

Document Pack

**Committee and Members' Services Section
Chief Executive's Department
Belfast City Council
City Hall
Belfast
BT1 5GS**



13th January, 2010

MEETING OF HEALTH AND ENVIRONMENTAL SERVICES COMMITTEE

Dear Councillor,

The above-named Committee will meet in the Lavery Room (Room G05), City Hall on Monday, 18th January, 2010 at 4.30 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully

PETER McNANEY

Chief Executive

AGENDA:

1. **Routine Matters**

- (a) Apologies
- (b) Minutes

Minutes of the meeting of 2nd December

2. **Financial Estimates 2010 - 2011** (Pages 1 - 8)

3. **Directorate**

- (a) National Association of Councillors' Conference (Pages 9 - 10)
- (b) Secondment of Sustainable Development Manager (Pages 11 - 12)

4. **Waste Management**

- (a) Waste Management Service - Customer Service Standards (Pages 13 - 20)

- (b) Waste Electrical and Electronic Equipment Regulations - Producer Compliance Scheme (Pages 21 - 22)
- (c) Collection of Batteries and Accumulators - Producer Compliance Scheme (Pages 23 - 24)
- (d) Sustainable Carbon Reward Card (report to follow)

5. **Building Control**

- (a) Enforcement of Energy Performance Certificates - Authorisation of Council Officers (Pages 25 - 42)

6. **Environmental Health**

- (a) Consultation on Proposals to Regulate the Sunbed Industry (Pages 43 - 56)
- (b) Consultation on Proposals to Establish a Commissioner for Older People (Pages 57 - 70)
- (c) Future Alleygating Projects - Community Consultation (Pages 71 - 78)
- (d) Attacks on Environmental Health Service Staff (Pages 79 - 82)
- (e) Consultation on Proposed Pollution Prevention and Control Charging Scheme (Pages 83 - 86)
- (f) Consultation on Proposals to Change Dog Control Legislation (Pages 87 - 98)
- (g) Creation of a Joint Public Health Unit with the Public Health Agency For Northern Ireland (Pages 99 - 104)
- (h) Belfast Flood Risk Stakeholder Forum (Pages 105 - 108)



Belfast City Council

Report to: Health and Environmental Services Committee

Subject: **Financial Estimates and District Rate 2010/2011**

Date: 18th January, 2010

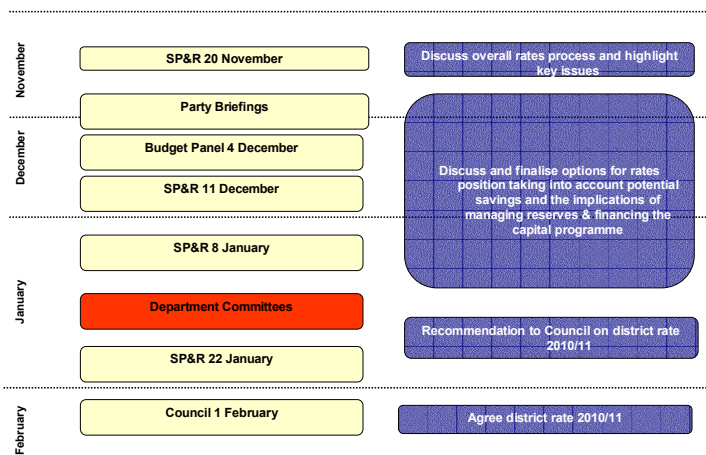
Reporting Officer: Julie Thompson, Director of Finance and Resources, ext 6083

Contact Officer: Julie Thompson, Director of Finance and Resources, ext 6083

Relevant Background Information/Purpose of Report

At the November meeting of the Strategic Policy and Resources Committee, the following process was agreed for setting the district rate and agreeing the estimates for 2010/11:

Timetable for Rate Setting Process 2010-2011



The purpose of this report is to:

- update Members on progress on setting the rates for 2010/11; and
- agree the cash limits for the Health and Environmental Services Committee and the proposed allocation of the resources therein.

Key Issues**A. UPDATE ON PROGRESS ON SETTING THE RATES FOR 2010/11**

At the Strategic Policy and Resources Committee on 11 December 2009 and Council on 5 January 2010, the following was agreed:

- (a) a further £1m to be invested in the City Investment Strategy;
- (b) a minimum of £2.5m to be set aside as a contribution from the rates to reserves;
- (c) a £1m efficiency programme to be developed and reported back to the committee; and
- (d) the £2m savings from the efficiency programme and the voluntary redundancy (VR) exercise to also be invested in reserves, with a maximum of £1m of this to be potentially invested in the capital programme when capital plans are agreed.

The table below summarises the current position in relation to the rate setting for 2010/11, taking into consideration the above recommendations of the 11 December 2009 i.e. Departmental estimates have been reduced by the £2m savings from the efficiency programme and VR exercise and the £2m has been invested in reserves. As can be seen from the table, the overall rates position is a 7.81% increase which equates to a 3.35% increase to the domestic ratepayer.

Members should note that 68% of the increase in the rate is attributable to the need to replenish reserves. Department estimates which equate to 90% of overall council expenditure are proposed to increase the rates by some 0.59% reflecting a concerted drive to control costs and maximise savings.

Current Estimated Rate Increase

	2010/11 Increase	% Rate Increase
Departmental Estimates	768,511	0.59%
City Investment Strategy	1,000,000	0.76%
Current Capital Programme	1,667,315	1.28%
General Exchequer Grant	(125,566)	(0.10)
Rate Increase before Reserves	3,310,260	2.53%
Movement in Reserves	6,900,000	5.28%
District Rate Increase	10,210,260	7.81%
Average impact on domestic ratepayer	24.38	3.35%

At the Strategic Policy and Resources Committee meeting on 8 January 2010, a number of issues were discussed and agreed as set out below.

(i) Movement in Reserves

The reserves in Belfast City Council had historically been in a strong position, being some £15.4m at the end of 2007/08. However, since then reserves have been significantly reduced due to:

- (i) the need to repay the Land and Property Services (LPS) some £4.1m because of their over estimation of how much the rates would yield in 2007/08;
- (ii) the use of reserves to fund the capital programme; and
- (iii) the contribution from reserves to the overall rate setting process.

Most recently in December 2009, the Director of Finance and Resources therefore reported to the Strategic Policy and Resources Committee that by the end of 2009/10 the reserves were forecast to be some £4.3m. Members were informed of the urgent need to build reserves to a more acceptable level given the size of the organisation.

Best practice advice from CIPFA and advice from the local government auditor would indicate that the reserves should be in the range of £8m to £10m. Given that the proposed Local Government Finance Bill (which is subject to public consultation and then implementation) will mean a more prescriptive approach to maintaining reserves and the fact that 2010/11 is the last year of the freeze on the regional rate, it was recommended that the replenishment of reserves should be prioritised in 2010/11.

Members therefore agreed that a minimum of £2.5m should be set aside as contribution from the rates to reserves. Additionally, it was also agreed that the £2m savings from the VR exercise and the efficiency programme should be invested in the council's reserves, with the potential for up to £1m of this to be used to finance new capital projects should they be agreed and approved.

Compared to the 2009/10 estimate, this means an increase in the rates for the movement in reserves of some £6.9m (given that in 2009/10 there was a contribution from reserves to the rate of some £2.4m), representing a 5.3% increase on the district rate. This would place the reserves in a much stronger position and give the council a much sounder financial base to deal with future economic uncertainties, any downturn in rates income, unplanned expenditure and the implications of RPA.

(ii) Financing of the Capital Programme and City Investment Strategy 2010/11

Up to this year, the council has been able to pay for its capital expenditure through revenue contributions and use of internal cash. In basic terms this means the council has been able to pay for capital schemes with its own money rather than having to borrow. The financial position of the organisation, as previously has been reported, has now changed. This means that the organisation must borrow up to £58m to finance current committed schemes in the capital programme. All the money does not need to be borrowed in 2010/11 but it does mean there will have to be a stepped increase in the rate over the next four years in order to meet this financial commitment. For 2010/11, capital financing will need to be increased by £1.67m which is the equivalent of a 1.28% increase in the rate. In addition, the Strategic Policy and Resources Committee agreed on 11 December that a maximum of £1m of the investment in reserves may be redeployed to finance new capital commitments, when capital plans are agreed. This will have no impact on the 7.81% proposed district rate increase but would mean a move between reserves and capital financing.

A further £1m has also been agreed to be invested in the City Investment Strategy in 2010/11.

(iii) Allocation of Thematic Budget

The thematic budgets were first established in 2009/10 in recognition that the cross-cutting work which the council is trying to encourage could not be solely delivered within functional budgets and that expenditure needed to be re-orientated towards community planning outcomes. It was agreed that a budget of £500,000 should be used to kick start projects and build the infrastructure required to deliver thematic working.

In order to maintain momentum of these various projects, it was agreed at the Strategic Policy and Resources meeting on 8 January that the thematic budget be allocated as follows for 2010/11:

- Older People £82,000
- Health & Well Being £100,000
- Safer City £140,000
- Better Care for the Environment £78,000
- Children and Young People £100,000.

(iv) £1m Efficiency Savings

Following detailed engagement with Departments, it was agreed at the Strategic Policy and Resources Committee meeting on 8 January that £1m of efficiency savings would be found from the following areas:

Efficiency Savings	Council Total
Agency Costs	291,700
Consultants	385,500
Advertising & Marketing	114,075
Landfill Contract	48,000
Miscellaneous	179,625
Total	1,018,900

B. SUMMARY OF IMPLICATIONS FOR THE OVERALL RATE POSITION

The table below summarises the current rate position discussed above and its impact on the ratepayer. Out of the £24.38 average increase per annum for each ratepayer, some £16.45 relates to the need to strengthen reserves and some £1.83 per annum relates to departmental estimates.

Implications For Ratepayers

PROPERTY	Ave Capital Value /NAV	Increase in Rate Bill
Domestic Properties	£	£
Terrace House	86,425	18.32
3-Bed Semi-Detached House	132,173	28.02
4-Bed Detached House	293,843	62.29
Apartment	83,379	17.68
Average Capital Value	115,000	24.38
Non-Domestic Properties		
Office Property	12,728	235.47
Retail Property	10,247	189.57

C. DEPARTMENTAL ESTIMATES

As outlined in the table in section A above, Departmental estimates have increased by £768.5k to £125.1m in 2010/11. This represents an increase of 0.62% over 2009/10 or a 0.59% in the overall district rate. The key drivers to the departmental estimates are:

- **Costs which fall outside the control of BCC:**
 - Rates - the rates budget i.e. rates that the Council must pay for its premises, has increased by £580k to £2.5m for 2010/11. This is mainly due to the reopening of the City Hall and the Ulster Hall.
 - Superannuation - this cost has been increasing over the past number of years. The estimate for 2010/11 sees another actuarial increase which has increased the employer's superannuation contribution from 16% to 17%. This amounts to an increase of £671k.
 - Loss of External Income - the economic downturn continues to impact on a number of services and as a result budgeted income has fallen by just over £1.3m in 2010/11. The main areas of budgeted reduced income are:

- Building Control Service £626,250
- ISB £33,000
- BIS £200,000
- Investment Income £460,000

- **Council efficiency programme and voluntary redundancies** - the council has approved a voluntary redundancy (VR) exercise which will cost £2.3m in 2009/10 but will produce annual savings of £1m per annum. The council has also continued with the efficiency programme which was initiated three years ago. The Strategic Policy and Resources Committee has agreed that a further £1m of efficiency savings will be achieved in 2010/11.
- **Departmental Savings/Growth** - departmental growth/savings are a net cost to the Council of £200k.

A summary of these key drivers by Committee is outlined in the table below.

	SP&R	H&ES	P&L	DEV	TOWN PLANNING	Dept total
2009/10 Estimate	28,788,068	42,612,828	30,450,003	22,473,931	28,450	124,353,279
<u>Uncontrollable costs</u>						
Rates - utilities	345,660	18,008	67,210	149,303	0	580,181
Superannuation	24,981	343,763	273,047	29,457	0	671,248
Loss of ext income	693,000	626,250	0	0	0	1,319,250
TOTAL	1,063,641	988,021	340,257	178,760	0	2,570,679
<u>Councilwide Savings</u>						
Voluntary Redundancies	-556,559	-180,001	-246,484	0	0	-983,044
Efficiencies	-464,630	-208,700	-201,850	-143,745	0	-1,018,925
TOTAL	-1,021,189	-388,701	-448,334	-143,745	0	-2,001,969
<u>Departmental Savings/Growth</u>	-329,256	-154,505	450,281	234,561	-1,280	199,801
2010/11 Estimate	28,501,263	43,057,644	30,792,206	22,743,507	27,170	125,121,791
Inc/(dec) £	-286,804	444,816	342,204	269,576	-1,280	768,511
% Inc/(Dec) from 2009/10	-1.00%	1.04%	1.12%	1.20%	-4.50%	0.62%
% of District Rate	-0.22%	0.34%	0.26%	0.21%	0.00%	0.59%

At its meeting on 8th January, the Strategic Policy and Resources Committee agreed the cash limit for the Health and Environmental Services Committee of £43,057,644 for 2010/11. Members of the Health and Environmental Services Committee need to agree the cash limits for the Health and Environmental Services Committee and consider the allocation of resources within this overall cash limit. The following section of the report provides an overview of the Committee's estimates for 2010/11.

D. HEALTH AND ENVIRONMENTAL SERVICES COMMITTEE

A spending limit of £43,057,644 is recommended for the Health and Environmental Services Committee in 2010/11. This represents an increase of £444,816 or 1.04% over last year. The main items of expenditure of the department are outlined at Appendix 1.

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 as some £43,057,644 and the proposed allocation of the resources therein.

HEALTH AND ENVIRONMENTAL SERVICES COMMITTEE

MAIN ITEMS OF ESTIMATED EXPENDITURE 2010/11

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

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Belfast City Council

Report to:	Health and Environmental Services Committee
Subject:	National Association of Councillors Conference - "Tackling Climate Change – Protecting Our Environment"
Date:	18th January, 2010
Reporting Officer:	William Francey, Director of Health and Environmental Services, Ext. 3260
Contact Officer:	William Francey, Director of Health and Environmental Services, Ext. 3260

Relevant Background Information

The National Association of Councillors (NAC) has issued details of a conference on the theme of Tackling Climate Change – Protecting Our Environment which is to take place in the Monkbar Hotel, York, from Friday, 22nd till Sunday 24th January, 2010.

The conference will include presentations on sustainable waste management, wind energy, low carbon vehicles and flood risk. It therefore provides a very timely opportunity for elected Members to learn more about current thinking in a range of policy areas of immediate relevance to the Council.

Key Issues

This NAC conference provides an important development and networking opportunity for elected Members in currently relevant policy areas.

The Council's policy on attendance at NAC events is that the Chairman and the Deputy Chairman of the appropriate Committee, the Council's representatives on the NAC and a representative of the other Party Groupings not represented by the aforementioned Members should be recommended to attend.

Places at the conference and accommodation have been reserved accordingly.

Resource Implications

The delegate fee is £350 per person and accommodation in the conference Hotel is £65 per night (2 nights). Travel costs are estimated at approximately £180 per person.

Recommendation

The Committee is recommended to approve attendance in line with the Council's policy for such events as outlined above.

Decision Tracking

The Director of Health and Environmental Services will ensure that all the necessary arrangements relating to the booking of the Conference and attendance thereat are made.

**Belfast City Council**

Report to:	Health and Environmental Services Committee
Subject:	Secondment of Sustainable Development Manager
Date:	18th January, 2010
Reporting Officer:	W Francey, Director of Health and Environmental Services, Ext. 3260
Contact Officer:	W Francey, Director of Health and Environmental Services, Ext. 3260

Relevant Background Information

The Health & Environmental Services Committee, at its meeting on 8th March 2005, approved the secondment of the Sustainable Development Manager, Ms Clare McKeown, to the Department of the Environment for an initial two year period, as a support officer for the Sustainable Development Commission. The Committee agreed also, at its meetings on 11th September 2006 and 8th September 2008, to further extend the secondment until April, 2010.

Key Issues

The Sustainable Development Commission has requested a further extension to Ms McKeown's secondment for a period of one year until April, 2011. The secondment continues to represent a suitable development opportunity for this officer in an area which is of key strategic importance to the Council. The extension of the secondment presents no operational problems and is cost neutral as all costs for the secondment are fully met by the Sustainable Development Commission. The current arrangement also provides continuing development benefits for officers backfilling posts within the Health and Environmental Services Department.

Resource Implications

All employee costs and expenses associated with the secondment are recouped from the Department of the Environment.

Recommendation

The Committee is requested to agree to the extension of the secondment subject to 100% recoupment of salary and associated expenses for a further one year period until 12 April 2011. In these circumstances it is further recommended that the Committee agrees to continue to fill the vacant post through extension of the current secondment in accordance with the appropriate Council procedures.

Decision Tracking

The Departmental Business Support Manager will ensure that an extension to the existing agreement with the Sustainable Development Commission is completed.



Belfast City Council

Report to:	Health & Environmental Service Committee
Subject:	Waste Management Service - Customer Service Standards
Date:	18th January, 2010
Reporting Officer:	Tim Walker, Head of Waste Management, Ext 3311
Contact Officers:	Maria McAleer, Policy & Compliance Officer, Ext. 3439

Relevant Background Information

The Council's Corporate Plan 2008–11 commits to delivering "*Better Services*" by seeking to listen and deliver, solve problems and keep in touch with our citizens.

By 2011, the Council expects to have implemented a strategic approach to customer service which supports all aspects of how we work and what we aim to achieve.

In support of both the Council's and our own commitment to customers, the Waste Management Service has worked with both the National Consumer Council and the Corporate Communications Service to develop a set of Customer Service Standards and associated performance targets for publication on the Council's Website (see Appendix 1). It is proposed that these will be regularly monitored, independently checked and reported annually to the Committee.

Key Issues

The Service has 11 sites/operations in Belfast and is responsible for waste planning and the provision of recycling and waste treatment/disposal services. It is underwritten by the requirements of the Waste & Contaminated Land (NI) Order 1997 to "*...make arrangements*

- (a) *for the disposal of any waste collected or removed under Article 20; and*
- (b) *for the provision of places at which persons may deposit their household waste at all reasonable times free of charge and for the disposal of the waste so deposited."*

In terms of performance, during 2008-09 the Service was accredited for OHSAS 18001 (Health and Safety standard), ISO 14001 (environmental management standard) and ISO 9000 (quality management standard at the Waste Transfer Station). It was also locally and nationally acknowledged for the quality of services in the following awards ceremonies:

- National Finalist 2009 in the APSE Best Service team: Waste Management & Recycling
- Gold Green Apple Award, Irish Section, for Best Integrated Communications Campaign for Waste Week 2009

- Best Event at The Green Awards for “*Stitch & Style*”, beating the Guardian Newspaper and Sony
- Gold Award at the Northern Ireland Pride Awards 2009 for Integrated Communications for Waste Week 2009
- Awarded the “*Best Performing Kerbside Scheme in Northern Ireland*” at the Local Authority Household Plastics Packaging Collection Awards 2009
- A Certificate of Achievement Award for the Waste Fair from the West Belfast Partnership
- 13 British Toilet Awards

By taking the next step and publishing and monitoring a set of customer service standards, the Service is seeking to be more open and transparent and to be able to demonstrate the consistency and commitment to meeting and exceeding customer expectations. We will use the monitoring and management information generated in relation to achieving the customer standards to improve service delivery and to inform new proposals and approaches to waste management in Belfast.

Resource Implications

Successfully managing waste services for ratepayers can lead to both short- and long-term efficiency gains in terms of diverting waste from landfill to cheaper recycling and other waste treatment options and encouraging changes in attitude and behaviour amongst the public.

There are no immediate resources implications associated with implementing these Customer Service Standards, and the associated monitoring.

Recommendation

The Committee is asked to approve these standards and the annual reporting cycle.

Decision Tracking

In line with the Council’s decision tracking policy, these recommendations have been allocated to a Council Officer; in this case Mr Walker, Head of Waste Management.

Key to Abbreviations

APSE – Association for Public Service Excellence

Document Attached

Customer Service Standards

Waste Management Service Customer Service Standards

Introduction

We are committed to providing a high standard of customer service to all residents in Belfast. We believe that you have the right to know what level of service you can expect from us all the time - even in those rare moments when things don't go as planned. This charter describes what we do and contains details of the standards of customer service that you can expect from us.

It is the aim of all the staff in Waste Management to:

- be welcoming, fair, courteous and respectful in dealing with all enquiries
- deliver a uniform and consistent service
- provide clear, concise and prompt communication on all correspondence
- perform product delivery within set targets, and
- embrace innovation and best practice.

Thank you for taking time to read this information, and if we fail to deliver on our promise, targets or commitment to you, we welcome your comments.

The services we provide:

- buying a bin
- public toilets
- household recycling centres
- recycling bring banks
- waste management helpline and support services
- abandoned vehicles
- asbestos collections
- promotion and education
- household waste assessments

1. Buying a new bin

Aim: To deliver a purchased bin within five working days of receipt of payment.

What you get: The bin will be delivered to your home, after we receive payment in full.

How can customers help us? Please make sure you give us the correct delivery and contact details (especially daytime contact number).

Target: To deliver 90% of purchased bins within five working days of receipt of payment. Web link: [How to get a new bin](#)

2. Public toilets

Aim: To provide public toilets which are clean, safe and accessible.

What you get: Public toilets all over the city that open according to publicised opening hours, except for automatic toilets which remain open twenty-four hours, and the retractable urinal at Shaftesbury Square in Belfast which opens 10pm-6am nightly.

What we don't do: We do not have responsibility for toilets not provided by Belfast City Council. All our toilets are marked with our logo.

How can customers help us?

You can help us maintain high standards by giving us feedback on our toilets via telephone, email or letter.

Target: To provide public toilets which meet standards set by the British Toilet Association. Web link: [Find your nearest public toilet](#)

3. Household recycling centres

Aim: To provide recycling centres across Belfast, keeping them in a clean and useable state for customers and ensuring they stay open as according to the published opening hours.

What you get:

- Easily accessible, state of the art recycling centres in the North, South, East and West of the city.
- Centres that have regular opening hours, are emptied and cleaned regularly.
- Knowledgeable recycling centre staff to give you advice, guidance and physical assistance on site when required on recycling.

What we don't do:

- Asbestos or waste from commercial enterprises at any of Belfast City Council household recycling centres.
- Large quantities of Brick Rubble Waste (over 40kg) at any Belfast City Council household recycling centre.

How can customers help us?

- Adhering to all site instructions.
- Putting recycling materials in the correct bank.
- Complying with any health and safety instructions on site or requests from staff.

Target: To make sure our household recycling centres stay open 90% of the time, excluding periods of refurbishment or forced closure. Web Link: [List of recycling centres](#)

4. Glass recycling banks

Aim: To provide glass recycling facilities in local communities, with the aim of diverting recyclable material from landfill. To make sure the sites are emptied at regular intervals, keeping them from overflowing and maintaining them in a clean and useable state for customers

What you get: Glass recycling facilities for clear, brown and green glass all over the city.

What we don't do: Recycling banks for other recyclable materials

How can customers help us? By (i) suggesting potential sites within the community that might be suitable for glass recycling banks (ii) leaving the site clean (taking away plastic bags and cardboard boxes) (iii) putting the correct type of glass in the correct bank and (iv) telling us about any untidy sites, particularly those that are overflowing.

Target: To ensure that in 95% of all cases there will be adequate space for you to deposit your recyclable materials at each location. Web Link: [List of bottle banks](#)

5. Waste Management Helpline & Support Services

Aim: To provide a pleasant, reliable and efficient service to all our customers, and satisfactorily deal with any queries or complaints received.

What you get: Staff to deal with requests for bins, recycling information, and to handle reports of abandoned vehicles or comments about the service. The helpline is staffed Monday to Thursday 8.30am – 5pm, Friday 8.30am - 4.30pm (excluding bank and public holidays).

What we don't do: We do not provide information on your bin collections. This is dealt with by Cleansing Services. You can find information on this by visiting www.belfastcity.gov.uk/wastecollections or by calling them on 028 9027 0230.

How can customers help us? By providing helpline staff with all the relevant details when making an enquiry.

Target: To (i) respond to 90% of calls within 15 seconds (ii) acknowledge written enquiries (email and letter) within 5 working days. Written responses will be dealt with within 15 working days of the date of acknowledgement.

6. Abandoned vehicles

Aim: To provide a reliable service for the removal of abandoned vehicles from the public highway and open land.

What you get: An enforcement operation that serves a seven day notice on offending vehicles, and a vehicle uplift and removal service following the seven day notification period.

What we don't do: We don't remove vehicles suspected of being used for crime or other antisocial activities. However we will work in partnership with other agencies in all circumstances where abandoned vehicles have been identified. If you suspect this is the case please contact the police immediately.

How can customers help us? Please notify us when you suspect a vehicle has been abandoned in your area. You can report this by calling us on 0800 032 8100.

Target: To (i) respond to reported abandoned vehicles within two working days (ii) remove abandoned vehicles within 1 working day of the expiry of the seven day notice. Web link: [Find out about abandoned vehicles](#)

7. Asbestos collections

Aim: We aim to collect small amounts of asbestos for householders who pre-book the collection by calling the Waste Management Helpline on 0800 032 8100 (asbestos is classified as a hazardous material and must be handled with care.)

What you get: An asbestos collection service for householders in the Belfast City Council area. We will send householders who contact us two asbestos collection bags which must be used to hold the asbestos. We will accept up to 120kg of asbestos but it must be enclosed with care in the bags we send you. Also, due to the specialised nature of the service, Waste Management can only arrange collections once per month. Asbestos product should not be broken up. Householders will have to provide appropriate plastic sheeting and seal packages.

What is not provided: We will not collect asbestos that weighs over 120kg and we will not collect asbestos that has been removed by a commercial contractor. Also, we will not collect asbestos outside the Belfast City Council area. If our contractor arrives to collect and your asbestos does not meet the requirements outlined we will reject the asbestos and you will have to arrange your own collection.

Target: To collect asbestos within thirty days of receiving your telephone or online request. In the interim period it is your responsibility to keep this waste safely covered in suitable asbestos storage bags or sheeting. Bags will be sent out within one working day of being requested. Web link: [Find out about asbestos collections](#)

8. Promotion and education

Aim: To promote the waste management hierarchy throughout Belfast and provide information on waste reduction and recycling initiatives.

What you get: Presentations and talks on recycling issues for interested groups (including businesses, schools and community groups). We also host and participate in a wide range of events.

How can customers help us? Ask us questions, suggest ways we could improve recycling and waste reduction initiatives in Belfast. We are happy to answer any queries you may have on recycling issues but we always want to hear your views. Please contact us on 0800 032 8100 or email wasteeducation@belfastcity.gov.uk

Target: To (i) answer you query immediately or within three working days of your question (ii) agree a date for recycling presentation or talk, within 5 working days of receiving the initial request. Web link: [Find out about waste education opportunities](#)

9. Household waste assessments

Aim: To educate, advise and facilitate householders who require extra help with their household waste.

What you get: A home visit from a Resource Advisor about household waste and recycling. A Resource Advisor will give information and advice on what is acceptable in each household bin. They can also do assessments which will show if additional bin capacity is required.

How can customers help us? If you think you would benefit from a home visit from one of our Resource Advisors regarding waste and recycling issues or feel that you are struggling with your bin capacity please make an appointment by calling 0800 032 8100. Our team will be happy to speak with you.

Target: To carry out an assessment within 10 working days of receiving the initial request.

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**Belfast City Council**

Report to: Health and Environmental Services Committee

Subject: **Waste Electrical & Electronic Equipment (WEEE) Regulations – Producer Compliance Scheme**

Date: 18th January, 2010

Reporting Officer: Tim Walker, Head of Waste Management, Ext 3311

Contact Officer: Jim Shields, Waste Manager (Education, Contracts & Operations), Ext 3338

Relevant Background Information

Members will be aware that the Council now has obligations under the Waste Electrical and Electronic Equipment (Waste Management Licensing) Regulations (NI) 2006 to accept Waste Electrical and Electronic Equipment (WEEE) from members of the public. Under the Distributor Takeback Scheme (DTS) established by Government, the Council registered a number of sites as Designated Collection Facilities (DCFs) from which a Producer Compliance Scheme (PCS) will collect free of charge. The sites currently registered are:

- (i) Blackstaff Way Recycling Centre;
- (ii) Alexandra Park Recycling Centre;
- (iii) Palmerston Road Recycling Centre;
- (iv) Ormeau Recycling Centre;
- (v) the storage area at Duncrue Complex; and
- (vi) the transfer station at Dargan Road

All six sites have been registered to receive all five categories of WEEE i.e.

- (a) large household appliances other than cooling appliances (fridges/freezers)
- (b) cooling appliances
- (c) TVs and monitors
- (d) Gas discharge lamps e.g. fluorescent tubes
- (e) All other WEEE (small items)

The PCSs operate on behalf of the manufacturers who are tasked with collecting and processing WEEE. It is a matter for councils and PCSs to formalise these arrangements.

Key Issues

When the take-back scheme was introduced in July, 2007 it was felt that some councils may have difficulty in securing a PCS owing to the small quantities of WEEE they generated. It was agreed that a collaborative process involving the three Waste Management partnerships should be used.

Arc21, on behalf of the eastern region, completed tendering exercises for the collection and processing of WEEE from DCFs under councils' control and, arising from this process, a contract was awarded from 1 July 2007 until 31 December 2009. At its meeting on 11 June 2007, the Committee agreed to enter into an agreement with the region's successful PCS for the collection of WEEE from the Council's six DCFs.

This contract expired on 31 December 2009 and arc21, in collaboration with the North West Region Waste Management Group (NWRWWMG), has retendered the service and awarded a new contract for the period 1st January, 2010 to 31st March, 2013, with the option of 6 monthly extensions until 31st March 2015.

Resource Implications

There are no resource implications for the Council as the WEEE arrangement is a free takeback scheme funded by the manufacturers of electrical and electronic equipment.

Recommendation

The Committee is recommended to approve the Council entering into an agreement with arc21 and NWRWWMG tendered PCS for the collection and processing of household WEEE from the Council's DCFs. The period will be for 26 months from 1st January, 2010 to 31st March, 2013, with the option of six monthly extensions until 31st March, 2015.

Decision tracking

The Head of Waste Management will oversee the drafting of an agreement with the arc21 and NWRWWMG tendered PCS.

Key to Abbreviations

DCF – Designated Collection Facility
DTS – Distributor Takeback Scheme
NWRWWMG – North West Region Waste Management Group
PCS – Producer Compliance Scheme
WEEE – Waste Electrical and Electronic Equipment



Belfast City Council

Report to:	Health and Environmental Services Committee
Subject:	Collection of Batteries and Accumulators – Producer Compliance Scheme
Date:	18th January, 2010
Reporting Officer:	Tim Walker, Head of Waste Management, Ext 3311
Contact Officer:	Jim Shields, Waste Manager (Education, Contracts & Operations), Ext 3338

Relevant Background Information

All waste batteries and accumulators collected must now be processed in accordance with the requirements of European Council Directive 2006/66/EC on batteries and accumulators. Provision for the collection and processing of waste batteries and accumulators from Designated Collection Facilities (DCFs), under the Waste Batteries & Accumulators (Treatment and Disposal) Regulations (NI) 2009, primarily lies with the Producers under Battery Compliance Schemes (BCSs).

Similar to WEEE, councils are entitled to a service for the collection and processing of waste batteries and accumulators from their DCFs at no cost. It is a matter for councils and BCSs to agree suitable arrangements for the collection and processing of these items.

Key Issues

The Batteries and Accumulators take-back scheme is being introduced and it was felt that, for the purposes of delivering a consistently high quality of service across as wide an area as possible, a collaborative process involving arc21 and the North West Region Waste Management Group (NWRWVG) would be adopted.

A tendering exercise was carried out and a contract has been awarded with a BCS for the period 1st January, 2010 to 31st March, 2013, with the option of six monthly extensions until 31st March 2015.

Resource Implications

There are no resource implications for the Council as it is a free take-back scheme funded by the manufacturers of batteries and accumulators.

Recommendation

The Committee is recommended to approve the Council entering into an agreement with the arc21 and NWRWMG tendered BCS for the collection and processing of household batteries and accumulators from the Council's DCFs. The period will be for 26 months from 1st January, 2010 to 31st March, 2013, with the option of six monthly extensions until 31st March, 2015.

Decision tracking

The Head of Waste Management will oversee the drafting of an agreement with the arc21 and NWRWMG tendered BCS.

Key to Abbreviations

DCF – Designated Collection Facility
BCS – Battery Compliance Scheme
NWRWMG – North West Region Waste Management Group

**Belfast City Council**

Report to:	Health and Environmental Services Committee
Subject:	Authorisation of Council Officers for the Enforcement of Energy Performance Certificate Regulations
Date:	18th January, 2010
Reporting Officer:	Trevor Martin, Head of Service Ext 2450
Contact Officer:	Donal Rogan, Building Control Manager Ext 2460

Relevant Background Information

Members will recall that the duty for enforcing The Energy Performance of Buildings (EPC) (Certificates and Inspections) Regulations (NI) 2008 was to be transferred to district councils. The formal transfer of this duty occurred on 3rd December, 2009 by virtue of a statutory rule laid before the Assembly on 12th December.

From this date, District Councils are the enforcement authority for the purposes of these regulations in respect of all relevant buildings, with the exception of council owned buildings for which the Department of Finance and Personnel (DFP) will retain enforcement responsibility.

Members will recall that in this regard the Committee agreed in June, 2009 that Belfast City Council would put itself forward as the employing authority for all of Northern Ireland. Subsequently it was reported to this Committee in August 2009 that Belfast had been appointed by the DFP to act as the employing authority on behalf of the District Councils for the duration the pilot scheme. This pilot scheme is funded by the Department of Finance and Personnel of Northern Ireland. A copy of the protocol which has been agreed between the Building Control Service and the DFP is attached as Appendix 1.

Key Issues

The Council has recently appointed four Energy Performance Certificates Officers (EPC Officers) who will be responsible for ensuring compliance with these regulations. These appointments were in accordance with the authority given by the previous decisions of this Committee for Belfast City Council to act as the employing authority for the purposes of this pilot. These officers are positioned within the Building Control Service.

To ensure the effective enforcement of these regulations each officer will be responsible for a geographical area within Northern Ireland. These Officers, although employed for the purposes of this pilot by Belfast City Council, will be required to undertake enforcement activities in Council areas outside of Belfast.

It is essential that the work of the EPC officers is co-ordinated and undertaken in conjunction with the Building Control services of the other Councils. In an attempt to ensure an effective and consistent approach to EPC enforcement across Northern Ireland, Building Control Northern Ireland (BCNI) has produced a document which outlines the relationship between this Council and the other 25 Councils. This is attached as appendix 2.

The officers who have been employed for the purposes of enforcing EPC regulations are;

- Senior Energy Performance Surveyor, Fiona Cleland
- Energy Performance Surveyors, Kevin O'Connor, Eugene Henry, Jim Trainor

Resource Implications

Financial

Belfast City Council and the other councils shall incur no financial costs for the duration of this pilot. All costs will be covered by the Department of Finance and Personnel through a quarterly invoicing against all direct and indirect costs.

Human Resources

Four appointed officers, two of whom are seconded from within Belfast City Council.

Decisions Required

The Committee is requested to note that officers from this council, for the duration of the pilot scheme, be working across the 26 district council boundaries.

Members are requested also to authorise the above named officers to enforce the EPC regulations on behalf of Belfast City Council within its boundaries.

Abbreviations

BCNI - Building Control Northern Ireland
DFPNI – Department of Finance and Personnel
EPC – Energy Performance Certificates

Documents Attached

Appendix 1 Energy Performance Certificates – Enforcement Protocol

Appendix 2: Mode of Operation between EPC Officers and District Councils.

Energy Performance Certificates

Enforcement Protocol

between

**the Department of Finance &
Personnel**

and

District Councils

December 2009

Contents

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- 6. ENFORCEMENT ACTIONS**
- 7. FINANCING EPC PILOT SCHEME**
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1. INTRODUCTION

The Government's Enforcement Concordat sets out a framework to ensure that enforcement is carried out in an equitable, practical and consistent manner. The basic principles of the Enforcement Concordat are setting clear standards, being open and helpful, acting in a way proportionate to the risk and providing a mechanism for handling complaints. District councils (including Building Control) in Northern Ireland have signed up to the Enforcement Concordat to show their commitment to good enforcement practices.

Enforcement of requirements in relation to the Energy Performance of Buildings (Certificates and Inspections) Regulations (NI) 2008 (as amended) (the EPC Regulations) will be conducted in accordance with the Concordat. District Councils will also adhere to the principles of better regulations ensuring that enforcement is proportionate, consistent, accountable, transparent and targeted in delivering simple and effective regulation in respect of the EPC regulations.

The Department of Finance and Personnel (the Department) currently undertakes the enforcement role in relation to the EPC Regulations. It has been agreed that this enforcement duty will be transferred to district councils for the purposes of enforcing the EPC regulations (see Section 4 for further information).

This enforcement protocol rationalises the transfer and division of this enforcement role from the Department to District Councils. It also sets out how Belfast City Council as the employing authority will undertake its role in co-ordinating EPC enforcement with the other 25 district councils.

The Department will review this Protocol on a regular basis and not later than one year after it first comes into operation. A representative group of Building Control Officers and the Department will meet quarterly to discuss issues arising from operation of the Protocol and for District Councils to inform the Department of the activities that the enforcement officers have undertaken in the previous quarter (see Section 4). The Department will respond to issues raised by this group within one month. If amendments to the Protocol are necessary this will be done in conjunction with and in agreement with Building Control representatives.

2. EPC REGULATIONS - requirements

The EPC Regulations implementing Articles 7, 9 and 10 of the EU Directive on the Energy Performance of Buildings require:-

1. the production of an EPC for all dwellings available for sale from 30th June 2008 (Regulation 5);
2. the production of an EPC for all new build properties from 30th September 2008 (Regulation 6);
3. the production of an EPC for all other buildings sold and all rentals from 30th December 2008 (Regulation 5);
4. the production and display of a Display Energy Certificate (DEC) for larger buildings occupied by public authorities and by institutions providing a service to the public and therefore frequently visited by these persons (Regulation 11); and
5. the regular inspection (at least every 5 years) of relevant air-conditioning systems (Regulation 15) (these requirements commence from 4th January 2010 for larger systems (more than 250 KW) and from 4th January 2011 for all systems with an effective rated output of more than 12 KW).

EPCs are valid for not more than 10 years (Regulation 8 (3)) and must be accompanied by a report that contains recommendations for the cost-effective improvement of the energy performance of the building (Regulation 7).

DECs are valid for not more than 12 months (Regulation 11(3)) and must be accompanied by an advisory report (containing recommendations for cost-effective improvement of the building's energy performance). The advisory report is valid for 7 years (Regulation 11(4)).

EPCs may only be produced by Accredited Energy Assessors (Part 5 of the EPC Regulations).

3. ENFORCING THE REGULATIONS

The Department will be the enforcement authority in relation to all District Council buildings.

Belfast City Council will act as the employing authority in relation to all other enforcement activities of the EPC Regulations. They will work with the other district councils in ensuring the EPC regulations are being properly enforced. In accordance with the mechanisms set out below. However it will be a matter for the relevant District Council to undertake the issuing of penalty change notices within its own area.

Belfast City Council as the employing authority will have an agreed method with the other district councils for dealing with EPC enforcement in a spirit of collaboration ensuring that the requirements of the regulations are being adhered to across all district council areas. Both the employing authority and district councils will work together in continuing to exchange information and raise awareness which will result in the public being fully aware of their responsibilities and the requirements for producing lawful and valid EPCs and associated reports.

The Department has undertaken a range of compliance-based enforcement measures to date. These include press and magazine adverts and editorials; a series of public information seminars (both before and after phase 1 requirements came into operation) for property professionals and professional organisations such as the Construction Employers Federation, the Royal Institution of Chartered Surveyors, the Law Society etc.; mailshots to all estate agents and letting agents advising them of the requirements; follow-up visits to estate agents to provide further material and to gauge compliance by selecting details of properties 'on the market' and writing to the relevant 'owner / landlord' requesting details of the applicable EPC; and a dedicated website (www.epb.dfpni.gov.uk) where detailed information may be accessed online.

With assistance from the Department as appropriate the authorised officers who will be employed by Belfast City Council will adopt a similar compliance based approach to enforcement, particularly during the early period of them undertaking their roles. This will involve helping and encouraging stakeholders to understand the legal requirements; creating opportunities for feedback from stakeholders, publicising what they are doing; and reporting regularly to the Department.

Authorised Officers in liaising with the district councils and the Department will adopt a risk assessment approach to determining how best to target advice and publish information on their enforcement activities and associated standards.

4. MONITORING COMPLIANCE

District councils will report quarterly to the Department on the following:-

- Awareness raising activities undertaken;
- Stakeholder feedback;
- Numbers of incidents when EPCs have not been provided, and related information;
- Action taken when EPCs have not been provided;
- District council conformity with the requirements of the regulations in relation to DEC's; and
- Monitoring of inspection regimes for air-conditioning systems (from January 2010) for which Building Regulations applications have been deposited.

The full list of monitoring information is at Appendix A attached. Belfast City Council will co-ordinate the responses from other district councils, and submit the relevant information electronically in a format to be agreed by the Department.

Additionally, Belfast City Council will establish cross-Council benchmarking information and progress actions to correct gaps in performance highlighted and to share ideas on best practice, and will report regularly on its enforcement activities as employing authority and will collate information from the other district councils and report them back to the Department.

The Department will include EPC enforcement work in the list of auditable functions which its own Internal Audit unit may scrutinise periodically, and may raise issues for discussion at the quarterly meetings with district councils representatives.

5. INFRINGEMENTS OF THE EPC REGULATIONS

Infringements of the EPC Regulations will come to the attention of the authorised officers and the district councils in a number of ways. These include:-

- As part of the final inspection process where building regulations apply;
- Complaints;
- Referrals from, for example, the Department, Trading Standards Officers, etc;
- Through targeted investigations by the authorised officers; and
- Where district councils have reason to believe a breach of duty has been committed.

All reported infringements of the regulations will be investigated and appropriate and reasonable action will be taken in accordance with the agreed Enforcement Protocol and the EPC Regulations.

6. ENFORCEMENT ACTIONS

Where an authorised officer is advised of a situation which **may** result in a future breach of the legislation (for example someone indicates that they will not be providing an EPC), it will deal with this either by visiting the potential or prospective perpetrator to provide advice or by providing advice in writing.

In cases where Belfast City Council is advised that the Regulations **have been** breached it will investigate formally and based on the outcome decide on the future course of action.

In cases where a breach has been established, Belfast City Council will make recommendations to the relevant district council (which may include consideration of the issue a Penalty Charge Notice according to the provisions in Part 7 of the Regulations).

It will be for the relevant district council to determine if the issue of a Penalty Charge Notice is the correct course of action. If so, it will be for that council to issue the Penalty Charge Notice.

It will be for the relevant district council to review issue of the Penalty Charge Notice if requested and confirm or withdraw it (Regulation 36), to progress the Penalty Charge Notice and to respond to any appeals to the County Court in accordance with the provisions of Regulation 37.

7. FINANCING EPC PILOT SCHEME

The Department has agreed to fund 4 Building Control Officers to undertake the EPC enforcement duties. Belfast City Council shall be the employing authority for these Officers, and all other district councils will authorise the Officers to carry out enforcement duties on their behalf within each council area, within the limits described in paragraph 4. The funding package will be paid to Belfast City Council and will include an amount for promotional work and will not exceed [£x] in 2009/10.

Belfast City Council will submit quarterly bills with all relevant supporting documentation completed by the Head of Building Control and confirmed by the Chief Financial Officer to the Department in respect of the costs for operating as the employing authority.

The Department has agreed to underwrite the cost of prosecutions progressed by district councils on the understanding that the Department is made aware in advance of each case.

Departmental officials, including from its Internal Audit, will be given access to all relevant documentation to facilitate random verification spot-checks on the work being undertaken across Northern Ireland by the appointed EPC enforcement officers.

District councils will be entitled to retain the income from Penalty Charge Notices solely to resource enforcement duties in this regard, and shall detail this income on the pro-forma attached at Appendix B.

Appendix A

MONITORING INFORMATION

1. Awareness raising activities undertaken, split by:-
 - type (and where appropriate, District Council location) of activity (adverts, leaflets, website material, visits, surveys, workshops, etc);
 - number of stakeholders targeted; and
 - type of stakeholder (estate agents, solicitors, individuals).

2. Stakeholder feedback routes by:-
 - type (e.g. newsletters, seminars, open meetings, new fora created, existing fora used (LSPs, Landlords Forum), advice helpline, single point of contact for EPC-related queries, etc.);
 - frequency of contact; and
 - nature of information communicated.

3. Number of certificates scrutinised, by property type and District Council area and how quickly dealt with.

4. Outcome of targeted monitoring of inspection regimes for relevant air-conditioning systems

5. Numbers of complaints by:-
 - type and District Council area: (non - provision of valid EPCs, failure to display a valid DEC etc); and
 - action taken by type of action.

6. Numbers of Penalty Charge Notices issued by type of offence and associated income (to be provided on form at Appendix B).

All authorised officers may wish to refer to the Enforcement Concordat Good Practice Guide for further information.

Appendix B

PENALTY CHARGE INCOME NOTIFICATION

Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008 (as amended)

District Council.....

Penalty Charge Notice (PCN) Income quarter ended.....

Date Notice Served	Brief detail on case	Income received (date & amount)

Completed by.....
(Head of Building Control)

Confirmed by.....
(District Council Chief Financial Officer)

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Mode of Operation

Background

The Energy Performance of Buildings (Certificates and Inspections) (Amendment) Regulations (NI) 2009 (the regulations) came into effect on 3 December 2009. This legislation empowers all District Councils to enforce the Energy Performance of Buildings (Certificates and Inspection) Regulation 2008.

The Department of Finance and Personnel will retain the power to enforce these regulations against the Councils in relation to their responsibilities under the said regulations.

It has been agreed with DFP and the 26 Councils that this transfer of enforcement will be piloted on a one year basis to assess the effectiveness of District Councils undertaking enforcement of the EPC regulations. The success of the pilot will enable the relevant enforcement duties to transfer to individual district councils on a permanent basis.

The rationale behind the transfer of EPC enforcement duties from the DFP to the District Councils, was that the District Councils could undertake any enforcement activities in a more effective and efficient manner given their experience as a regulator.

Building Control Northern Ireland (BCNI) agreed that Belfast City Council would be designated as the authority that would employ surveyors for the purposes of enforcing EPC regulations on behalf of all the District Councils for a one year pilot study. For the purpose of this pilot a budget has been agreed with the DFP who will fund the project through the employing authority.

Objectives of the Pilot

The overall objective of transferring this enforcement duty to district councils is to achieve a greater level of compliance with the EPC regulations across Northern Ireland and to inform all of the key stakeholders of their duties and responsibilities.

The pilot as well as aiming to achieve the key objective above also intends to determine:-

- Compliance with the EPC regulations
- Awareness of the key stakeholders on their legal responsibilities
- District councils compliance with the regulations
- Appropriate policies as required to clarify potential conflicting interpretations
- Sustainable process and policies which can be adopted by each council
- Necessary processes and procedures for monitoring and controlling the air conditioning requirements as set out in the regulations
- Resource impact of undertaking enforcement and the promotion of EPCs
- Relations with representative associations, such as Law Society, CML, local solicitors groups, Estate Agents, Landlord Association, developers etc.

Collaborative Working

In the spirit of mutual agreement the EPC Officers employed by Belfast City Council for the pilot will be authorised to operate across all Council areas for the purposes of enforcement under the EPC regulations. This will be on the basis of formal authorisation by the District Councils. (Please see attached draft template committee report nominating the relevant officers as the authorised officers).

These Officers are being employed with the sole purpose of enforcing the EPC regulations and as a support to the district councils. The employing authority will seek to apportion as reasonably as possible the resources across the 26 Councils based on identified need in the levels of compliance.

The activities of these officers will be subject to the parameters agreed by BCNI aimed at ensuring that the regulations are being consistently implemented and enforced across Northern Ireland, without apportioning blame.

Any formal enforcement work will be undertaken in co-ordination with the relevant District Council to ensure transparency and accountability. The EPCs officers will have regard to the overall enforcement policy for each District Council and their scheme of delegation and operating procedures. Any enforcement decisions will be taken jointly between the EPC Officer and the authorised Building Control Officer.

The EPC officer will provide quarterly reports to each district council on;

- The current levels of compliance overall and within their district council
- General activities undertaken
- Budgetary analysis of expenditure to date
- Any enforcement work undertaken
- Training and Development

Operating Schedule

EPC Officers must be authorised by the District Council in which they operate to carry out enforcement activities and fulfil the following responsibilities:

- Share all information relating to EPC enforcement with the authorised building control officer of the relevant District Council.
- Ensure that the authorised building control officer for that area is aware that they will be working in that area every time they are due to visit that council area.
- Notify the authorised building control officer if they intend to carry out inspections of premises within their areas.
- Discuss with the authorised building control officer the potential cases for formal enforcement.
- Have regard to the fact that selling and letting agents operate across Council boundaries and therefore the authorised officers in both areas may require joint notification.
- Notify the authorised building control officer in the first instance if there is non-compliance with the buildings in their District Councils.
- Understand and comply with the enforcement policy operated by the relevant District Councils in which they are working.

- Work within the Protocol agreed between the District Councils and the Department of Finance and Personnel for the operation of this one year pilot.
- Ensure monies accrued by the issuing of fixed penalty notices is kept by the Council in the area they were issued with the view that this money should be used where possible for the purposes of increasing levels of compliance of EPC uptake. This may include the EPC requirements associated with building regulations.
- Work with accredited assessors to ensure consistency of approach and appropriate approved software systems are being used.
- Should it be deemed necessary to have a joint inspection for enforcement purposes within a Council area, the authorised officer of that Council may wish to accompany the authorised EPC officer, as required.
- Make recommendation through BCNI Executive or other appropriate body so as to introduce improvements in the building regulation procedures, common property certificates or other building control matters.

Accountability Procedures

The EPC Officers through the employing authority's Head of Service or his nominated representatives will be answerable through the BCNI Executive in the first instance. In conjunction with this body a working group has been established and the EPC officer/s will have regard for the direction this group may issue on behalf of BCNI.

Also the Senior EPC officer will be available to support the authorised officer of each Council to answer directly to the respective Council when requested to do so.

Upon request the EPC officer will produce an update report for the authorised officer of each Council in addition to the quarterly reports.

**Belfast City Council**

Report to:	Health and Environmental Services Committee
Subject:	Consultation on the Regulation of the Sunbed Industry in Northern Ireland
Date:	18th January, 2010
Reporting Officer:	Suzanne Wylie, Head of Environmental Health, ext 3281
Contact Officer:	Tom Crossan, Principal Environmental Health Officer (Health and Wellbeing), ext 3276

Relevant Background Information

On 19th November, 2009, Health Minister Michael McGimpsey launched a public consultation on regulation of the sunbed industry in Northern Ireland. The closing date for receipt of comments is 19th February, 2010. The public consultation document and draft completed consultation response questionnaire are 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 UK, 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 31 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 makes 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 in the attached consultation questionnaire.

Decision Tracking

The Head of Environmental Health will ensure that the questionnaire is forwarded to the Department of Health, Social Services and Public Safety before the closing date of 19 February.

Document Attached

The Department of Health, Social Services and Public Safety's public consultation document and completed consultation response questionnaire on regulation of the sunbed industry in Northern Ireland.

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Department of
**Health, Social Services
and Public Safety**

www.dhsspsni.gov.uk

AN ROINN

**Sláinte, Seirbhísí Sóisialta
agus Sábháilteachta Poiblí**

MÄNNYSTRIE O

**Poustie, Resydènter Heisin
an Fowk Siccar**

REGULATION OF THE SUNBED INDUSTRY IN NORTHERN IRELAND

Consultation Response Questionnaire

CONSULTATION RESPONSE QUESTIONNAIRE

You can respond to the consultation document by e-mail or in writing.

Before you submit your response, please read **Appendix 1** at the end of this questionnaire, regarding the Freedom of Information Act 2000 and the confidentiality of responses to public consultation exercises.

Responses should be sent to:

By e-mail: sunbedregulation@dhsspsni.gov.uk

In writing: Health Protection Branch
Department of Health, Social Services and Public Safety
Room C4.22
Castle Buildings
Belfast
BT4 3SQ

RESPONSES CANNOT BE CONSIDERED AFTER 19 FEBRUARY 2010

I am responding: as an individual on behalf of an organisation
(please tick a box)

Name: Tom Crossan
Job Title: Principal Environmental Health Officer
Organisation: Belfast City Council
Address: The Cecil Ward Building
4 – 10 Linenhall Street
Belfast BT2 8BP
Tel: 02890320202 x 3276
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e-mail: crossant@belfastcity.gov.uk

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.

THANK YOU FOR TAKING THE TIME TO RESPOND TO THIS CONSULTATION

FREEDOM OF INFORMATION ACT 2000 – CONFIDENTIALITY OF CONSULTATIONS

The Department will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. **Before** you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this consultation.

The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity should be made public or be treated as confidential.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:

- the Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided;
- the Department should not agree to hold information received from third parties "in confidence" which is not confidential in nature; and
- acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

For further information about confidentiality of responses please contact the Information Commissioner's Office (or see website at:

<http://www.informationcommissioner.gov.uk/>).

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Belfast City Council

Report to:	Health and Environmental Services Committee
Subject:	Consultation on the Establishment of a Commissioner for Older People in Northern Ireland
Date:	18th January, 2010
Reporting Officer:	Suzanne Wylie, Head of Environmental Health, Ext. 3281
Contact Officer:	Adele Keys, Senior Environmental Health Officer, Ext. 3607

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 a Commissioner 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 on the establishment of a Commissioner for Older People in Northern Ireland.
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Decision Tracking

The Head of Environmental Health will ensure that OFMDFM is provided with a draft response in January, subject to Council ratification in February.

Document Attached

Consultation response to <i>A Commissioner for Older People in Northern Ireland</i> .

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a strong independent voice for older people

Questionnaire

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?

- 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.

40. The Age Sector Report² 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.

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

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

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

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.

Impact Assessments

Finally, further to these proposals a Draft Integrated Impact Assessment has been completed. A summary is attached at Annex 2 and the full assessment is available on request or on our website at:

www.ofmdfmi.gov.uk/index/equality/age. We would be very grateful for your views on this material.

**Belfast City Council**

Report to:	Health and Environmental Services Committee
Subject:	Future Alleygating Projects - Community Consultation
Date:	18th January, 2010
Reporting Officer:	Suzanne Wylie, Head of Environmental Health, ext. 3281
Contact Officer:	Suzanne Gowling, Community Safety Coordinator, ext. 3316

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.

Decision Tracking

The Head of Environmental Health will report back to Committee on the status of the consultations by the end of June, 2010

Key to Abbreviations

NIO - Northern Ireland Office
RPA – Review of Public Administration
RTO – Road Traffic Order
DSD – Department of Social Development

Documents Attached

Appendix 1 - Advisory Leaflet
Appendix 2 - Community Consultation Questionnaire

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ALLEYGATES



DOES YOUR AREA SUFFER FROM ANTISOCIAL BEHAVIOUR? DO YOU THINK ALLEYGATES WOULD HELP?

Belfast City Council is applying for funding to install Alleygates that will help reduce antisocial behaviour, provide a cleaner environment and help your neighbourhood feel safer.

We do not have the money to do this yet, but we would like to be in the position to put up gates as soon as we can if money does become available.

To install gates we need to have your support to apply for a Road Traffic Order from the Roads Service to allow us to gate the alleyway.

In the next few weeks a representative for Belfast City Council will deliver a questionnaire to your door. We need **every** household to complete, sign and return their questionnaire so that we can be sure your neighbourhood supports this idea.

For further information, or help completing your questionnaire, contact the Community Safety Team at Belfast City Council on **90270469** or **bellg@belfastcity.gov.uk**.

Forms can also be downloaded from www.belfastcity.gov.uk/community_safety

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**Alleygates
Community Consultation Form**

Name of Householder: _____

Address: _____

Post Code: _____

Contact number(s) _____

Resident status: Home owner / Private rental / NIHE / Housing Association _____

If private rental: Landlords name: _____
Owner Contact details (if different from above)

If Housing Association which one? _____

Tenant / Owner Authorisation

(Please tick appropriate box)

This form is to establish whether you agree or object to the installation of Alleygates onto the ends of the alleyways located at the rear/side of your home.

I agree I object (please give your reason/s) _____

I agree to abide by the requirements detailed in the Key Agreement Form attached

I agree following gating, no structure / object (temporary or permanent) that causes an obstruction to access will be placed by me in the alleyway and I will abide by all current regulations.

I agree that all residents affected by the alleygates are guaranteed free access along the alleyway to the rear of my property.

I agree not to leave black bags or other containers with rubbish in the alleyway at any time.

I agree to co-operate with my neighbours and take turns in opening the alleygate for the purposes of bin collection and cleansing.

I agree to ensure as far as possible the security of the alleyway at all times

I understand that all Statutory / Service Providers and their contractors, agents and any other authorised persons have access to the Alleyway at all times for the purpose of carrying out their statutory/service.

NOTE: Should you or another resident object to the installation of Alleygates in your area we will speak to you / them to find out why they have done so. This may delay or mean alleygates will not be erected in your area.

Signature: _____ **Date:** _____

(Property owner/Tenant)

It is important you give this form, fully completed, to a member of the Alleygating Consultation Team when they call at your property.

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Belfast City Council

Report to:	Health and Environmental Services
Subject:	Attacks on staff in Environmental Health Service
Date:	18th January, 2010
Reporting Officer:	Suzanne Wylie, Head of Environmental Health, ext. 3281
Contact Officer:	Suzanne Gowling, Community Safety Coordinator, ext. 3316

Relevant Background Information

The Health and Environmental Services Department delivers a number of services designed to tackle proactively nuisance and antisocial behaviour which operate both within and outside normal office hours.

At its December meeting, the Health and Environmental Services Committee was apprised of a recent attack on the Community Safety Wardens in North Belfast as part of a general update on community safety. At this meeting, Members asked for a fuller report about recent attacks on community safety wardens, the night time noise team and any other relevant services.

Attack on the community safety wardens – 21 November 2009.

The community safety wardens came under attack on the night of 21 November 2009 at approximately 23:50 in the York Road area. The vehicle used by the community safety wardens had exited North Queen Street onto York Road close to the Grove Wellbeing Centre, where they had just completed a foot patrol of the area. A youth approached the van by standing in the middle of the road and threw a glass bottle (WKD bottle) which smashed the driver's side window and the bottle itself shattered spraying the occupants of the vehicle with glass fragments from both the bottle and window.

The driver brought the vehicle to a stop in a location which he considered to be a safe distance away from the youth where the members of the team got out of the vehicle to ensure each other's welfare. Unfortunately, when they got out of the vehicle the attack continued from other young people who threw bricks. The team rapidly returned to the vehicle, exited the area and returned to base where first aid was administered to staff and the PSNI called to take statements from the officers.

Attack on the night time noise team

On 27 November 2009 at 01.10 hrs 2 members of the night time noise team were assaulted whilst investigating a noise complaint in Cu Chulainn House, in the New Lodge area. The incident occurred after the officers had served a Warning Notice on 2 males who were causing sleep disturbance to nearby residents.

The reaction of these 2 males was extremely confrontational. They blocked the noise team's means of escape and threatened to 'cut their throats'. One of the males slapped the Warning Notice into the chest of the night time noise officer and then pulled the top of his coat and shirt open and stuffed the Notice inside. The night time noise officers were also subjected to a tirade of extreme verbal abuse and were extremely shaken by the incident.

None of the other teams in the Environmental Health Service has suffered from recent violent incidents, however the dog warden service has in the past been subjected to significant verbal and physical abuse.

Key Issues

It is acknowledged that, when playing a perceived enforcement role, the organisation and its staff may face varying degrees of opposition or resistance from alleged perpetrators. The purpose of this report however is to reassure Members that all Council processes were followed before and during these incidents to manage any potential risks. A review was also carried out after each of the incidents to identify any improvements to ensure health and safety of staff involved in undertaking these duties.

1. Attack on the Community Safety Wardens

In relation to the community safety wardens a number of measures were in place to reduce risks and best protect the health and safety of staff:

Prior to and during the incident

- **Training** - To manage the risks associated with attacks, the wardens are trained in the application of dynamic risk assessments, first aid, techniques for handling aggression, physical intervention training and health and safety at work.
- **Risk assessments** - In addition, the senior wardens work with the antisocial behaviour officer for the area to develop risk assessments for specific patrol neighbourhoods and to develop community led interventions to support a reduction in the level, and tackle the root causes, of the antisocial behaviour.
- **PPE** – staff are provided with stab vests and communication equipment to support communication within the patrol teams, but also the police where required.
- **Incident management** - Unfortunately it was not possible to identify the people involved in this attack because the wardens were unable to make descriptions and CCTV footage from the Grove Health and Well Being Centre was not helpful; consequently there have been no arrests. However as noted, statements were provided to the police on the night. Appropriate first aid was provided to the officers involved and counselling support has been offered through BCC's occupational health team.

Post incident

- The wardens service was withdrawn from the area for a total of two weeks whilst we worked with the local communities to encourage them to show visible support for the scheme. This included providing opportunities for Elected Members to accompany the wardens on patrol.
- The Community Safety Coordinator and Antisocial Behaviour Officer for North Belfast have also been working with local communities to identify a number of ways to work together to tackle the antisocial behaviour in the area. For example, a Thursday night football session is being developed with the young people, using the Grove Health and Wellbeing Centre and a community meeting was subsequently held in the Wellbeing centre to discuss encouraging community support.

- The bricks used to attack the staff were removed from the Grove Health and Wellbeing Centre's car park (with the assistance of the Parks and Leisure Department).
- There was a number of specifically organised joint enforcement patrols with the police to tackle underage and on street drinking.
- There was a meeting held with the local PSNI DCU whereby a daily contact arrangement with neighbourhood police was established and to assist the 'dynamic' risk assessment process undertaken by the wardens (i.e. the ongoing risk assessment of the area and situations based on information and assessment).
- Radios have been provided to the PSNI to facilitate better communication with the wardens on patrol.
- Further training was also provided to the wardens covering vehicle and on-foot patrolling tactics (this will be incorporated in initial training in future).
- The windows of the vehicles used by the community safety wardens are being coated with a protective layer to prevent window shatter.

Since November, there have been no further incidents and the patrol area has been expanded to also include Little Americas and Mount Collier; essentially the service now covers the area between the Limestone Road, Cavehill Road and the Shore Road.

2. Attack on the night time noise team

Following the assault, support has been provided for the 2 night time noise officers involved and the team risk assessment reviewed.

The police has been very supportive, a full investigation was carried out and the 2 males responsible for this assault were subsequently arrested and charged. Other measures applied to the community safety wardens, such as protection to the vehicle and adequate training, have already been provided to the Night Time Noise Team.

Resource Implications

Financial

No additional costs.

Human Resources

There are some costs associated with ensuring officers are adequately trained to deal with the risk of attack. The costs associated with this training are were allowed for in the general training revenue estimates for the Service.

Asset and Other Implications

The windows of the vehicles used by the community safety wardens are being laminated to prevent window shatter; the costs for this are included in the 2009/2010 revenue estimates.

Recommendation

It is recommended that the Committee notes this report.

Decision Tracking

The Head of Environmental Health will keep the safety of such staff under continuous review.

Key to Abbreviations

BCC - Belfast City Council CCTV – Closed Circuit Television DCU – District Command Unit PSNI – Police Service of Northern Ireland
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Document Attached

None

**Belfast City Council**

Report to:	Health and Environmental Services Committee
Subject:	Consultation on Proposed Pollution Prevention and Control Charging Scheme
Date:	18th January, 2010
Reporting Officer:	Suzanne Wylie, Head of Environmental Health, Ext 3281
Contact Officer:	Siobhan Toland, Environmental Health Manager Ext 3312

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 - 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 are 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 closes on 22nd February, 2010. A response has been prepared by the Environmental Protection Unit and is attached.

Resource Implications

None

Recommendation

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

Decision Tracking

The Head of Environmental Health will forward the response to the Department of the Environment, following ratification by the full Council.

Document Attached

Response to Planning and Environmental Policy Group, DOE.

J Hanna
3313

Bruce Harper
Department of the Environment NI
Planning and Environmental Policy Group
23 Castle Place
Belfast
BT1 1FY

Dear Mr Harper,

RE: THE POLLUTION PREVENTION AND CONTROL (DISTRICT COUNCILS) CHARGING SCHEME (NORTHERN IRELAND) 2010 – CONSULTATION PAPER.

Please find the comments from Belfast City Council on the above Draft Charging Scheme relating to those installations regulated by district councils under the Pollution, Prevention and Control Regulations (Northern Ireland) 2003.

The Council understands that the Department of the Environment NI 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 (NI) 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.

I would request that you consider the views and opinions of Belfast City Council before issuing the Charging Scheme.



Belfast City Council

Report to:	Health and Environmental Services Committee
Subject:	Consultation on Proposals to Change Dog Control Legislation
Date:	18th January, 2010
Reporting Officer:	Suzanne Wylie, Head of Environmental Health, extension 3281
Contact Officer:	John Corkey, Environmental Health Manager (Public Health and Housing) extension 3289

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 officials, and has considered submissions from them. On 23 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 she is concerned that there is a real risk that a child or a vulnerable adult could be killed or seriously injured or disfigured. She is also concerned about the unacceptable number of stray dogs compared to the south 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. This 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.

Decision Tracking

The Committee will be updated, as appropriate, on the progress of the legislative proposals. The Head of Environmental Health will submit the Council's response to DARD.

Key to Abbreviations

DARD - Department of Agriculture and Rural Development

Document Attached

Draft Committee response to the DARD consultation on proposals for changes to dog control legislation

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**Consultation on proposals for changes to dog control
legislation: response form**

Please use this form for submitting your responses and comments. If you are completing an electronic version of this form, it should be saved in Word format and emailed to: joel.loughridge@dardni.gov.uk.

Alternatively you can post a hard copy of the completed form to: Joel Loughridge, Dog Control Bill Team, Department of Agriculture and Rural Development, Room 933, Dundonald House, Belfast BT4 3SB.

The closing date is: **1 February 2010**

Your details:

Name: Suzanne Wylie on behalf of Belfast City Council

Organisation: Belfast City Council

E-mail address: wylies@belfastcity.gov.uk

Postal Address:

**Health and Environmental Services Department
Belfast City Council
4-10 Linenhall Street
Belfast BT2 8BP**

Consultation Questions

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 the dog related issues that 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.

Thank you for taking time to respond to this consultation

Publication of responses

In line with the Department's policy of openness, at the end of the consultation period copies of the responses we receive may be made publicly available. The information they contain may also be published in a summary of responses.

If you do not consent to this, you must clearly request that your response be treated confidentially. Any confidentiality disclaimer generated by your IT system in e-mail responses will not be treated as such a request.

You should also be aware that there might be circumstances in which we will be required to communicate information to third parties on request, in order to comply with our obligations under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.



Belfast City Council

Report to:	Health and Environmental Services Committee
Subject:	Creation of a Joint Public Health Unit with the Public Health Agency for Northern Ireland
Date:	18th January, 2010
Reporting Officer:	Suzanne Wylie, Head of Environmental Health, Ext 3281
Contact Officer:	Suzanne Wylie, Head of Environmental Health, Ext 3281

Relevant Background Information

Both the Health and Environmental Services Committee and the Strategic Policy and Resources Committee have been informed over the last year of the intention to set up a joint working arrangement with the newly established Public Health Agency. The purpose in doing this 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 that the Council has to play, it 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. It will also help to set the direction for community planning in this area.

Proposals for the establishment of formal joint working arrangements were first put in front of 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 also note 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 that 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 reporting to the Chair of the Joint Management Board.
7. Continue to work to develop one health partnership for the City.
8. 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.
9. Define a mechanism for enabling political input to the work of the Unit and the Partnership.
10. Rationalise priorities and team members and ensure that appropriate management arrangements are embedded in the sponsoring organisation(s).
11. Develop a robust performance management and reporting system for the Unit.
12. 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, 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;
- 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, as 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;
- One-off costs associated with setting up the office for the Joint Unit.

Staffing

The 2 EHO positions that 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;
- 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.

Decision Tracking

The Head of Environmental Health will:

- Bring a report to a future meeting of the Committee finalising the position on the Structure of the Health and Wellbeing Team;
- Bring a report to Committee to address the recent Council Motion on the development of a mechanism to assess relevant Council policies in respect of their impact on health and wellbeing;
- Continue to update the Committee on progress in setting up the Joint Unit.

Key to Abbreviations

PHA – Public Health Agency
LCG – Local Commissioning Group
BIS - Business Improvement Service
HAZ - Health Action Zone

Documents Attached

None

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**Belfast City Council**

Report to:	Health and Environmental Services Committee
Subject:	Belfast Flood Risk Stakeholder Forum
Date:	18th January, 2010
Reporting Officer:	Suzanne Wylie, Head of Environmental Health, Ext 3281
Contact Officer:	Valerie Brown, Environmental Health Manager, Ext 3301

Relevant Background Information

In November 2009, the Committee received a report on flooding events which had occurred over the summer and autumn of 2009 when, on two occasions, there had been significant out of sewer flooding resulting in extensive sewage contamination of residential streets.

The report emphasised the importance of a multi agency approach in developing plans to minimise the risk of flooding in Belfast and referred to the work carried out by RPS consulting engineers, engaged by the Council to map the various flooding hotspots in the city and to both identify possible underlying causes and potential short and long terms solutions. This work has now been completed and is being taken forward in a number of ways, i.e.:

- It has been passed to the Rivers Agency as the 'competent authority' for the purposes of implementing the requirements of the European Floods Directive;
- It has been used as the basis of discussions with other agencies responsible for flooding responses, including the Roads Service and Northern Ireland Water and copies have been provided to both these agencies;
- It has been used to help the Council's Emergency Team to identify the hotspots where multi-agency co-ordination is required to reduce the risk of flooding should severe weather warnings be in place;
- The maps have also been used as the basis of discussions with local Elected Representatives, who are now also informed through a texting service of severe weather warnings, when flooding is a real possibility.

The Rivers Agency has, under the new European Floods Directive, been tasked with developing strategic flood risk management plans with the participation of other agencies, and it is intended that this will initially happen in the Belfast area. To take this forward the Agency and its governing Department, the Department for Agriculture and Rural Development, have attempted to establish a Stakeholder Group, involving all of the relevant key agencies.

Key Issues

The Floods Directive has now been transposed into local legislation known as the Water Environment (Floods Directive) Regulations (Northern Ireland) 2009. These Regulations place a statutory duty on Northern Ireland Departments, District Councils and Northern Ireland Water to exercise their relevant functions in a manner which secures compliance with the Directive. The Rivers Agency is charged with developing a Flood Risk Management Sub Plan for Belfast by 2015.

The Director of Health and Environmental Services, together with the Head of Environmental Health, met with the Chief Executive of the Rivers Agency on 3rd December to discuss the establishment of a Belfast Flood Risk Stakeholder Forum. It is believed that the establishment of such a Forum will assist with the development of the Flood Risk Management Sub Plan for Belfast and that it will provide an effective vehicle for ensuring the facilitation of public participation as required by the European Floods Directive.

Following the meeting, the Chief Executive of the Rivers Agency has written to the Director, formally inviting the Council to confirm its participation in the proposed Stakeholder Forum. A copy of the letter is attached as Appendix 1. The Rivers Agency anticipates that the Forum will meet four times per year and the input from the various stakeholders will be used to inform the Flood Risk Management Plan.

The Rivers Agency has also requested the Council's assistance in identifying, agreeing and making contact with the relevant non departmental stakeholders. The Agency wishes to promote a joined up approach between itself and the Council and has suggested that a co-chair arrangement is developed for the Stakeholder Forum, between the Council and the Agency.

The letter from the Rivers Agency also acknowledged receipt of the RPS consulting engineers report and cited it as a good example of the level of information exchange and assistance sought within the spirit of the Regulations.

Resource Implications

Participation in, and support to, the Stakeholder Forum, as outlined above, can be met within existing resources.

Recommendations

The Committee is recommended to:

1. Note the letter received from the Chief Executive of the Rivers Agency and
2. Agree to the Council's participation in the Stakeholder Forum and the development of a co-chair arrangement between the Council and the Rivers Agency

Documents Attached

Letter from the Chief Executive of the Rivers Agency

Decision Tracking

Suzanne Wylie will update the Committee on further developments with the Stakeholder Forum.



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William Francey
Director of Health & Environmental Services Dept
Belfast City Council
Belfast City Hall
Belfast
BT1 5GS

5 January 2010

Dear William

Floods Directive: Belfast Flood Risk Stakeholder Forum

I refer to our meeting of the 3 December 2009 attended by senior officials of both Belfast City Council and Rivers Agency.

At the outset let me express my gratitude to you and Suzanne for engaging on behalf of Belfast City Council in such a positive fashion on what is going to be an interesting project.

The profile of flooding is at the highest in the view of both the public and our elected representatives so it is important that we adopt a joined up approach to the assessment and management of flood risk for the City of Belfast and the wider catchment.

The Agency believes that the formation of the Belfast Stakeholder Forum will assist with the development of the Flood Risk Management Sub Plan for Belfast and this provides the most appropriate vehicle for enabling public participation as required by the EU Floods Directive.

As discussed at our meeting the Floods Directive is now transposed into local legislation and is called the Water Environment (Floods Directive) Regulations (Northern Ireland) 2009. These Regulations place a statutory duty on Northern Ireland Departments, District Councils and Northern Ireland Water to exercise their relevant functions in a manner which secures compliance with the Directive.

I wish to acknowledge receipt of the RPS Report into flooding incidents in 2007/2008 and consider this to be a good example of the level of information exchange and assistance sought within the spirit of the Regulations. I can confirm that this has been given to the Area Engineer for Belfast and he intends to meet with a representative from Belfast City Council to discuss.





At the meeting we also explained that the Department of Agriculture and Rural Development is the Competent Authority for the purposes of implementing the requirements of the Floods Directive and this role has been delegated to Rivers Agency.

Could I formally ask you to confirm the participation of the Belfast City Council in the proposed forum as this will allow us to begin to arrange the practical aspects of these meetings? We anticipate about four meetings each year and the input from the various stakeholders will be used to inform the Flood Risk Management Plan. We would particularly value the Councils assistance in indentifying, agreeing and making contact with the relevant Non-Departmental stakeholders. We would also wish to promote a joined up approach between Belfast City Council and Rivers Agency to these forums and would suggest that a co-chair arrangement is developed.

I look forward to working closely with you in what is a challenging but worthwhile project which I know will deliver significant community benefits.

Yours sincerely

A handwritten signature in black ink that reads 'John C Clarke'.

John C Clarke
Chief Executive

Copy to: David Porter, Director of Development
Joe Nicholson, Head of Strategic Planning Unit