very specific cases, such as on guide dogs, as this would create significant enforcement difficulties.

Resource Implications

Financial

In 2008-2009, the Council issued 11,140 licences of which 651 were concessionary (concessionary licences at £2.50 are for people over 65 and living alone). As the standard licence fee is currently £5, this equates to income of £52,445 for full licences and £1,627 for concessionary licences making a total of £54,072.

Under the Department's proposed changes to the licence fee, it is not possible to anticipate the impact of the proposed concessions in relation to people over 65, those on benefits and those whose dogs have been neutered as the Council does not currently hold all this information. As an estimate, however, if half the licences were at £12.50, this would provide £69,625 and if half of the remainder were at £5 this would provide a further £13,925 income, making a total of £83,550, and providing additional annual income of around £30,000.

Est. additional annual income from proposed £50 Fixed Penalty for straying - £29,000

Est. additional annual income from proposed £50 Fixed Penalty for no licence - £8,500

Staff

Should changes be made to the licensing regime as suggested, there may be an increase in administration requirements which would potentially have a small impact on administrative staffing levels. However, if this transpires, then a separate report will be brought to Committee.

Recommendation

It is recommended that the Committee agrees the attached draft response to the DARD consultation on proposals for changes to dog control legislation.

COUNCIL RESPONSE

Compulsory micro-chipping

Q.1: *Do you agree that micro-chipping should be made a compulsory condition of a dog licence?*

The Council has previously expressed the view that the micro-chipping of dogs should be a compulsory element of the licensing regime. Micro-chipping would involve a one-off payment and would provide identification that cannot be lost, including information on a dog's medical history and neutering. These improvements to information held can also facilitate the reuniting of a lost animal with its owner.

The Council therefore agrees that micro-chipping should be a mandatory condition of licensing. It should be made clear by DARD, however, that the cost for micro-chipping should be borne by the owner of the dog who would have to produce evidence that the dog had been micro-chipped before the Council could issue the licence.

Any data bases of micro-chipped dogs are currently held by the private sector with Councils being permitted access only when the consent of the owners is given. Within a licensing scheme, however, DARD would either need to manage, or regulate management of, a statutory data base.

Early intervention

Q.2: *Do you agree that councils should be able to impose conditions on the licences of individual dogs in order to intervene early to control problem behaviour?*

The Council would recommend that significant thought needs to be given to how conditions such as these would be applied in an objective way and how readily they could be enforced. For example, in 2008-2009 Belfast City Council's Dog Warden Service received over 2,000 complaints about straying and seized over 1,000 stray dogs. Seeking therefore to specify dog control measures for individual animals based on incidents of straying or indeed 'dog behaviour' would make enforcement difficult and would be resource intensive. Also, reliance on

the views of dog wardens, and possibly members of the public, with regard to 'dog behaviour', would be subjective and could lead to significant discrepancies between district council areas. Therefore such conditions should only be applied in very defined situations based on robust guidance. The Council would be particularly supportive of measures to promote positive behaviours such as encouraging and enforcing dog and handler training.

Concerns about public safety could be more easily addressed if there was a requirement in the legislation that all dogs must be kept under control in public places with a specific offence of owning or being in charge of a dog that is dangerously out of control. In this case there would need to be guidance as to what 'kept under control' means and also exemptions for areas such as parks should the local authority wish to designate specific sections of the park or time slots for dogs exercising whilst off leads. If this addition was made, then the Council believes that existing dog control legislation, including bye-laws and anti-social behaviour powers, combined with the anticipated powers under the proposed Clean Neighbourhoods legislation for designating dog control orders, would provide a comprehensive range of options to permit dog wardens to intervene early, in the majority of cases, to control dog behaviour.

Q.3: *Do you agree with the range of licence conditions to control behaviour specified in chapter 4 of the consultation paper? Are there controls which should be removed or added?*

The range of licence conditions generally address potential problems associated with irresponsible dog ownership, however, as per the Council's response to Question 2, these could be difficult to enforce within the council's current dog control capacity / resource. For example, ensuring compliance with the re-homing of a dog or monitoring that a particular dog is kept on a leash would present considerable regulatory challenges for the Council's dog wardens.

Options for the licence fee

Q.4: *Do you support the preferred option ii (an inflationary increase in the licence to £12.50 with protection for vulnerable groups)? If not, what would you propose?*

The fee for a dog licence should provide a meaningful contribution to the administrative costs involved and should reflect the obligations owners have to the principle of responsible dog ownership.

The Council would support increasing the licence fee to £12.50 in line with inflation but would recommend that provision is made to allow the Minister to make further future discretionary increases in line with inflation in a streamlined way.

The Council would also favour protection for vulnerable groups, as suggested, however this should not be at the expense of encouraging people to own more than one dog. The proposal for those aged 65 and over to a £5 licence fee for any additional dog could encourage some people to try and circumvent the provisions. For example, someone could claim ownership of a dog which is actually owned by a non-vulnerable friend or a family member. Therefore, whilst the Council would agree with a free dog licence for people aged 65 and over and a £5 licence fee for people on state benefits, it would suggest that ownership of any additional dog should be subject to the full licence fee of £12.50 (except where block licences apply).

Q.5: *Do you agree that the cost of a block licence should increase in line with inflation to £32? If not, what would you propose?*

As with the standard licence fee the Council would agree that the cost of the block licence should increase in line with inflation to £32.

Exemption of prohibited dogs

Q.6: *Do you agree that councils should have the power to exempt a dog of a banned type where they are satisfied it is not a risk, thus avoiding the need for court proceedings?*

The underlying principle of streamlining the legislation in order to limit the stress on seized dogs and to help reduce kennelling costs is welcomed by the Council. However, the Council is concerned that the review does not seek to rationalise the legislation by repealing those parts of the Dangerous Dogs Order which legislate to prescribe dogs by reference to breed or breed type rather than by the danger to the public. The overwhelming majority of dog attacks reported to Belfast City Council is from legitimate breeds and the Council believes that any dog that displays aggression towards people, regardless of the dog's type or breed, should be subject to appropriate control measures.

Prescribing specific breeds of dog as dangerous and then empowering District Councils to exempt individual animals would place a huge responsibility on individual dog wardens and could potentially convey a degree of liability on the Council if someone, or their dog, was subsequently attacked by an exempted dog.

The level of penalties for offences under the 1983 Order

Q.7: *Do you agree that fines under the 1983 Order should be increased in line with the standard scale?*

The Council agrees that penalties under the Dogs (NI) Order 1983 should be determined according to the standard scale of the Fines and Penalties (NI) Order 1984.

Fixed penalties

Q.8: *Do you agree that all fixed penalties under the 1983 Order and the new Dog Control Bill should be set at £50? If not, what alternative do you propose?*

The Council agrees that the fixed penalty for not having a licence or for allowing a dog to stray should be increased to reflect the seriousness of these offences. The current £10 fixed penalty for straying is an insufficient deterrent and may actually discourage responsible dog ownership as the fixed penalty for dog fouling under the Litter Order, when a dog has to be accompanied by its owner, is £50. The Council therefore supports the rationalisation of the fixed penalty under the 1983 Order and the new Dog Control Bill to £50.

Payment of fixed penalties directly to councils

Q.9: *Do you agree that payments of fixed penalties should be made to councils to help enforce dog control legislation rather than to the courts?*

The statutory obligation to enforce the dog control legislation along with the public's expectations of what can be achieved requires the Council to direct significant resources to addressing the issue of dog control.

The Council currently retains payment from fixed penalties for dog fouling and this should be supplemented with income from fixed penalties for other dog related offences. The Council however believes that effective enforcement is best delivered in association with promotional activities and awareness raising initiatives. The Council would therefore propose that income should be directed at the objective of increasing responsible dog ownership but with individual councils being free to direct their resources in the most effective way in order to achieve this specific objective.

New offences

Q.10: Do you agree that it should be an offence to allow a dog to attack another dog?

The Council recognises that many dog on dog attacks can cause distress to the owners and injury to a family pet. The Council however would caution against legislating to outlaw 'natural animal behaviour' if possible.

Outlawing natural animal behaviour could also act as a deterrent to owners seeking to take their dog to a training class or club to improve dog socialisation by encouraging the dog to interact. Could encourage owners to actively keep their dog away from other dogs, which in turn could reinforce poor socialisation.

There may however be merit in making it an offence for a dog to attack an assistance dog, such as a guide dog, but the implications for dog wardens in seeking to police culpability in relation to one dog fighting with another would be prohibitive. The consultation document suggests that there is currently no redress against the owner of a dog that attacks another dog (paragraph 4.33) however the option of civil action is always available to the injured party. It should also be stressed that, in a civil case, a lesser burden of proof is required than for a prosecution.

Q.11: Do you agree that keeping or being in charge of a dog that attacks and injures a person should be an aggravated offence, whether it happens in a public place or on private property?

The safety of the public, in relation to the control of dogs, is paramount and the Council therefore agrees with the proposal that keeping or being in charge of a dog that attacks or injures a person should be an aggravated offence, whether it happens in a public place or on private property

The potential economic impact of these proposals

Q.12: Do you agree that the analysis of the evidence given in the accompanying partial Regulatory Impact Assessment accurately describes the potential impacts of these proposals?

The Council is concerned that the Regulatory Impact Assessment does not fully recognise the potential impact that the early intervention proposals could have on the ability of

the Council's dog wardens to effectively police these for individual dogs. It would also question the suggestion that there would be savings in legal costs. Similarly, the regulatory impact on the Council in investigating dog on dog attacks could be prohibitive.

Q.13: *Are there other potential impacts we may not have anticipated here or in the accompanying partial Regulatory Impact Assessment?*

No

Potential impact of these proposals on different groups

Q.14: *Do you agree that the analysis of the evidence given in the accompanying Equality Impact Assessment accurately describes the potential impacts of these proposals?*

Yes

Q.15: *Are there other potential impacts we may not have anticipated in the accompanying Equality Impact Assessment?*

No.

Q.16: *Do you have any other comments or alternative proposals, or any additional background information?*

The underlying principle of Belfast City Council, with regard to dog control, is the concept of responsible dog ownership. This underpins all the work of the Council's Dog Warden Service and is reflected in the Council's response to this consultation.

The Council therefore is concerned that the consultation does not address all of the dog-related issues which lie within its area of responsibility. In particular, the problem of dog fouling and the potential enforcement options previously put forward by Belfast City Council, such as having the means to lift and dispose of dog excrement while in charge of a dog in a public place, have not been considered."

The Committee adopted the recommendation.

**Creation of a Joint Public Health Unit with the
Public Health Agency For Northern Ireland**

The Committee considered the undernoted report:

“Relevant Background Information

Both the Health and Environmental Services Committee and the Strategic Policy and Resources Committee have over the last year been informed of the intention to set up a joint working arrangement with the newly established Public Health Agency. The purpose in so doing would be to collectively address the significant issues affecting the health and wellbeing of the people of the city and, in particular, to reduce the gap in life expectancy between the people living in more affluent areas and those in the most deprived neighbourhoods in the city.

This work links directly to Belfast City Council’s overall purpose, which is to improve quality of life now and for future generations. The ‘health gap’ is not something which can be addressed by the Health Service alone as its causes relate to many other social, economic and environmental factors such as employment, education, housing, social inclusion, safe, clean and attractive neighbourhoods, access to leisure and recreation etc, as well as people’s lifestyles.

Recognising the key role which it has to play, the Council has included the development of a healthier city as one of its key priorities under the *Supporting People and Communities* theme of the Corporate Plan. The development of the Joint Unit will significantly enhance the Council’s ability to deliver on this priority and also help to set the direction for community planning in this area.

Proposals for the establishment of formal joint working arrangements were first presented to the Strategic Policy and Resources Committee in January of last year, following a letter from the Minister for Health inviting expressions of interest from district councils willing to explore joint working arrangements. At this time, the Council agreed to submit an expression of interest to host a joint team of staff from both the Agency and the Council.

Subsequently, the Health and Environmental Services Committee, at its meeting in September 2009, also agreed to allocate a proportion of the thematic funding for the Health and Wellbeing theme (available during 2009 /2010) to part fund a number of joint posts which would be located within this Unit. These posts include a manager post for the Unit, jointly funded with the Public Health Agency and 2 Project Officer Posts, jointly funded with the Health and Social Care Trust. In addition to these jointly funded posts, it is also proposed that a number of existing Council and Public Health Agency staff will be co-located within the joint unit.

On the Council side, the staff which would move to the joint unit would be from the Health and Wellbeing Team. This includes 2 Environmental Health Officers, and potentially 2 other posts currently the subject of a BIS review carried out in 2008 and reported to the Health and Environmental Services Committee in June, 2008. The recommendations in respect of this element of the review were that two EHO posts should be deleted from the pool of EHOs which currently exists within the Environmental Health Service structure and that 2 Health and Wellbeing Officer posts should be created instead. However, firm decisions around these recommendations were deferred until the proposals for a Joint Public Health Unit were further developed.

On the Public Health Agency side, there is a proposal that five staff members, who were formerly known as Health Action Zone (HAZ) staff, supporting the HAZ Partnership, will move to Council premises to be co-located with the above Council staff.

The Health and Social Services Trust is, along with the Council, investing in two joint project officer posts (agreed by Committee in September 2009). One will focus on community health development, working with neighbourhood renewal partnerships, Healthy Living Centres, Health and Wellbeing Centres, etc. The other will focus on health and wellbeing outcomes for children and young people – with an early focus on alcohol and obesity. The Healthy Aging Co-ordinator and Project Officer, jointly funded by the Council and the Health and Social Care Board, will also be part of this joint team.

The Committee will note also that a Notice of Motion was agreed at the January Council meeting in respect of the development of a mechanism to ensure that health inequalities are addressed when the Council is making relevant policies or strategies. This is an area of work which the Joint Unit would also support. As agreed at Council, a separate report will be brought back to the Committee in this regard in the next few months.

Key Issues

To effectively address health inequalities in this city there is a need to create a single health partnership (which eventually sits within a community planning framework) along with a staff team which supports joint planning across agencies and sectors and co-ordinates a work programme around the priorities set by this partnership. This will reduce duplication within the system and ensure that resources are collectively targeted at outcome based work programmes which have the greatest impact.

Partnership support should ideally include provision of a research/ evidence base, policy development, expertise in health inequalities, influencing and advocacy, joint planning and integrated delivery mechanisms, information and data sharing, capacity building, funding support and development of practical support tools.

In terms of joint planning and programmes of work, the following are likely to be priority areas around which there will be a focus of effort:

- **Children and Young Peoples' Outcomes – including Early Intervention Programmes, Obesity and Alcohol Use programmes, Integrated Services for Children and Young People in local areas, etc.** This would in turn relate to Belfast City Council's strategy on Children and Young People as well as to specific goals of PHA such as reducing teenage pregnancy and improving sexual health. It is also a key priority area of work for other agencies such as the PSNI, the education sector, voluntary organisations, etc.
- **Health outcomes in disadvantaged neighbourhoods (to include the link between regeneration and health).** This would link to the work that is happening in Neighbourhood Renewal Partnerships, the Strategic Regeneration Frameworks (and the indicators that are currently being developed on local regeneration and health). Specific programmes of work will be taken forward by the jointly funded post between the Council and the Trust on community based health development. There is considerable potential for the Council to make an impact in local areas, particularly through Parks and Leisure, Good Relations, Community Development and local area working. It also has a role within its Capital Programme and Investment Strategy to maximise the impact these projects can have on health.
- **Older People's health and wellbeing – this is already a priority area for the Council and bringing this work within the Unit would ensure that any duplication in the system is reduced and synergies are identified and exploited to maximise the benefits to older people.**
- **Improved Physical Activity for all – a theme that could underline the children and young people agenda, policy development, older people and regeneration.** The Council's strategies for parks, leisure, capital works, and community support should all make significant contributions to this programme.

Support will also be given by the Unit to the two Councillors on the Belfast Local Commissioning Group. The current Chair of the Belfast Local Commissioning Group has requested that consideration be given to him having access to an office space in the City Hall to demonstrate a commitment to joint working with local government and to enable local Councillors to have access to him. This would be an informal arrangement and a desk in the emergency suite has been identified as a suitable location as there would be no additional cost associated with this.

The stages to take the development of the unit forward are:

1. report to Committee on the development of the Joint Public Health Unit;
2. develop formal agreements / SLAs between the Council, PHA and Trust.;
3. agree interim work programme and project plan;
4. populate Unit with staff from PHA, Council and Trust;
5. set up Governance Arrangements – Joint Management Board put in place, initially with representation from the Council, PHA and the Trust;
6. appoint a jointly funded Manager;
7. work with community and voluntary sector and other organisations such as Healthy Cities to achieve buy-in to the Unit and its work;
8. continue to work to develop one health partnership for the City;
9. identify skills gap and continually review the evolution of the Unit including whether Healthy Cities will co-locate with, or be aligned to, the Unit;
10. define a mechanism for enabling political input to the work of the Unit and the Partnership;
11. rationalise priorities and team skills and ensure that appropriate management arrangements are embedded in the sponsoring organisation(s);

12. develop a robust performance management and reporting system for the Unit; and
13. put in place a formal review process to examine progress with regular briefings to the Chief Executives of the Public Health Agency and Belfast City Council on a quarterly basis in the first instance.

In terms of the Council staff there will be no changes to terms and conditions. A further reporting line will however be put in place to the new jointly funded Unit Manager. There will also be a need to agree the Health and Wellbeing Team Structure as this has not been formally agreed through Committee. This cannot happen, however, until the Revenue Estimates for 2010/2011 are set and the skills gaps in the Joint Unit are analysed fully.

Due to delays in the logistics in setting up the new unit, the recruitment of the Manager Post is not likely to happen until the next financial year. Therefore, it is proposed that the proportion of the thematic budget set aside for this is re-allocated to:

- support project work already being undertaken on health outcomes for young people and community based health development work in leisure, parks and community centres; and
- one-off costs associated with setting up the office for the Joint Unit.

Resource Implications

Financial

There will be no increase to the revenue estimates either this year or next year as a result of the establishment of this Unit. As detailed above, the unit will be populated by:

- 2 existing EHO staff already accounted for in the Revenue Estimates
- 2 existing EHO posts identified to be re-profiled within a BIS structural review (currently filled only temporarily)*
- 3 jointly funded posts with the Trust and PHA – (BCC funding provided through the Thematic Budget. Approval already granted - to be recruited as soon as possible.
- 2 existing jointly funded posts with the Health and Social Care Board, working on Older People's Health and Wellbeing – already accounted for in Revenue Estimates.

In respect of the current thematic budget for health, since it has not yet been possible to appoint a jointly funded Manager Post for the new Unit, it is proposed that the proportion of the budget set aside to do this within the 2009/2010 be re-allocated to:

- support project work already being undertaken on health outcomes for young people and community based health development work in leisure, parks and community centres; and
- one-off costs associated with setting up the office for the Joint Unit.

Staffing

The 2 EHO positions which would be affected by this change have only been filled on a temporary basis (this was implemented following 2 permanent EHO staff leaving the Council). In addition, the Committee agreed in September 2009 that, should thematic funding not be available in the future, then the jointly funded posts mentioned above would have to be funded from within existing resources and this could have implications on the ability of the Service to fill these two proposed positions. Therefore, these re-profiled positions will not be filled until the thematic funding is approved by the Council in February and the precise nature of the proposed spend is subsequently agreed by the Health and Environmental Services Committee.

Although the Public Health Unit will be located within the Council, the employment status of staff will not change in that each of the sets of staff in the Unit will continue to be employed by their host organisations.

Recommendations

It is recommended the Committee:

- notes progress with the set up of the Joint Public Health Unit;
- notes that the exact structure of the Council's Health and Wellbeing Team, which was the subject of a BIS review in 2008, will need to be finally agreed by the Committee once the nature of the two re-profiled posts are more clearly defined and the Revenue Estimates are agreed for 2010/2011;

- agrees that the current Chair of the Belfast Local Commissioning Group can have access to a desk in the City Hall on an informal basis; and
- agrees to reallocate £25,000 of the 2009/2010 thematic budget set aside to jointly fund a Manager for the new Unit to office set up costs and to project work already being undertaken on health outcomes for young people and community based health development work in leisure, parks and community centres.”

The Committee adopted the recommendations.

Belfast Flooding Risk Stakeholder Forum

The Committee was reminded that, at its meeting on 4th November, it had considered a report providing an update on significant flooding events which had occurred during the second half of the year which, on two occasions, had led to significant out-of-sewer flooding, resulting in extensive sewage contamination of residential streets.

The Head of Environmental Health informed the Members that the report had emphasised the importance of establishing a multi-agency approach to develop plans to minimise the risk of flooding in the City and had highlighted, in particular, the work which had been undertaken by RPS Consulting Engineers, to map the main flooding hotspots in the City and to identify short and long-term preventative measures which could be put in place. She reported that this work had now been completed and that the findings had been forwarded to the Rivers Agency which acted as the “competent authority” for the purposes of implementing the requirements of the European Floods Directive. The findings had been used also as a basis for discussions with other agencies with responsibility for flooding responses, such as Northern Ireland Water and the Roads Service, both of which had been provided with maps highlighting the various flooding hotspots in the City. The maps had been used to assist the Council’s Emergency Team to identify hotspots where multi-agency co-ordination was required in order to reduce the risk of flooding and had been used also as the basis of discussions with local Elected Representatives who would, in future, be advised by way of a texting service of severe weather warnings when flooding was a real possibility.

The Head of Environmental Health reported that the Rivers Agency had, under the provision of the new European Floods Directive, been tasked in association with other agencies, with developing strategic flood risk management plans, initially for the Belfast area. In order to progress the matter, the Agency, together with the Department for Agriculture and Rural Development, had attempted to establish a Stakeholder Group involving all of the relevant key agency staff. She pointed out that the Water Environment (Floods Directive) Regulations (Northern Ireland) 2009 placed a statutory duty on Northern Ireland Assembly Departments, District Councils and Northern Ireland Water to exercise the relevant functions in a manner which secured compliance with the European Floods Directive. As such, the Rivers Agency had been charged with developing by 2015 the Flood Risk Management Sub-Plan for Belfast.

She informed the Members that she, together with the Director of Health and Environmental Services, had on 3rd December met with the Chief Executive of the Rivers Agency in order to discuss the establishment of a Belfast Flood Risk Stakeholder Forum. She pointed out that the establishment of such a Forum would assist with the development of the aforementioned flood plan and provide an effective mechanism for ensuring the facilitation of public participation, as required by the European Floods Directive. Following the meeting, the Chief Executive of the Rivers Agency had invited the Council to confirm its participation in the Stakeholder Forum, which the Agency anticipated would meet four times per year. Input from the various stakeholders would be used in order to inform the Flood Risk Management Plan. The Agency had requested also the Council's assistance in identifying, agreeing and contacting the relevant non-Departmental stakeholders and, in order to emphasise their commitment to partnership working, had suggested that the two organisations co-chair the Forum.

Accordingly, she recommended that the Committee approve the Council's participation in the Belfast Flood Risk Stakeholder Forum and agree to a joint chairing arrangement between the Council and the Rivers Agency.

The Committee adopted the recommendation.

Chairman