

# Health and Environmental Services Committee

Wednesday, 8th September, 2010

## MEETING OF HEALTH AND ENVIRONMENTAL SERVICES COMMITTEE

Members present: Councillor Adamson (Chairman);  
the Deputy Lord Mayor (Councillor Humphrey); and  
Councillors Attwood, Austin, Campbell, Cush, Jones,  
B. Kelly, Kingston, Kirkpatrick, Kyle, McKenzie, McNamee,  
Mullaghan and Rodway.

Also attended: Councillor Crozier.

In attendance: Mrs. S. Wylie, Director of Health and  
Environmental Services;  
Mr. T. Martin, Head of Building Control;  
Mr. S. Skimin, Head of Cleansing Services;  
Mrs. S. Toland, Head of Environmental Health;  
Mr. T. Walker, Head of Waste Management;  
Mr. M. McBride, Business Support Manager; and  
Mr. H. Downey, Democratic Services Officer.

### Apology

An apology for inability to attend was reported from Councillor McCabe.

### Councillor L. McNamee

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

### Minutes

The minutes of the meetings of 4th and 23rd August were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 1st September, subject to the omission of the minute of the meeting of 23rd August under the heading "Residual Waste Treatment Contract – Guaranteed Minimum Tonnages" which was taken back to the Committee for further consideration.

### Residual Waste Treatment Contract – Guaranteed Minimum Tonnages

The Committee considered further the undernoted minute of the meeting of 23rd August:

*“The Committee considered the undernoted report:*

**‘Relevant Background Information**

***Members will recall that the Council’s recent Northern Ireland Landfill Allowance Scheme (NILAS) and recycling rate performance was presented to the Health and Environmental Services Committee meeting on 4th August. This showed that, in the target year 2009/2010, the Council exceeded its landfill allowance by 1,376 tonnes, an overshoot of 1.9%. The primary reason for this exceedence was the step change in the level of allowances between 2008/2009 and 2009/2010. This means the Council will need to transfer in NILAS allowances from each of the arc21 constituent councils and the Council is presently working with arc21 to implement the methodology for these transfers.***

***In terms of recycling, the Council’s tonnage has continued to grow and reached 34,417 tonnes by the end of March, which is 0.3% greater than the equivalent tonnage last year. The Council’s provisional recycling rate for the financial year 2009/2010 is now 26.6%, subject to Department of the Environment (DOE) ratification.***

***As outlined earlier this month, Members will be aware that the Council continues to work with arc21 to identify initiatives to divert additional tonnages from landfill for recycling and composting purposes. This is in order to achieve the EU Waste Framework Directive (WFD) and the EU Landfill Directive (LFD) and to close the gap between the current recycling rate and the 2020 EU WFD target of 50%. Depending upon the nature of these initiatives, they could have a considerable impact on the residual waste which the Council is predicted to produce.***

***The Committee is aware that arc21 is currently procuring a suitable contractor to operate both Mechanical/Biological Treatment (MBT) and Energy from Waste/Incinerator (EfW) facilities to treat the remaining residual waste cannot to be sent for recycling or composting. As part of this procurement process, the Council now will have to declare what its guaranteed minimum tonnages will be to be sent for treatment to these facilities in future years. Following comprehensive modelling and consideration between arc21 and its constituent councils, it has been determined that, subject to the introduction of new recycling and composting initiatives, each council should be prepared to commit 80% of its forecasted residual waste.***

*This report, therefore, sets out to determine the proposed guaranteed minimum tonnage which the Council will commit to the arc21 residual waste project.*

### **Key Issues**

#### **Residual waste treatment tender and minimum guaranteed tonnage**

*Members will be aware that, in line with the 2006 Waste Plan, arc21 is conducting a procurement exercise, using the EU's Competitive Dialogue procedure, to appoint a contractor to develop and operate appropriate facilities to treat the remaining residual waste not being sent for recycling or composting.*

*The Competitive Dialogue procedure consists of a number of phases and, as part of the present 'Invitation to Submit Detailed Solutions' (ISDS) phase, arc21 has entered into discussion with both preferred contractors. An integral part of the contract, and essential for the sizing of the contractors' facilities, is determining what the guaranteed minimum tonnage of residual waste will be from arc21 councils to be treated at the MBT facilities to produce a feedstock for the EfW plant.*

*From the contractors' perspective, the guaranteed minimum tonnage will determine the stage and time at which they can recoup their investment and operating costs; without this, risks to the project would increase and would impact considerably upon their ability to secure the necessary funding from financial institutions to develop the facilities.*

#### **Constraints on the guaranteed minimum tonnage**

*The Council has been liaising with arc21 regarding the proposed guaranteed minimum tonnage over the summer. This has been complicated recently with the new WFD, which has introduced a new target of increasing the Council's household waste recycling and composting rate to 50% by 2020.*

*In addition, in June the DOE launched two consultation papers (with the aim of diverting more waste from landfill) on (i) 'Meeting the EU Landfill Diversion Targets' and (ii) 'The Introduction of Restrictions on the Landfilling of Certain Wastes' which is seeking to transpose aspects of the WFD into Northern Ireland legislation. Responses to these papers are being prepared by the Council and arc21 and will be submitted to the Committee next month for its consideration.*

*Members may also care to note that Mr. Poots, Environment Minister, recently wrote to all councils highlighting his intention to commission a review of the recycling policy in Northern Ireland. In this letter, he stated he was 'convinced that a municipal recycling rate of 60% by 2020 is achievable and fully justifiable'. The implication for councils is uncertain at this stage given that the first consultation paper above is likely to change how Municipal Solid Waste (MSW) is defined, which has traditionally been what councils managed, in order to bring it in line with the EU definition.*

*The transposition of these pieces of legislation, and potential changes to or a review of DOE policy, will impact on the nature and amount of residual waste which the Council produces and consequently on its guaranteed minimum tonnage. These legislative and policy drivers are also likely to continue to require the Council to amend how it promotes and provides its waste collection and treatment operations.*

#### **Guaranteed Minimum Tonnage**

*During discussions with arc21 over the summer, the Service proposed a number of potential recycling initiatives. These modelled different scenarios in order to assess their possible impact on the recycling rate and to provide assurances that committing to a guaranteed minimum tonnage would not prevent the Council meeting its WFD target.*

*After considering the different scenarios, it was recognised that the essential element of the modelling was to achieve a 50% household recycling and composting rate in 2019/2020 as required by the WFD. The guaranteed minimum tonnage would be secondary to this requirement. It is anticipated that the 50% recycling and composting rate on the projected waste collected by the Council, will be achieved by the Council based upon maintaining the existing recycling and composting programmes, introducing new initiatives over the next few years (47.1%) and extracting recyclables during the residual waste treatment process (2.9% from the MBT). Having carried this modelling out, it is predicted that just over 68,000 tonnes of residual waste would remain, which would be available to the arc21 residual waste treatment contract.*

*The guaranteed minimum tonnage, which excludes contamination arising from different recycling/composting operations, is arrived at by taking this remaining projected residual waste available (just over 68,000 tonnes) and applying the agreed percentage of 80% to this figure to arrive at a figure of around 54,400 tonnes. This is the figure which the Council will be expected to commit to arc21. Given that the contract is for a period of 30 years, the 80% factor is to allow for contingency measures, such as risk and uncertainty, over the contract duration. The specific workings relating to the guaranteed minimum tonnage are contained in the 'arc21 Residual Waste Flow Model – ISDS Model Version 2.8' document which has been circulated to Members.*

*It is important to note that, if a recycling and composting rate of 47.1% is to be achieved by the Council by 2019/2020, and taking into account the projected recycling/composting tonnages of 38,000 tonnes in 2010/2011, which includes the estimated contribution of food waste into brown bins, the Council will need to implement a number of additional initiatives to divert a further 39,800 tonnes from landfill.*

*In essence, although the Council's recycling rate has improved considerably over the last five years to increase the recycling rate from 9% to 27%, the half-way point has only just been passed and considerable challenges and investment decisions lie ahead if the Council is to meet these targets. The Service is presently developing a series of new initiatives or approaches to increase the recycling and composting rate for the City and reports will be presented to the Committee for consideration in due course. The Service anticipates that the Member/Officer Waste Working Group approved earlier this month will provide a useful forum to discuss and refine these proposals.*

### **Resource Implications**

#### **Financial**

*In order for the council to reach the 50% recycling and composting target contained within the WFD, new initiatives will need to be implemented which will require appropriate resources.*

*The feasibility of these initiatives is presently being examined to determine their contribution to the recycling rate and to ensure that they are economically advantageous to the Council.*

***There are significant financial risks associated with committing the Council to guaranteed minimum tonnages for a 30 year contract based on estimated residual waste levels. Should actual tonnages fall below the guaranteed tonnage level, the Council will still incur charges based on the guaranteed tonnage level, known as a 'put or pay' clause. The Council has reduced exposure to this risk by assuming a significant increase in recycling and calculating the guaranteed tonnage level at 80% of the projected residual waste level.***

#### **Human Resources**

***Similar to the financial implications, new initiatives will need to be implemented to meet the WFD target and these are likely to require additional resources.***

***There are no human resource implications, however, associated with this report.***

#### **Recommendation**

***The Committee is requested to approve committing a guaranteed minimum tonnage of 54,400 tonnes to arc21 for the residual waste contract.'***

*A lengthy discussion ensued, during which Members voiced a number of concerns in relation to the potential financial risk to the Council of committing to guaranteed tonnages within the residual waste contract for a period as long as thirty years, especially if tonnages should fail to reach the guaranteed level.*

*In response, the Director pointed out that that was a fundamental aspect of the procurement process which arc21 had, for the past number of years as part of the overall Waste Plan, been progressing on behalf of its constituent councils and to which the Council had already made a commitment. She explained that the contract was part of a Private Finance Initiative for major infrastructure projects and that it was not unusual for such guarantees to be sought, given the major capital investment involved. She added that the provision of a guaranteed minimum tonnage by each constituent council was essential at this stage in order to enable the bidders for the contract to develop detailed solutions, including the sizing and costs of the waste facilities and the gate fees which were likely to be charged and that, should that tonnage not be provided by the Council at this stage, it would delay the current process. She pointed out that there were many further critical stages in the arc21 residual waste procurement exercise and that further reports would be submitted to the Committee for approval as the process developed. It was anticipated that the final stage of awarding the contract would take place in 2011.*

*The Head of Waste Management and the Business Support Manager outlined the steps which had been taken by arc21, the Health and Environmental Services Department and the Council's Audit, Governance and Risk Services Section to ensure that the robustness of the Residual Waste Flow Model limited any financial risk to the Council.*

*Members were of the view that the Committee should be made aware of the additional measures which would be included within the arc21 Residual Waste Treatment Contract to further safeguard the risk to the Council, should actual residual waste levels fall below the guaranteed tonnage levels over the life of the contract and suggested that arc21 should be invited to attend a briefing session at the earliest opportunity.*

*After further discussion, it was*

*Moved by Councillor Jones,  
Seconded by the Chairman (Councillor Adamson),*

*That the Committee agrees that the Council commit to a guaranteed tonnage of 54,400 tonnes to arc21 for the Residual Waste Treatment Contract.*

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

*The Committee agreed also that arc21 be invited to attend a briefing session in order to provide an update on the progress with the procurement process and to clarify the various elements of the Residual Waste Treatment Contract and that an ongoing mechanism to ensure effective communication between arc21 and Members be re-established."*

The Director of Health and Environmental Services informed the Committee that, following the meeting on 23rd August, arc21 had clarified that each of the eleven constituent Councils would be requested to establish formally its guaranteed minimum tonnages as part of a supplemental agreement. She reported that arc21 was in the process of completing the agreement which was likely to be submitted to the Health and Environmental Services Committee for approval later in the year. In the meantime, representatives of arc21 had indicated their willingness to attend the briefing session in order to update the Committee on the Residual Waste Treatment Contract.

After discussion, the Committee noted the information which had been provided, agreed to rescind its decision of 23rd August in relation to guaranteed minimum tonnage and agreed also to the holding of a briefing session as outlined.

### Directorate

#### Change of Date of October Meeting

The Committee was reminded that, at its meeting on 2nd June, it had authorised the attendance of the Chairman, the Deputy Chairman, the Director of Health and Environmental Services and the Head of Building Control (or their nominees) at the Open Days of the European Parliament which were being held in Brussels from 4th till 7th October. The Director of Health and Environmental Services explained that the event would coincide with the monthly meeting of the Health and Environmental Services Committee, which was scheduled to take place on 6th October. She suggested that it would be beneficial if the meeting were to take place later in the month in order to enable the Chairman, the Deputy Chairman and the Head of Building Control, all of whom would be travelling to Brussels, an opportunity to attend.

Accordingly, the Committee agreed that its next monthly meeting be held at 4.30 p.m. on Monday, 11th October.

#### Retail Northern Ireland Conference

The Committee was advised that the above-mentioned Conference was being held on 30th September in the Stormont Hotel, Belfast. The Director of Health and Environmental Services reported that the event, which was being organised by the Belfast Chamber of Trade and Commerce, would address a range of issues, such as retail forecasting, town centre shopping, the need for future planning and funding requirements. She explained that the Chairman, in his capacity as a member of the Board of Belfast City Centre Management, had been invited to attend the Conference, the cost of which would be £129.

The Committee approved the attendance at the Retail Northern Ireland Conference of the Chairman (or his nominee).

#### Global Forum on Urbanisation and Health

The Director of Health and Environmental Services informed the Members that a Global Forum on Urbanisation and Health was being held in Kobe, Japan from 15th till 17th November. She stated that this high profile event, which was being facilitated by the World Health Organisation, would bring together municipal leaders and key stakeholders from across a range of sectors who were working to promote intersectoral actions to achieve improved health and health equity in urban settings. It would provide participating cities with an opportunity to showcase their work, highlight the challenges which they faced and outline the actions which they were undertaking to reduce urban health inequities. She explained that Belfast was one of only fifteen designated healthy cities to have been invited to participate in the Forum. She pointed out that this was in recognition of its contribution to the Healthy Cities Network over a period of twenty-two years and was particularly timely in view of the recent formation of the Belfast Health Development Unit, which had been established to progress health improvements and health inequalities in the City.

The Director of Health and Environmental Services reported that the Director of the World Health Organisation's Centre for Health Development had invited the Lord Mayor to participate in the Forum. However, he was unable to be present and had, instead, nominated the Deputy Lord Mayor to attend on his behalf. She explained that the Deputy Lord Mayor would be expected to participate in debates and to sign a declaration on behalf of Belfast pledging to work to reduce health inequalities and suggested that it would be beneficial for an officer who possessed a background knowledge of both health inequalities and the Council's association with the Healthy Cities initiative to accompany him to the Forum. She confirmed that the World Health Organisation would meet the costs associated with the Deputy Lord Mayor's attendance at the Forum and that the cost of an officer attending the event was estimated at £2,000.

The Committee approved the attendance at the Global Forum on Urbanisation and Health of the Director of Health and Environmental Services (or her nominee).

### **Efficiency Programme**

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

The Committee considered the undernoted report:

#### **"Relevant Background Information"**

As part of the Council's Efficiency Programme, the Health and Environmental Services Department has identified potential savings of £215,000 to be included within the Departmental revenue estimates for 2011/2012. This level of Departmental savings is considered necessary in order to achieve the total Council targeted savings of £1.7M in 2011/2012 and, as such, the Department has considered a number of possible options for making the savings.

The potential areas for savings are summarised in the table below and it is proposed to generate these from areas across the Department. More detail on the proposals is given in the narrative below.

#### **Departmental Efficiency Savings 2011/2012**

<b>Budgetary Challenge</b>	<b>£20,000</b>
<b>Income Generation</b>	<b>£47,000</b>
<b>Procurement</b>	<b>£30,000</b>
<b>Service Reviews</b>	<b>£118,000</b>
<b>TOTAL</b>	<b>£215,000</b>

The budgetary challenge reductions of £20,000 could be generated from the realignment of supplies and services budgets in Cleansing Services and the training budget in the Environmental Health Service. This will have an impact, but it is felt that this can be managed so that it does not significantly affect service delivery.

The £47,000 of additional income could potentially be generated from the proposed introduction of charges for the collection of bulky household waste, which is a service that the Council currently provides free of charge. Detailed information on this proposal is included in a separate report, as introducing such a change is dependent on a Committee decision taken with knowledge of the full facts.

Improvements in procurement could generate an anticipated £30,000 of savings, including further reductions in kennelling costs through the collaborative contract arrangements with Carrickfergus Borough Council and reductions in the Waste Management communications programme and schools education contract. The Waste Management Service will work closely with Corporate Communications to limit the impact of the £15,000 reduction in the communications programme on the behavioural change message and the service will also utilise revised implementation arrangements during the contract extension period to negate the impact of the £5,000 reduction in the schools education contract.

The anticipated £118,000 of service review savings could be generated through the following proposed actions:

- Cleansing Services and Environmental Health Service reductions in overtime budgets by a total of £29,000. This will impact on the capacity of the Services to respond to specific requests from local communities or off-schedule action, however, it is considered necessary in this financial climate.
- changes to shift patterns of staff at Recycling Centres could generate further savings in overtime costs of £74,000. A separate report is being presented on this proposal as it has implications in terms of opening hours.
- the Environmental Health Service could reduce the current number of annual student placements from two to one, which would generate savings of £7,700. (This was reduced from four in 2008/09)
- the Environmental Health Service could also cease payment of the annual contributions to 'The Dogs Trust' (£5,000) and 'Bee Safe' (£2,300) in 2011.

In addition to the savings identified above, the Department will continue to analyse and challenge actual expenditure against the budget in 2010/2011 and ensure that any additional savings which will continue in 2011/2012 are included with the 2011/2012 revenue estimates.

### **Recommendations**

The Committee is asked to note the efficiency savings to be included in the revenue estimates for Health and Environmental Services Department for 2011/2012.

The Committee is also asked to approve the following specific actions in relation to the efficiency programme:

- (i) the cessation of the annual funding contributions to the 'Dogs Trust' of £5,000 during 2011/2012;
- (ii) the cessation of the annual funding contribution to 'Bee Safe' of £2,300 during 2011/2012; and
- (iii) a reduction in the number Environmental Health student placements from two to one in 2011/2012.

The Committee is also asked to note that the proposal to introduce a £5 charge for the collection of bulky household waste and to change Recycling Centre opening hours are included in separate reports to be presented later in the meeting by the Head of Cleansing Services and the Head of Waste Management respectively.'

During discussion, several Members voiced concern regarding the proposal to further reduce the number of places available within the Department for students pursuing a career in Environmental Health. The point was made that the placement provided them with a valuable opportunity in terms of development and training.

After further discussion, it was

Moved by Councillor Mullaghan,  
Seconded by Councillor Cush,

That the Committee agrees to adopt options (i) and (ii) only within the foregoing report.

On a vote by show of hands six Members voted for the proposal and seven against and it was accordingly declared lost.

Accordingly, the Committee adopted the three recommendations within the report and noted that the proposal to introduce a charge for the collection of bulky household waste and a review of staffing levels and shift patterns at Household Recycling Centres/Civic Amenity Sites would be considered later in the meeting.

(The Deputy Chairman, Councillor Jones, in the Chair.)

### **Quarterly Financial Report**

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

The Committee considered the undernoted report:

#### **“Relevant Background Information**

It was agreed at the Strategic Policy and Resources Committee on 18th June, that financial reporting packs would be produced for the Strategic Policy and Resources Committee and each Standing Committee on a quarterly basis and following discussion, that the first reports for the quarter ended June 2010 would be available for Committees in September. Monthly financial updates were also agreed to be provided to the Budget and Transformation Panel, if there were any significant issues to report.

The reporting pack contains a summary dashboard of the financial indicators and an executive summary explaining the financial performance of Health and Environmental Services Committee in the context of the financial performance of the overall Council. A copy of the executive summary has been circulated to Members. It also provides a more detailed explanation of each of the relevant indicators covering the year to date and forecast financial position.

As was advised in the Strategic Policy and Resources Committee report of 18th June, 2010, the reporting pack should be viewed as still being under development and the style and information in the reports will continue to evolve, in liaison with Members.

The information within these financial reporting packs has been developed through collaboration between central finance and departmental management teams. The information for Standing Committees has, therefore, been reviewed and endorsed by central finance. As was outlined in the Strategic Policy and Resources Committee report of 18th June, a number of practical issues have been resolved in the development of the reports. In particular, Members are asked to note the following:

- (i) the original 2010/2011 rates setting exercise included a budget for a pay rise of 1.5%. The pay position of the council is determined by national negotiations and currently no pay rise has been offered for 2010/11, which is causing significant trade union concern. The budget of £1.1m has, therefore, for reporting purposes, been removed from Departmental budgets, so that the true Departmental variances can be identified. The current unutilised pay rise budget underspend has been logged centrally;
- (ii) demand led internal charges have also been removed from the budgets and expenditure of service users and applied to the budgets of service providers (eg ISB, Facilities Management etc) for reporting purposes which keeps the budgetary treatment for 2010/2011 in line with that agreed by Members on 18 June for 2011/2012
- (iii) capital charges are non-cash items which have been removed from Departmental budgets so that accurate variances can be identified.

#### Key Issues

##### (A) Current and Forecast Financial Position 2010/2011

The current year to date financial position for the Health and Environmental Services Department is an underspend of some £0.4m (4%), with a forecast end-of-year underspend of some £0.2m (0%), which is within the acceptable limits. The reasons for this underspend relate mainly to underspends in the Environmental Health and Building Control Services. The financial reporting pack contains more detail on both the overall council position and the financial performance in each of the Services within the Department.

It should be emphasised that it is very early in the financial year and, therefore, it is difficult to make an accurate forecast of the end-of-year financial position. There are considerable uncertainties which could impact on the forecast. Nonetheless, an early forecast is helpful to Members in making financial decisions for the remainder of 2010/2011 and in advance of the 2011/2012 rates setting exercise.

As already stated, it is difficult to make an accurate financial forecast so early in the year. It is recommended that the use of the forecast underspend is considered corporately by the Strategic Policy and Resources Committee. The impact of in-year savings will also be considered as part of the departmental efficiency programme, which is the subject of a separate report to the Committee.

**(B) Training**

It was agreed at the Strategic Policy and Resources Committee on 18 June, to provide Members with training in financial management. It is currently planned that this will be provided in liaison with the Improvement and Development Agency and will take place in three sessions on 27th September. Members have already been advised of this training and attendance is encouraged, wherever possible.

**(C) Links to Performance Management**

Members should note that officers are currently working on the development of performance management reporting packs which, in time, will become available for Members' consideration alongside the financial reporting packs. Further updates will be brought to Members as the work progresses.

**Resource Implications**

There is a year to date underspend of £0.4m and a forecast underspend of some £0.2m.

**Recommendations**

Members are recommended to:

- (i) note the above report and associated financial reporting pack;
- (ii) agree to the recommended proposal that the utilisation of the forecast underspend be considered corporately by the Strategic Policy and Resources Committee; and
- (iii) note that financial training is to be provided to Members on 27th September."

After discussion, during which the Members made a number of suggestions regarding the future format of the quarterly finance report, the Committee adopted the recommendations and noted that a copy of the document was available on the Modern.gov site.

### Environmental Health

#### Safer City Planning Support

The Committee considered the undernoted report:

##### “Relevant Background Information

Community safety is one of the main concerns of the people of Belfast and hence is an issue of considerable importance to the Elected Representatives. Consequently, it is a key element of the *Supporting People and Communities* theme of the new Corporate Plan.

Members will be aware that the Council takes the lead role in supporting the Belfast Community Safety Partnership (BCSP) which brings together representatives from various agencies and sectors to work collectively on programmes and strategies to improve safety in the City.

The Belfast CSP has produced a Safer Belfast Plan for 2009-2011, which prioritises four main themes, namely, tackling anti-social behaviour, reducing alcohol-fuelled violent crime, dealing with hate crime and helping Belfast feel safer. These four priority areas were identified following consultation and a review of recorded data and input from Elected Members. The Safer Belfast Plan priorities were also informed by the Council's public consultation and research, which was commissioned jointly by Belfast CSP and Belfast District Policing Partnership (DPP).

The landscape for the public sector is changing and preparation for community planning is challenging us to develop a more holistic and sustainable approach to developing a Safer Belfast. Therefore the approach adopted in developing the Safer Belfast Plan (2009-2011) was more ambitious than in previous years, the intention being that it should represent an overarching plan for a Safer Belfast which reflects the strategic priorities of participating partners.

Members will also be aware that, in parallel to the Safer Belfast Plan, the Council's community safety team has also been working *internally* to build the capacity of the Council to better coordinate its activities in this field, in line with the broader interagency Safer Belfast Plan. As such, the Council has recently approved its second internal plan for co-ordinating and raising the profile of activities to deal with anti-social behaviour, etc. across all council Departments.

### Key Issues

As part of the interagency Safer Belfast Plan (2009-2011) participating organisations established a series of performance criteria which were to be reviewed on a quarterly basis using the services of a 'Safer Belfast Analyst'.

Therefore, in February 2008, the Committee agreed to support the services of a dedicated Police Service of Northern Ireland (PSNI) analyst, via a secondment arrangement, (to the value of £30,000 per annum) to support information sharing between key organisations and undertake evaluation of performance of the CSP's initiatives against the four Safer Belfast priorities. Importantly, the analyst, when in post, developed vital information sharing processes which informed the Council's and other partners' service delivery, such as on-street drinking operations, warden deployment and alleygating.

At this time, it was proposed that this arrangement be put in place for one year from April, 2008 until March, 2009, subject to the arrangement being reviewed at the end of this period. The post holder was to be jointly managed by the Council's Community Safety Team and the PSNI and took up the position in late summer, 2008. A further report on the adoption of the Safer Belfast Plan in January, 2009 supported the continued services of the analyst. In December 2009, due to operational arrangements in the PSNI, the analyst left this secondment post. Since then, discussions have been ongoing with the PSNI about resourcing the Safer Belfast Analyst again, however, it is only recently that the Analysis Centre has indicated it has the capacity to allocate a staff member to this post.

The sustainability and adaptability of the new CSP approach is considerably strengthened by our investment in a Safer Belfast Analyst to provide relevant and up to date information about community safety issues, and the development of mature performance management systems to measure and deliver continuous improvement.

The Safer Belfast Analyst had been invaluable both in strategic planning and operational delivery for the Community Safety Partnership and the Council, as well as providing a mechanism to measure the effectiveness of the work. The gap in service because no analyst was in post, has made it difficult to extract intelligence, information and data that are critical to effective decision making process.

The analyst role is in the gathering of information/data, problem solving and informing and producing performance reports in six monthly 'strategic assessment' reports for the BCSP. The information is also used to inform key areas of Council work such as deployment of Community Safety Wardens, working to tackle underage and on street drinking through joint Belfast City Council and PSNI alcohol operations, targeting programmes and interventions at hotspots etc. The reports that are presented contain multi-agency data from the Council, the PSNI and the Northern Ireland Housing Executive. During the Safer City Planning process for 2011 onwards, it will be essential that the agreement of priorities is informed by accurate and timely information from sources such as this process and, crucially, up to date crime statistics. It is also vital that there is a mechanism in place to monitor the impact of resulting work against priorities.

Consequently, it is proposed that a PSNI analyst be re-engaged via a new secondment arrangement to support the Safer Belfast Planning process for 2011 onwards and to assist with the evaluation of the impact made by emerging initiatives. It is estimated that the cost of these services would, however, have risen from the original estimate of £30,000 in 2008 to £34,623 per annum (due to normal inflationary increases). However, the PSNI and the Analysis Centre have agreed to resource the training and development of this officer and will also provide operational management for the postholder.

As before, the PSNI analyst would be partly based in PSNI offices to facilitate access to police computer systems and databases; however, a proportion of the analyst's time would also be spent in the Council's Community Safety Team to support our work both internally and in partnership with other agencies. As such, it is envisaged that the analyst could also be used to inform and evaluate existing areas of joint working between Council and PSNI such as the Safer Neighbourhoods Pilot and our warden services. In doing so it is hoped that the Council and participating partners would have access to accurate and timely information to inform their work. It may also be possible to use the facilities within the council emergency planning suite were there is protected access to PSNI systems, therefore allowing better integration of the post holder within the Council.

The previous secondment arrangement of a PSNI officer and analyst to the community safety team has shown the value that such an arrangement can have to our organisation and it is envisaged that this further proposal would build upon this success.

The PSNI has indicated its support for this arrangement and is keen to progress the recruitment of a replacement as soon as possible given the intention to ensure the safer city priorities are agreed in time to feed into the autumn planning cycle of statutory bodies for 2011-2012.

#### **Resource Implications**

It is intended that the salary cost of this post would continue to be met by the Council, with training and operational management resources being supported by the PSNI. Allowances have been made in the revenue estimates for 2010-2011 to accommodate this arrangement. The PSNI would continue to employ the postholder, however the day-to-day work and duties of the postholder would be defined via a Service Level Agreement. There would be no increase in head count.

Allowances have been made in the Revenue Estimates to support this post.

#### **Recommendation**

It is recommended that the Committee agrees to support the re-engagement of the services of a PSNI analyst until March, 2012.”

After discussion, the Committee adopted the recommendation.

#### **Bye-Laws Prohibiting the Consumption of Alcohol in Public Places**

The Committee was reminded that, at its meeting on 4th August, it had approved a list of additional streets throughout the City for inclusion within the Bye-laws prohibiting the consumption of alcohol in designated places. The Head of Environmental Health reported that, since that meeting, intensive work had been undertaken by several agencies to address problems arising in the Lower Falls and Divis areas of West Belfast. However, the enforcement of on-street drinking legislation had been hindered by the fact that streets therein had not been designated as places prohibiting the consumption of alcohol.

As a result, the Police Service of Northern Ireland had submitted a number of additional streets which it wished to be considered for designation in order to assist in ongoing work with the Council and other partner organisations to address anti-social behaviour. She stated that, if approved, the streets would be included within the draft Bye-laws, prior to them being forwarded to the Department for Social Development for initial approval. These would, subsequently, be presented to the Committee for final approval, as required by the statutory process. Accordingly, she recommended that the Committee approve the undernoted list of streets for inclusion within the Bye-laws prohibiting the consumption of alcohol in designated places, which included a number of streets which a Member had pointed out had been omitted from both the current list and that which had been agreed by the Committee at its meeting on 4th August:

**“Additional Streets to be Considered for Designation**

**East**

**My Lady’s Road**

**West**

**Abercorn Walk  
Abyssinia Street  
Abyssinia Walk  
Ardmoulin Terrace  
Ardmoulin Place  
Balkan Court  
Bread Street  
Clonfadden Crescent  
Devonshire Close  
Devonshire Place  
Gibson Street  
Grove Tree North and South  
Jude Street  
Lady Street  
Ladymar Walk  
Ladymar Court  
Ladymar Park  
Ladymar Grove  
Lincoln Square  
Lisfadden Way  
Lisfadden Place  
Lisfadden Drive  
Marchioness Green  
Milford Place  
Milford Close  
McDonnell Court  
Oak Villa  
Plevna Park  
Quadrant Place  
Ross Court  
Ross Rise  
Sliabh Dubh Glen  
Sliabh Dubh Manor  
Sliabh Dubh Path  
Sliabh Dubh Walk  
St. Peter’s Court  
St. Peter’s Close  
St. Peter’s Square East  
St. Peter’s Place**

**Spinner Square  
Sultan Way  
Sultan Square  
Ward Street.”**

The Committee adopted the recommendation.

**Consultation Document – A New Fuel  
Poverty Strategy for Northern Ireland**

The Committee was advised that the Department for Social Development had invited comments in respect of its new Fuel Poverty Strategy for Northern Ireland. The Head of Environmental Health reported that the draft strategy had confirmed that Northern Ireland suffered disproportionately from fuel poverty and that annual household fuel bills were considerably higher than elsewhere in the United Kingdom. She explained that fuel poverty was affected by three factors, namely, income, fuel prices and energy efficiency and pointed out that energy inefficiency in houses was recognised as being the main area in which the Government could make the greatest impact. The new strategy focused on removing energy inefficiency as a cause of fuel poverty, whilst exerting influence on other Departments and agencies to address high fuel prices and low incomes.

The Head of Environmental Health outlined the main elements of the Council's response, which included a focus on energy efficiency and the benefit of adopting a co-ordinated and area-based approach, which was of particular relevance to Belfast. The response took into account also specific work being undertaken by the Council in relation to health development, older people, energy efficiency and building regulations, in addition to its overall policy on sustainable development and poverty. Accordingly, she recommended that the Committee approve the undernoted response:

**“Warmer Healthier Homes – A consultation paper  
on a new Fuel Poverty strategy for N.I.**

**Thank you for the invitation to comment on the above strategy. Belfast City Council wishes to express its support for the need to continue measures to tackle the issue of Fuel Poverty as a matter of urgency.**

**We have reviewed the document and have completed the response pro forma as requested. Belfast City Council would, however, wish to emphasise what it regards as key issues.**

**1. Section 4 – Consolidating Partnerships**

**Belfast City Council agrees fully that no one government department or organisation can tackle Fuel Poverty single-handedly. The document refers to the Inter-departmental Group on Fuel Poverty and the need for closer working between government departments and the private and voluntary sectors.**

We would suggest that the means to realise a co-ordinated, strategic approach to address Fuel Poverty should be presented in much greater detail, with leadership and delivery responsibilities clearly identified. It is accepted that the Department for Social Development (DSD) can contribute to part of the solution only. Ownership of a revised Fuel Poverty strategy must however be established to ensure proper management and monitoring of actions agreed.

It is the Council's view that Local Government has an important role to play in such a strategic partnership and we would welcome further discussion as to how optimum arrangements might be brought about. It is only by adopting such a cross-cutting approach that the separate but inter-related factors contributing to Fuel Poverty can be addressed meaningfully.

2. Section 2.16 – Powers to enable local authorities to produce action plans to improve energy efficiency within their local area

The Council welcomes new powers outlined in the Housing (Amendment) (No 2) Bill which provides opportunity to engage more actively in the fight against fuel poverty at a local level. The powers proposed will enable local authorities to pursue a range of duties relating to sustainable development and health development in a more direct and immediate fashion. We would hope that the delay in the establishment of new local authorities will not impede the progress of this Bill through the Assembly.

3. Section 4.5 – An area based approach to energy efficiency improvements

Belfast City Council is fully supportive of area based approaches in terms of impact and efficiency in addressing fuel poverty. We accept fully that different approaches will be designed and applied in different circumstances. In Belfast we see clear opportunities to adopt area based approaches which have been applied successfully in other contexts (for example, 'enveloping') and in other cities. Such an approach would be carefully targeted and based on detailed data already in the Council's possession.

WARMER HEALTHIER HOMES

A Consultation Paper on a  
new Fuel Poverty Strategy for Northern Ireland

*Question 1.1 Do you have any evidence which you would submit as part of the examination of the current definition of fuel poverty?*

The current definition of fuel poverty provides a useful indicator of the ability of people to heat their homes. Whilst the definition may lend itself to further refinement, the Council would caution against any change that could compromise its use as a barometer of the effectiveness of interventions or the impact of variations in fuel prices over time. It is essential that meaningful and accurate year on year comparisons are available.

The Council has access to a range of data pertaining to the present definition of fuel poverty and has been working with DETI to produce bespoke maps of energy use in the city. Such evidence would enable area based approaches to fuel poverty discussed later in this response.

*Question 1.2 Do you agree with the development of a severity index?*

Although people on the margins of fuel poverty may not be as seriously affected as those who are in severe or extreme fuel poverty, as an indicator, fuel poverty identifies anyone whose health and safety may be compromised by an inability to heat their home. Whilst Belfast City Council would agree that a severity index would provide useful and relevant information for targeting purposes it should only be used in that light and should not be promoted as an opportunity to exclude people from assistance.

*Question 1.3 Do you agree that resources should be targeted at vulnerable households first?*

Very often vulnerable households are in fuel poverty, however, this is not always the case. Ideally interventions to reduce fuel poverty should be targeted at the fuel poor however it is not always practicable to roll out a scheme based on the 'worst first' approach. Another option would be to target areas of greatest need, where there is likely to be more people in fuel poverty, and deal with it on a geographical basis, similar to the Warm Zones approach currently being piloted in England.

*Question 1.4 Do you agree that a severity index should be used to assist in targeting the most vulnerable?*

Whatever approach the Department utilises to reduce fuel poverty it is imperative that mechanisms continue to exist that will allow those in extreme fuel poverty to be dealt with as a priority. The 2006 House Condition Survey (HCS) suggests that only 6% of the fuel poor fall into this category and, although this percentage is likely to demonstrate an increase following the release of the 2009 HCS figures, it should still be possible to target the majority of these homes.

***Question 2.1 Do you agree with a consolidation of the fuel poverty strategy around the aim of improved energy efficiency?***

Improving energy efficiency is the most effective way of addressing fuel poverty. It is therefore appropriate that this should form the central theme of the fuel poverty strategy. It is important however that the strategy does not focus on energy efficiency to the exclusion of the other two contributors, namely energy costs and income. Benefit maximisation for example, must be viewed as a central objective in any fuel poverty strategy. Energy costs probably constitute the strand of the definition that lends itself least to intervention. Whilst the utility regulator's responsibilities include gas and electricity they do not include oil which is used by 70% of the people in the province. In January of this year when temperatures dropped to as low as -11°C the average price of 900 litres of oil rose by around £25. This demonstrates how exposed vulnerable people are to unregulated oil prices. Also, vulnerable customers who cannot afford to bulk purchase home heating oil in one transaction are often left with no option but to use 20 litre drums and can end up paying significantly more per litre. An added problem with the 20 litre drums, particularly for the frail or elderly, is the method of transfer into their oil tank. This can present serious health and safety risks. Belfast City Council would therefore recommend that consideration be given within the strategy for the introduction of a regulatory mechanism for fuel oil. Already this year, the Chairman of the Council's Health and Environmental Services Committee has written to the office of the First and Deputy First Minister recommending that consideration be given to the introduction of a regulatory mechanism that will provide all the fuel poor, particularly those using oil, with protection from fluctuating and expensive energy costs.

The Council considers that energy efficiency presents the most tangible and immediate intervention to reduce fuel poverty. We would emphasise the wider benefits of such approaches including contributions to government targets on Climate Change and reduction in CO2 emissions.

***Question 2.2 Do you agree that the Warm Homes Scheme should continue to be our main tool in tackling energy inefficiency in the owner occupied and private rented sector?***

It is difficult to reconcile the increasing levels of fuel poverty with a commitment to endorse a continuation of the Warm Homes Scheme as the main tool for tackling energy inefficiency in the owner occupied and private rented sector. The new focus of targeting properties where there is no central heating, solid fuel,

Economy 7 or LPG still fails to guarantee that it is reaching the fuel poor. However, whilst the Council would agree that the Warm Homes Scheme should continue in the absence of any suitable alternative it is strongly recommended that serious consideration is given to looking at potentially new and innovative options, such as area based interventions. We would suggest that further assessment is made regarding the use of Building Regulations as a means to tackle energy inefficiency

*Question 2.3 Do you agree that the warm homes criteria should continue to be used?*

If the Department retains the Warm Homes Scheme as the main tool in tackling energy inefficiency in owner occupied and private rented sector then the scheme must have the capacity to target the poorest people who are living in the worst homes, such as benefit recipients whose home has a low SAP rating. This would ensure that the target is not diluted by inclusion of vulnerable people who are not in fuel poverty and people already living in energy efficient homes.

*Question 2.4 Do you agree that the Northern Ireland Housing Executive heating replacement scheme is an effective tool in tackling energy efficiency in our social housing stock?*

The 2006 HCS indicated that over 40% of Housing Executive households were in fuel poverty. This is significantly higher than the regional average of 34% although it is less than the private rented sector. As social housing is more likely to have a greater percentage of vulnerable individuals in receipt of social benefits it is difficult to deduce a definitive view from this type of information. The imminent publication of the 2009 HCS results however will provide a much more meaningful measure of its effectiveness and the Council would suggest that any decisions around this issue should take into account any new data from the 2009 survey

*Question 2.5 Do you agree that Cosy Homes is the most appropriate way of improving the energy efficiency of existing housing association stock?*

Although the Cosy Homes scheme assists registered Housing Associations to change from inefficient systems, such as Economy 7 and solid fuel, to energy efficient gas or oil it doesn't provide a whole house approach in relation to ensuring an energy efficient home. Also, where an oil fired system is installed under the scheme the occupant will then be reliant on an expensive and unregulated fuel supply. The Council would wish to see guarantees that publicly funded energy efficiency interventions are designed around whole house solutions.

**Question 2.6** *Are you in favour of a boiler replacement scheme?*

Boiler replacement schemes should improve energy efficiency and therefore reduce energy costs to the user. This will contribute to a reduction in fuel poverty although, of itself, it does not guarantee that the occupant will move out of fuel poverty. Associated improvements linked to boiler replacement including installation of thermostatic valves, controls and insulation may require a Building Regulation application. If Building Control bodies are required to inspect systems this should be taken into account in the design of financial support schemes for households.

**Question 2.7** *Do you agree that the scheme should be targeted at boilers rated at D or worse?*

Yes.

**Question 2.8** *Do you agree that the boiler replacement scheme should be administered as a grant?*

Yes. The boiler replacement scheme should be administered as a grant and, as it is targeted at vulnerable people in receipt of one of the qualifying criteria for warm homes, the grant should cover the full cost of installation and any associated inspection (see 2.6).

**Question 2.9** *Do you agree that, as in the warm homes scheme, the boiler replacement scheme should be available to people living in privately rented houses?*

Yes. This is particularly relevant as the majority of the fuel poor live in the private rented sector.

**Question 2.10** *If so, do you think landlords should make a contribution to the scheme?*

Yes. There should be an obligation on landlords to make a contribution as they are directly benefiting from an improvement to their property. Legislative change may be required to permit enforcement of such a duty

**Question 2.11** *Do you agree that the Department should continue to aim towards Code 4 and 5 so that new social housing is built to the highest possible standard?*

The Council would agree that all new social housing should be built to the highest possible standard.

***Question 2.12 Do you agree that the Department should explore the feasibility of an equity release scheme which would allow home owners to carry out energy efficiency improvement to their homes?***

Equity release provides people, who own their property, with the option to free up capital to improve their home. Such schemes however need to be considered locally in the context of falling house prices. The Department should closely examine the effectiveness of the three English pilots and should consult with relevant stakeholders before committing to any such schemes.

***Question 2.13 Do you agree that the Department should work with the Department of Finance and Personnel, other Departments and agencies, to expand the use of the data base of energy performance certificates?***

Yes. The Council believes that the targeting of energy inefficient dwellings will be the most effective way of reducing fuel poverty. It is therefore essential that appropriate data, and energy performance certificates in particular, is available to inform the identification of both hotspot areas of potential fuel poverty as well as isolated dwellings. The Council is of a view that data administered by the DFP could be further utilised to better inform fuel poverty policy. Local authorities through their environmental health and building control services can play a role with other partners in developing better data sharing, for example, use of information maintained on the energy performance of buildings.

***Question 2.14 Do you agree that the Department's approach to smart meters should prioritise safeguarding the vulnerable?***

The installation of smart meters could provide benefits for the fuel poor by removing the fear of unexpected large fuel bills, based on estimates.

***Question 2.15 Are there any other duties which the Department should pursue in the smart meter domain?***

The Department should consider ultimately installing smart meters in all dwellings. As the public become more aware of air quality issues, including climate change and fuel poverty, there will be greater awareness of the impact of energy consumption. Smart meters would therefore assist householders in more effectively managing their fuel use. This issue should be included for further exploration with energy providers and for possible inclusion in revised building regulations.

***Question 2.16 Do you agree that new powers will enable local authorities to produce action plans to improve domestic energy efficiency within their local area?***

The Council welcomes the powers outlined in the Housing (Amendment) (No.2) Bill relating to the functions of district councils in relation to energy efficiency. In particular, the power to produce action plans to improve energy efficiency in residential accommodation will provide district councils with the vires to more actively engage in the fight against fuel poverty and perhaps lead on certain initiatives, such as area based approaches (see Question 4.5). The Council would also hope that any delay in the establishment of the new local authorities would not in any way impede the progress of this Bill through the Assembly.

District Councils already have comprehensive powers for dealing with unfitness in the private rented sector. However, as a tool for improvement, the fitness standard is of limited value. It could however be used as a means to address fuel poverty in individual dwellings if the standard was changed to the decent homes standard. Alternatively, the Department could introduce the Housing Health and Safety Rating system (HHSRS), which applies in England and Wales, as a replacement to the fitness standard. This operates on a hazard rating system and includes 'Excessive Cold' as a category for consideration. Enforcement options around this HHSRS category could compliment any plans that Councils may produce through the proposed new energy efficiency powers under the Housing (Amendment) (No.2) Bill.

***Question 3.1 Do you agree that the Department should continue with its benefit uptake campaign to assist households to increase incomes?***

Yes. Benefit maximisation must form a key element of any fuel poverty strategy. The link to fuel poverty from income emphasises the need to ensure that benefit claimants, who are more likely to be in fuel poverty, receive their full entitlement. Sitting alongside the issue of benefit claimants are those people who, over recent years, have amassed significant personal debt. Whilst many of these people will fall outside the definition of fuel poverty they will, de facto, be fuel poor in that they will struggle to pay their fuel bills. The health impact for them will be the same as for those in fuel poverty but maximising their incomes will not address the problem for them. Increasing energy efficiency and controlling fuel costs will therefore be the priority for those in severe personal debt.

***Question 3.2 Do you agree that the Department should promote oil stamps savings schemes as a model of good practice and work with partners to examine the feasibility of a national scheme?***

Yes. The Council has direct experience of delivering an oil stamps savings scheme over the last 2 years. Over £130,000 of stamps have been sold so far and £80,000 redeemed by the oil companies. There are 48 outlets for the stamps across the city but the scheme is particularly popular in areas of social deprivation. Despite this the average value of the stamps saved on each card is £127. As the Council does not have a vires for such a scheme it is delivered under Section 115 of the Local Government Act (NI) 1972. The Housing (Amendment) (No.2) Bill proposes to give District Councils powers to promote energy efficiency in residential accommodation, however, Belfast City Council has already recommended to the Committee for Social Development an amendment to the draft legislation to include provisions that allow District Councils to assist the management of heating costs in residential accommodation. The Council would therefore wish to reiterate its desire to see this amendment included in the Bill.

The Council self evidently supports oil stamps savings schemes as a model of good practice but believes a national scheme, overseen by the Department, would be more appropriate. The Council would therefore recommend that the Department examines the feasibility of a National scheme.

***Question 3.3 Do you agree that the Department should maintain a watching brief on new green technologies, with a view to rapid uptake of proven cost effective technology?***

Northern Ireland is 99% dependent on imported fossil fuels and has the highest carbon footprint in the UK. Not only does the use of fossil fuel impact on air quality and climate change it also makes the province particularly vulnerable to rising fuel costs. In light of this therefore improved energy efficiency and the development of new green technologies should be integral to the fuel poverty strategy. The Council would therefore support the Department's proposal to continue to invest in renewable solutions and would encourage their uptake at the earliest opportunity. Such support is, however, contingent on the expectation that clear procedures are put in place to enable the Department to cooperate with and influence the department(s) with responsibility to promote the use of new green technologies. We would emphasise that government should encourage new technologies to be employed but these should be thoroughly assessed and evaluated, with wider considerations such as the embodied energy of buildings taken into account.

***Question 3.4 Do you agree that the Department should continue to work with partners including the utility regulator and the Department of Enterprise, Trade and Investment to explore options for the possible introduction of a social tariff?***

The concept of social tariffs is attractive. However, the Council would be concerned that the development of social tariffs, with a view to benefiting disadvantaged customers, could result in additional costs to others which, in turn, could move some who are not currently fuel poor into fuel poverty. Belfast City Council has already responded to the utility regulators consultation, 'Assisting with Affordability Concerns for Vulnerable Energy Consumers'.

***Question 4.1 As the Department for Social Development has responsibility for domestic energy efficiency, which is only one component of the fuel poverty equation, do you agree with the emphasis on a partnership approach to tackling all aspects of fuel poverty?***

Yes. The three contributors to fuel poverty namely energy inefficiency, fuel costs and income confirm that there is a need to address the issue across a wide range of departments, statutory agencies and the voluntary and private sectors.

***Question 4.2 Do you agree that the types of partnership listed above encompassed the most important ones?***

Yes. The partnerships identified in the consultation appear to encompass the most important areas however the fuel poverty strategy must provide the framework within which all partnerships are able to dovetail their efforts to meaningfully reduce the numbers in fuel poverty. We would wish to mention specifically the potential roles of the N.I. Building Regulations Advisory Council (who advise on new building regulations) and the Department of Finance and Personnel (who write the regulations) Utilising the range of expertise available will require new and innovative approaches that will maximise the impact of individual partners, possibly through area based approaches. We would reiterate the need to establish clear leadership and delivery roles within the partnerships suggested.

***Question 4.3 Do you agree that the Department should maintain an active monitoring, evaluation, and research programme to support the development of best practice in the delivery of strategy?***

Yes. Evaluating and learning from best practice is essential particularly in light of the failure of the existing strategy to meet its targets and the continuing anticipated increase in people experiencing fuel poverty.

***Question 4.4 Do you agree that the Department should support housing providers to broker energy at a competitive rate for their tenants?***

Increasing fuel costs are probably the largest contributor to the rise in fuel poverty over recent years and therefore any means whereby these costs can be minimised for users are to be welcomed. The Council would therefore support the proposal that social landlords could bulk purchase energy at a discounted price on behalf of tenants. However, as the highest levels of fuel poverty are found in the private rented sector, the Council believes that social housing providers, and the Northern Ireland Housing Executive as the Regional Housing Authority and the Regional Energy Efficiency Authority, should have the power to make discounted fuel prices available to any householder who is deemed to be in social need whether they are the tenant of a social landlord, a private tenant or an owner occupier. Whilst welcoming the principle of brokering competitive energy rates for tenants we would question the practicality of this proposal. Clarity may be provided given further exploration including impact assessments.

***Question 4.5 Do you agree that the Department should explore an area based approach to energy efficiency improvements?***

When looking at potential fuel poverty existing in 50% of all households in Northern Ireland (pending 2009 HCS results) there is an imperative to consider new approaches to the issue. There is currently considerable interest in an area based approach to energy efficiency as a means of addressing fuel poverty. In its response to the utility regulatory consultation 'Assisting with Affordability Concerns for Vulnerable Energy Consumers' Belfast City Council encouraged the concept of targeting energy inefficient houses on a phased basis focusing on those on low incomes or in specific geographical areas.

The onus for delivery of an area based scheme could be placed on the Local Authority as the key point of delivery with a local community partnership to shape the scheme delivery. It should be capable of prioritising those communities where reducing energy bills through energy efficiency measures will alleviate fuel poverty. It can also operate as a one-stop-shop allowing for benefits checks and income maximisation opportunities. Belfast City Council would therefore support the Department's intention to carry out an evaluation of the Kirklees approach to energy efficiency improvements."

The Committee adopted the recommendation.

## Cleansing Services

### Green Apple Environmental Award

The Committee was advised that the Cleansing Services Section had attained a Green Apple Environmental Award under a scheme which was organised annually by the Green Organisation. The Head of Cleansing Services reported that the award had been achieved in recognition of the Service's "Partners Against Grime Challenge" education programme. He outlined the main elements of the programme, which had taken the form of a competition in which Key Stage 1 and 2 pupils had been encouraged to develop an interactive workshop highlighting ways in which Belfast could be kept clean and litter-free. All of the participating schools which had been evaluated had indicated that the project had been both creative and effective.

The Head of Cleansing Services informed the Members that the Green Apple awards ceremony would take place in the House of Commons on 15th November and that the Council would receive one free invitation to the event. Additional places could be reserved at a cost of £110 per person. He recommended that, in addition to the Chairman, the Community Awareness Manager, who had a detailed knowledge of the "Partners Against Grime Challenge" education programme, be authorised to attend. The total cost per attendee in terms of travel and subsistence would be approximately £255.

The Committee adopted the recommendation.

### Proposal to Apply Charges to Bulky Household Waste Collections

The Committee considered the undernoted report:

#### "Relevant Background Information

As outlined in the Directorate report on the efficiency programme for the Department a proposal was put forward to review the potential for recovering a proportion of the costs of providing the bulky waste service through the introduction of a charge to the public for the service. The purpose in doing this is to generate a level of money which will assist in keeping the 2011/2012 Departmental budgets within the targets set by the Council.

#### Key Issues

To assess the feasibility of introducing such a charge, Cleansing Services has been enquiring as to the level of service provided by other local councils. Charges for collection range from £5 to £16. The number of items covered by the charge range from 1 to 10 items. Items for collection include very bulky items such as fridges and white goods, furniture etc. but normally exclude builders waste, garden waste and DIY waste.

The proposal for Belfast would be that a £5 charge would be made for up to 5 items and a further £5 for each additional batch of up to 5 items. The size of an item would be restricted to a standard black bag or equivalent, for most loose items, or an item of white goods, furniture or electrical equipment. Very large items or excessive amounts would be assessed individually and an appropriate charge applied for that particular request. This would be applied to the 47,000 (approximate) bulky waste collections we complete each year. Collections would continue to exclude builders' waste.

In considering this proposal there are some issues which the Committee should take into account, i.e:

- The number of requests for bulky waste collections may fall off sharply due to a charge being levied.
- There may be an increase in dumping in the city necessitating extra resources being applied to remove dumped items and to follow up with effective enforcement. This may have an adverse effect on the cleanliness of the city.
- There will be additional administrative workload to process payments etc.

Taking account of any additional income less the extra resources applied to dealing with increased dumping, the cost of introducing electronic and other payment systems and additional clerical support to process payments, the service has estimated the potential for a net increase in income to the Council of approximately £47,000 in the first year of operation. This may increase in future years.

There are, however, a number of uncertainties in terms of what effect this will have on peoples' waste disposal habits so the actual outcome can only be properly determined after the scheme has been in operation for some time and a full operational assessment can be completed. Therefore it is recommended that the introduction of charging is carried out as a pilot in 2010/2011.

### Resource Implications

#### Financial

Financial implications are difficult to quantify in the absence of what effect the charge will have on demand for the service and subsequent waste disposal habits. The estimated net increase in income of £47,000 takes into account a potential for a significant

reduction in service requests and any increase in the need for waste clearance, enforcement and additional clerical resources, which would have to be met from any income generated. There will also be an initial cost of systems amendments to enable electronic and other payment options.

#### Human Resources

There may be a need for some temporary additional resources to deal with clearance of dumped waste and enforcement and permanent additional clerical support to deal with payments processing and additional administration. It is difficult to quantify these with any great certainty at this point until the proposed charges are applied and the effect on the number of service requests, waste disposal behaviour and administration systems is gauged.

#### Recommendations

The Committee is asked to consider the above proposal and to decide if it wishes to proceed with the application of a charge for collection of bulky household items on a pilot basis during 2011/2012.

The Committee is also asked to note that additional resources may be required to deal with the effects of introducing the charge both from an operational and administrative perspective. However the cost of any such resources would be met from within any income gained from the collection charge.

If the Committee decides to apply a charge, it is also asked to provide delegated authority to the Director of Health and Environmental Services to set any future charges for the bulky waste collection service.”

During discussion, several Members voiced concern in relation to the proposal to introduce charges for the removal of bulky household waste. The point was made that Belfast accounted for some of the most deprived areas in Northern Ireland and that the levying of a charge for this service would place an additional financial burden on households, especially in the current economic climate. The point was made also that the proposal would be likely to lead to an escalation in illegal dumping and add considerably to the costs to the Council in terms of street cleansing. Members were of the view that, rather than adopt this approach, the Council should continue to encourage householders to manage their waste in a responsible manner and highlight the financial penalties to be incurred by any failure to meet European Union targets for waste diversion and that consideration should be afforded to increasing the penalties associated with illegal dumping.

Accordingly, the Committee agreed not to proceed with the application of a charge for the collection of bulky household items.

## **Building Control**

### **Northern Ireland Building Control Convention**

The Head of Building Control informed the Committee that the 2010 Building Control Annual Convention would be held on 12th and 13th October in Newcastle, County Down. He reported that the theme of this year's Convention would be "Global Impacts – Addressing the Risks" and that it would focus on topics such as climate change and flood damage. It would consider also systems of regulatory control in place in Europe and the United States and how shared knowledge and standards could be adapted to meet the challenges which lay ahead. The cost of attending the full conference would be in the region of £265 and a daily rate for delegates would be charged at £80.

He explained that this year's Convention was particularly significant insofar as it would be held in conjunction with the main meeting of the Consortium of European Building Control. He pointed out that this was the first time that that meeting had been held in Northern Ireland and that it would bring together chief Government officers with responsibility for the administration of building regulations in countries across Europe.

The Committee agreed that it be represented at the Convention by the Chairman, the Deputy Chairman, the Director of Health and Environmental Services and a Building Control Officer (or their nominees).

### **Consultation on Amendments to the Building Regulations (Northern Ireland) 2000 – Phase 1**

The Committee considered the undernoted report and agreed that the attached comments be forwarded to the Department of Finance and Personnel as the Council's response to the consultation document:

#### **"Relevant Background Information**

**Building Regulations set down the standards to be achieved when undertaking building work and are designed for 'securing the health, safety, welfare and convenience of persons in or about buildings'. They are concerned with issues such as structures, fire safety, disabled access, drainage, furthering the conservation of fuel and power etc. The regulations are made by the Department of Finance and Personnel (the Department) under the primary legislation and are reviewed and updated periodically and in line with the powers contained in the accompanying Order.**

**In March 2009, the Building Regulations (Amendment) Act (Northern Ireland) 2009 received Royal Assent. A significant feature of this act was to allow for increased flexibility within the regulations by introducing a guidance based approach as opposed to the current deemed-to-satisfy provisions.**

This current consultation is phase one in a three phase consultation process to completely replace the current Building Regulations (Northern Ireland) 2000 with more up-to-date standards.

Phase one deals with updating technical matters in areas such as site preparation and sound insulation. It will also look at the transfer of issues under fire safety, drainage, glazing, stairs and ramps, etc. from a 'deemed to satisfy' legal position to a more open guidance based system.

Phase two will further update the remainder of the technical provisions such as energy conservation and the associated regulations such as ventilation and also align the remainder of the regulations into the guidance based system.

Finally phase three will be a review of the Prescribed Building Regulations Fees.

#### **Key Issues**

The following changes are proposed within the consultation document.

#### **Move from 'Deemed to Satisfy' to Guidance Documents**

Presently with 'deemed to satisfy' documents if the Department wish to adopt solution methodologies into the Building Regulations they must go through the formalities of consultation and the associated process of forming legislation. This is because the 'deemed to satisfy' documents have a specific legal status. By removing that specific legal status and making them guidance notes, the process for amending or including new documents is simpler and quicker. As proposed in the Building Regulations (Amendment) Act 2009, the new format of regulations allows for the transfer from 'deemed-to-satisfy' to a 'guidance' based system. This will allow greater flexibility in changing regulations in order to keep a pace with construction technology and design features.

An example of where this may be utilised is the Waste Management Guide recently developed by the Waste Management Groups including arc21, which in future could be adopted as best practice guidance.

The Department is proposing to introduce, through this consultation, guidance for:

- Fire safety
- Stairs ramps, guarding and protection from impact
- Drainage and
- Glazing

These guidance booklets will also contain the provisions of the actual building regulations followed by the associated guidance which is designed to make it easier for the industry to understand the intent of the regulation. The Department is also intending to include a 'performance' section to outline the objectives of the regulations as well as verifying and demonstrating compliance.

#### Updating Existing Regulations.

##### *Preparation of Site and Resistance to Moisture*

Proposals to update the technical requirements deal with:

- extending this regulation to material change of use in buildings,
- amending the regulations for radon in connection with sub soil drainage and technical upgrade of constructional elements, and
- making provisions and guidance for developers to recognise and deal with ground contamination.

The guidance document will also be updated to be aligned with current planning requirements. However whilst agreeing with the guidance document on site investigation, dealing with contamination, the draft response asks the Department to ensure greater interrelation with planning conditions and building regulation compliance.

In the provision of mitigating measures to prevent flooding, the draft response proposes to the Department that this should be a consideration under the building regulations. In doing so the Local Authority can ensure that all the planned measures are constructed.

#### Sound Insulation

Current standards of sound insulation in dwellings can be traced back to the 1950's. This consultation proposes a technical uplift in the requirements as well as the transfer to the guidance base. This most welcome amendment proposes increased standards of insulation which are designed to reflect the modern lifestyle with increased dependence of domestic appliances as well as the propensity for home entertainment systems in the modern home.

It will introduce the ability for authorities to ask for pre-completion testing as a method of ensuring compliance.

As such test methods are expensive the proposals allow for 'robust details' to be used as an alternative to testing. Robust details are pre-tested design solutions that achieve a result substantially better than the requirements. Experience else where in the UK would show that most designers/builders will use the 'robust details' as a solution to achieve compliance.

The Department, in its regulatory impact assessment, estimates that the per-dwelling cost of the 'Sound insulation of dwellings' technical upgrade will range from £180 in a detached premises, £273 for a semi detached house, through to £1,871 for a flat/maisonette. A full impact assessment is available on the Department website which can be circulated, should the Members wish to have a copy.

Significantly the proposals also include extending the regulations beyond dwellings to include Schools and Colleges which we welcome.

#### General Comment

In general the Building Control Service welcomes not only the proposed change to a 'guidance' based approach, but also the proposed technical upgrades. This is particularly true in relation to Sound Insulation in dwellings as this is an area of construction where the Service receives the greatest number of enquiries especially from residents who reside in apartments.

A copy of the draft response is appended to this report.

#### Resource Implications

##### Financial

There will be no financial implications associated with the proposals with the consultation under phase one.

##### Human Resources

The changes will involve additional training on the new requirements for our staff. It is anticipated that this will be absorbed within current training budgets and that economies of scale will be gleaned by working across the local authority Building Control sector in Northern Ireland.

#### Asset and Other Implications

There is no asset or other implications with the proposed changes.

**Recommendation**

The Committee is recommended to adopt, subject to ratification by the Council, the attached response on the proposed new regulations and to make representations to the Department of Finance and Personnel as outlined.

**COUNCIL RESPONSE**

**Format of Technical Booklets**

**FORMAT: QUESTIONS**

Although moving from regulations supported by deemed-to-satisfy provisions contained in Technical Booklets to the provision of guidance in support of these regulations, the Department proposes to maintain the title 'Technical Booklet' for the new supporting documents, but clarifying that these document now contain guidance.

***F1 Do you agree that the title 'Technical Booklet' be retained for the new guidance based documents?***

Yes  No  No view

Comments (if any):

It is thought that repeating the requirements of the relevant Part of the regulations within the guidance will help make the connection between the guidance booklet and that Part of the regulations the booklet is supporting. The Department therefore proposes to include a section repeating the Regulations for the specific Part in the new guidance based documents.

***F2. Do you agree that a section repeating the regulations for the specific part be included in the Technical Booklet?***

Yes  No  No view

Comments (if any):

The move to a guidance based system should facilitate and encourage more creativity and flexibility in design and the use of materials. There may be occasions when a practitioner decides not to follow the solution provided in the Technical Booklet or the proposed work is atypical and generic solutions are not appropriate. The Department proposes to include a 'performance' section in each Technical Booklet to further explain the regulations and their objectives that will provide the criteria for both demonstrating and verifying compliance with the regulations.

**F3. Do you agree with the inclusion of performance criteria in the new Technical Booklets?**

Yes  No  No view

Comments (if any):

**Part E**

**FIRE SAFETY**

**PART E: QUESTIONS**

It is not proposed to amend the Part E Fire safety regulations, nor is it proposed to amend any of the technical provisions in Technical Booklet E that support the existing regulations. In a new guidance based Technical Booklet, the Department proposes to include a 'performance' section to further explain the regulations and their objectives which should facilitate and encourage more creativity and flexibility in design and which will provide the criteria for both demonstrating and verifying compliance with the regulations.

**E1. Do you agree that the guidance given in the proposed Technical Booklet E is complimentary to and broadly level on a technical basis, with the provisions of Technical Booklet E: 2005 (as amended)?**

Yes  No  No view

Comments (if any):

**E2. Do you agree that the guidance given in the proposed Technical Booklet E adequately explains, where appropriate, the rationale behind the provisions?**

Yes  No  No view

Comments (if any):

Part H

STAIRS, RAMPS, GUARDING AND PROTECTION FROM IMPACT

PART H: QUESTIONS

It is not proposed to amend the Part H Stairs, ramps, guarding and protection from impact regulations, nor is it proposed to amend any of the technical provisions in Technical Booklet H that support the existing regulations. In a new guidance based Technical Booklet, the Department proposes to include a 'performance' section to further explain the regulations and their objectives which should facilitate and encourage more creativity and flexibility in design and which will provide the criteria for both demonstrating and verifying compliance with the regulations.

*H1. Do you agree that the guidance given in the proposed Technical Booklet H is complimentary to and broadly level on a technical basis, with the provisions of Technical Booklet H: 2006?*

Yes       No       No view

Comments (if any):

*H2. Do you agree that the guidance given in the proposed Technical Booklet H adequately explains, where appropriate, the rationale behind the provisions?*

Yes       No       No view

Comments (if any):

Part N

DRAINAGE

PART N: QUESTIONS

It is not proposed to amend the Part N Drainage regulations, nor is it proposed to amend any of the technical provisions in Technical Booklet N that support the existing regulations. In a new guidance based Technical Booklet, the Department proposes to include a 'performance' section to further explain the regulations and their objectives which should facilitate and encourage more creativity and flexibility in design and which will provide the criteria for both demonstrating and verifying compliance with the regulations.

**N1. Do you agree that the guidance given in the proposed Technical Booklet N is complimentary to and broadly level on a technical basis, with the provisions of Technical Booklet N: 1990?**

Yes  No  No view

Comments (if any):

**N2 Do you agree that the guidance given in the proposed Technical Booklet N adequately explains, where appropriate, the rationale behind the provisions?**

Yes  No  No view

Comments (if any):

### Part V

#### GLAZING

##### PART V: QUESTIONS

It is not proposed to amend the Part V Glazing regulations, nor is it proposed to amend any of the technical provisions in Technical Booklet V that support the existing regulations. In a new guidance based Technical Booklet, the Department proposes to include a 'performance' section to further explain the regulations and their objectives which should facilitate and encourage more creativity and flexibility in design and which will provide the criteria for both demonstrating and verifying compliance with the regulations.

**V1. Do you agree that the guidance given in the proposed Technical Booklet V is complimentary to and broadly level on a technical basis, with the provisions of Technical Booklet V: 2006?**

Yes  No  No view

Comments (if any):

**V2 Do you agree that the guidance given in the proposed Technical Booklet V adequately explains, where appropriate, the rationale behind the provisions?**

Yes  No  No view

Comments (if any):

Part C

PREPARATION OF SITE AND RESISTANCE TO MOISTURE AND  
TECHNICAL BOOKLET C

PART C: Questions

In order to protect occupants of buildings from the harmful effects of contaminants, the Department proposes to amend the Table to Regulation A9, so that in all material change of use cases, the requirements relating to resistance to contaminants (Regulation C2(1)(b)) shall apply.

**C1. Do you agree that regulation C2(1)(b) should apply in all material change of use cases?**

Yes       No       No view

Comments (if any):

Although primarily a planning matter, guidance on the preparation of contaminated sites was provided in Appendix 1 in the 1994 edition of Technical Booklet C. This guidance was not part of the deemed-to-satisfy provision but was included for information purposes. The guidance has been updated, and brought into a new Section 3. This is considered sufficient advice to allow a builder to recognise contamination and identify a need for an appropriate site assessment.

**C2. Do you agree that the proposed guidance on contaminants is appropriate?**

Yes       No       No view

Comments (if any):

Now that guidance (rather than a deemed-to-satisfy solution) can be given in the Technical Booklet it is possible for the Department to provide guidance for the first time on site investigation and clearance or treatment of unsuitable material.

**C3. Do you agree that the proposed guidance in Section 2 on site investigation and clearance or treatment of unsuitable material is appropriate?**

Yes       No       No view

Comments (if any):

## Section 2

We recommend that the local authority is in a position to request or obtain a Site Investigation report from the developer where we deem it essential to secure compliance with the regulations.

We recommend that there is greater interrelation between Building Regulations and Planning conditions especially where those conditions relate to contaminated land.

Now that guidance (rather than a deemed-to-satisfy solution) can be given in the Technical Booklet it is possible for the Department to provide guidance for the first time on subsoil drainage.

**C4.** *Do you agree that the proposed guidance on subsoil drainage is appropriate?*

Yes

No

No view

Comments (if any):

## Section 4

4.1 - Although this is only guidance we recommend that the local authority have the power to ensure that designs aimed at mitigating flood damage are realised.

Local authority building control are well positioned to advise all parties at early design stage on sub soil drainage matters and ensure compliance through planned inspections.

Requirements relating to protection against the effects of radon gas in buildings other than dwellings are contained in Health and Safety at Work regulations. Building Regulations therefore provide measures to limit the ingress of radon into dwellings.

In the current regulations, the limitation within Regulation C1(1) means that Regulation C2(2) (ingress of radon) does not apply to an alteration to a dwelling or to an extension to a dwelling which is under 30 m<sup>2</sup>. The Department proposes to remove this limitation; this will mean that all extensions to dwellings including porches and conservatories in radon Affected Areas will require protection from radon. (Schedule 1 (Class 7 Extensions) will require amendment).

**C5. Do you agree with the proposal to remove this limitation so that reasonable measures shall be taken to prevent or limit the ingress of radon in major alterations to dwellings and all extensions to dwellings, including porches and conservatories?**

Yes           No           No view

Comments (if any):

In order to protect residents of dwellings from the harmful effects of radon, the Department proposes to amend the Table to Regulation A9, so that in all material change of use cases (to a dwelling), the requirements relating to limiting ingress of radon (Regulation C2(2)) shall apply.

**C6. Do you agree that regulation C2(2) should apply in all material change of use cases (to a dwelling)?**

Yes           No           No view

Comments (if any):

It is proposed to reference in Technical Booklet C two new documents that will provide guidance on radon protection measures in extensions, conservatories, major alterations and conversions (material change of use). These documents are –

GBG 73 Radon protection for new domestic extensions and conservatories with solid concrete ground floors; and

BR 267 Major alterations and conversions: a BRE guide to radon remedial measures in existing dwellings.

**C7. Do you agree that these documents should be referenced to provide further guidance?**

Yes           No           No view

Comments (if any):

The Department proposes to reference, in Technical Booklet C, the revised designated radon Affected Areas included in the Northern Ireland Environment Agency publication 'Radon in Dwellings in Northern Ireland: 2009 Review and Atlas'.

**C8. Do you agree that Technical Booklet C should reference the revised radon Affected areas?**

Yes  No  No view

Comments (if any):

With a greater emphasis on the development of brownfield or previously contaminated sites, the Department proposes to amend the title of Part C to include 'contaminants' which replace 'dangerous and harmful substances'.

**C9. Do you agree with the proposal to amend the title of Part C and to revise regulation C2 to reflect a greater emphasis on protection from contaminants?**

Yes  No  No view

Comments (if any):

The section on floors provides guidance and technical solutions to bring the Technical Booklet up-to-date.

**C10. Do you agree that the proposed guidance and technical solutions on floors is appropriate?**

Yes  No  No view

Comments (if any):

The section on walls provides guidance and technical solutions to bring the Technical Booklet up-to-date.

**C11. Do you agree that the guidance and technical solutions on walls is appropriate?**

Yes  No  No view

Comments (if any):

The section on roofs provides guidance and technical solutions to bring the Technical Booklet up-to-date.

**C12. Do you agree that the guidance and technical solutions on roofs is appropriate?**

Yes  No  No view

Comments (if any):

Please provide any general comments your may wish to make about the proposed amendments to Part C of the Building Regulations and Technical Booklet C in the box below:

Part G

SOUND INSULATION OF DWELLINGS AND  
TECHNICAL BOOKLET G SOUND  
TECHNICAL BOOKLET G1 SOUND (CONVERSIONS)

PART G: Questions

*Proposed amendments to Part G of the Building Regulations*

Current standards of sound insulation in dwellings can be traced back to surveys carried out in the 1950's. Values derived from the performance of the constructions surveyed became the basis for selecting the constructions in Technical Booklets G (1990) and G1 (1994) 'deemed to satisfy' standards.

Living standards have changed considerably since the 1950's. The increased use of home entertainment systems and other domestic appliances has lead to a significant increase in the amount of noise people make at home.

**G1. Do you consider it appropriate to introduce improved sound insulation standards to take account of people's changed living standards and levels of expectation of noise reduction?**

Yes           No           No view

Comments:

**G2. Do you consider the proposal to extend the scope of the regulations to include 'Rooms for Residential Purposes' reasonable?**

Yes           No           No view

Comments:

**G3. Do you consider the proposal to extend the scope of the regulations to include 'Internal Walls and Internal Floors' reasonable?**

Yes           No           No view

Comments:

Will be too onerous for builders.

**G4. Do you consider the proposal to extend the scope of the regulations to include 'Reverberation' reasonable?**

Yes  No  No view

Comments:

**G5. Do you consider the proposal to extend the scope of the regulations to include 'Schools and Colleges' reasonable.**

Yes  No  No view

Comments:

**G6. Do you consider the performance standards for 'Purpose built Dwelling houses and flats adequate?**

Yes  No  No view

Comments:

**G7. Do you consider the performance standards for "Dwelling houses and flats formed by a material change of use" adequate?**

Yes  No  No view

Comments:

**G8. Do you consider the performance standards for 'Purpose built Rooms for Residential Purposes' adequate?**

Yes  No  No view

Comments:

**G9. Do you consider the performance standards for 'Rooms for Residential Purposes' formed by a material change of use' adequate?**

Yes  No  No view

Comments:

**G10. Do you consider it reasonable to have different performance standards for purpose built dwelling houses and rooms for residential purposes and those formed by a material change of use?**

Yes  No  No view

**Comments:**

We believe that technology and modern construction techniques should allow the same performance standards to be attained whether new build or material change of use.

**G11. Do you consider the performance standards for internal walls and floors adequate?**

Yes       No       No view

**Comments:**

**G12. Do you consider the adoption of DnTw and spectrum adaptation term Ctr is the most suitable for targeting the low frequency sounds encountered in modern Houses and Rooms for Residential Purposes?**

Yes       No       No view

**Comments:**

**G13. Do you consider Pre-completion testing an acceptable method of ensuring compliance?**

Yes       No       No view

**Comments:**

Valuable but only for testing the structure without floor coverings.

**G14. Do you consider a 'robust details' Scheme an acceptable alternative method of ensuring compliance?**

Yes       No       No view

**Comments:**

**G15. Do you consider the guidance and examples given in Section 2 on 'separating walls and associated flanking constructions for new buildings' adequate?**

Yes       No       No view

**Comments:**

**G16. Do you consider the guidance and examples given in Section 3 on 'separating floors and associated flanking constructions for new buildings' adequate?**

Yes       No       No view

Comments:

**G17. Do you consider the guidance and examples given in Section 4 on 'dwelling houses and flats formed by a material change of use' adequate?**

Yes       No       No view

Comments:

**G18. Do you consider the guidance and examples given in Section 5 on 'internal walls and floors for new buildings' adequate?**

Yes       No       No view

Comments:

**G19. Do you consider the guidance and examples given in Section 6 on 'rooms for residential purposes' adequate?**

Yes       No       No view

Comments:

**G20. Do you consider the guidance and worked examples given in Section 7 on 'reverberation in the common internal parts of buildings containing flats or rooms for residential purposes' adequate?**

Yes       No       No view

Comments: None"

### **New Fire Safety Regulations**

The Committee was reminded that, at its meeting on 6th May, 2009, it had agreed a response to the Department of Health, Social Services and Public Safety's consultation on the draft Fire Safety Regulations (Northern Ireland) 2009. The Head of Building Control explained that the Regulations sought to simplify the existing fire safety legislation and to reinforce the modern risk-based approach to fire prevention. He stated that the Council's response to the consultation document had emphasised that self-regulation, which was essentially being introduced, would not deliver the required fire safety compliance and could lead to increased problems in non-domestic buildings.

He informed the Committee that, in order to introduce these Regulations, the Department of Health, Social Services and Public Safety would be required to enact Part 3 of the Fire and Rescue Services (Northern Ireland) Order 2006, which related to the enforcement of fire safety matters and which effectively removed Councils' powers to enforce the terms and conditions governing fire safety under Amusement Permit, Cinema and Entertainments Licensing legislation. In future, fire safety would be regulated through the undertaking of fire risk assessments which would be audited and inspected by the Northern Ireland Fire and Rescue Service. This would affect the ability of Licensing officers to ensure the safety of persons on licensed premises and, thereby, undermine the Council's statutory duty.

The Head of Building Control reported that Licensing officers had, through the Institute of Licensing, the Northern Ireland Licensing Forum and Building Control (Northern Ireland), been in discussions with the Department of Health, Social Services and Public Safety and the Northern Ireland Fire and Rescue Service regarding the aforementioned changes. As a result, the enactment of Part 3 of the Fire and Rescue Services (Northern Ireland) Order 2006 had been delayed by the Northern Ireland Assembly's Health Committee until the issue had been resolved.

He explained that, following these discussions, the Board of the Northern Ireland Fire and Rescue Service had written to the Northern Ireland Local Government Association regarding the devolving of powers to Councils under Article 33 (5) of the Fire and Rescue Services (Northern Ireland) Order 2006 in respect of licensed premises. Accordingly, Councils' Licensing officers would, under the provisions of the Order, be authorised to enforce fire safety matters in licensed premises which would, in effect, permit them to continue to discharge the full range of duties which they undertook currently, such as ensuring that establishments were not overcrowded and that escape routes were available in the event of an emergency. In response, the Northern Ireland Local Government Association Executive had agreed, in principle, that the Association would support the proposal. However, it was noted that further work would be required to ensure that an agreed protocol or Memorandum of Understanding was drafted in order to facilitate effective working with the Board of the Northern Ireland Fire and Rescue Service. The Northern Ireland Local Government Association had written also to the Chief Executives of all Councils advising them of the proposal.

He informed the Members that the proposal would involve the devolution of powers to staff within the Building Control Service and recommended that the Committee agree, in principle, to support the proposal, subject to further work being undertaken to ensure an agreed protocol or Memorandum of Understanding with the Board of the Northern Ireland Fire and Rescue Service.

The Committee adopted the recommendation and noted that a report would be submitted to a future meeting outlining the implications associated with undertaking this work.

**Waste Management**

**Request for Use of the Dargan Road Waste  
Transfer Station – Contractual Arrangements**

(Mr. C. Quigley, Town Solicitor, and Mr. C. Campbell, Solicitor, attended in connection with this item.)

The Committee was reminded that, at its meeting on 23rd August, it had been advised that a proposal had been received from one of the potential contractors for the arc21 residual waste treatment facilities to enter into an interim arrangement with the Council to use its Dargan Road Waste Transfer Station. The company had requested that the Council draft a Heads of Agreement document governing the use of the facility for the transfer from 2012 onwards of approximately 75,000 tonnes per annum of residual waste. It had requested also that the existing staff within the facility be retained and that it be operated in line with the arrangements in place currently. Accordingly, the Committee had authorised the Head of Waste Management, in conjunction with the Town Solicitor, to draft a suitable Heads of Agreement document for the use of the Waste Transfer Station, which would be subject to the company being appointed as the successful contractor.

The Town Solicitor outlined the main elements of the document, which would include the duration of the contract, the use of rights governing the facility, the licence fee which would be payable to the Council, and the Council's right to enter into similar conditional arrangements with other parties. He reported that the proposal had been reviewed also by the commercial solicitors acting on behalf of arc21 in the procurement of the Residual Waste Treatment Contract. They had confirmed that they could see no difficulty with the proposed arrangement and had indicated that, should the other company which was still in the selection process approach the Council with a similar request, it would be open to the Council to agree also to grant the facility to that company on similar terms.

During a lengthy discussion, several Members enquired if the company which had approached the Council for the use of the Dargan Road Waste Transfer Station could be seen to be receiving preferential treatment in relation to the award of the Residual Waste Treatment Contract. In response, the Town Solicitor indicated that this would not be the case and pointed out that, if the other company were to make a request for the use of the facility, then the Council would facilitate that request on the same terms, in order to ensure that there would be equality of treatment. Nevertheless, he undertook to bring this matter to the attention of the Chief Executive of arc21.

Noted.

**Consultation Document –  
Meeting European Union  
Landfill Diversion Targets**

The Committee considered the undernoted report:

**“Relevant Background Information**

In June, as one of a number of consultation papers, the Department of Environment (DOE) issued a ‘*Consultation Paper on Meeting EU Landfill Diversion Targets*’ which outlined proposals to change Northern Ireland’s approach to meeting the landfill diversion targets, as outlined in the EU Landfill Directive (1999/31/EC) – the LFD.

The Consultation, which is available on the DOE’s website at [www.doeni.gov.uk/waste.html](http://www.doeni.gov.uk/waste.html), addresses the changes necessary to enable the United Kingdom to report to the EC on a revised approach to the landfill diversion targets. This includes

- Setting out the new interpretation of the definition of the landfill diversion targets;
- Revisions to the 1995 baseline and targets;
- The reporting and monitoring obligations necessary to enable robust reporting against the LFD targets; and
- The future of Northern Ireland Landfill Allowances Scheme (NILAS) in addressing both the council and private sector elements of municipal waste

Members may care to note that, for some time, the definition of municipal waste has differed in the United Kingdom from that provided within the EU Waste Framework Directive. Following discussions between the UK and European officials last year, the Government has agreed to amend the UK definition. This process has occurred within England and Wales and, similarly, this consultation is seeking to bring Northern Ireland in line with the new definition.

The proposed change in the definition of municipal waste would see commercial and industrial waste classified as municipal following the transposition of this legislation. The DOE recognises that such a change may introduce difficulties for councils regarding how waste was reported and monitored and has stated that landfill targets for councils would be amended to ensure harmony with existing targets.

The closing date for responses is 8th October 2010.

### Key Issues

As Members are aware, the LFD has set challenging targets for Member States to divert the amount of Biodegradable Municipal Waste (BMW) they sent to landfill – the “landfill diversion targets”. The Council, working with arc21 and the other constituent councils, has introduced or is in the process of letting a number of contracts to divert waste from landfill.

To inform a suitable response to this consultation paper, arc21 met with the other Waste Management Groups, the NI Local Government Association (NILGA), the Local Government Technical Advisers Group (TAG) and the Local Authorities Recycling Advisory Council (LARAC) to discuss the content. The key points within the attached arc21 response are that:

1. we agree with the DOE that returns on the amount of BMW disposed of should be made by landfill operators;
2. with other amendments from the transposition of legislation arising from the EU Waste Framework Directive (WFD), the DOE should carefully consider the role of NILAS in any future reporting regime;
3. in terms of additional policy tools, the DOE should make a case for accessing landfill tax monies to support waste diversion projects;
4. extended producer responsibility should be introduced and
5. the term ‘Council Waste’ or ‘Council Collected Waste’ should be introduced to differentiate the waste lifted by councils from that arising from other sources.

In light of the proposals within the consultation paper, the Waste Management Service will work with Cleansing Services to consider the ramifications arising from this change in legislation in advance of its transposition.

### Resource Implications

#### Financial

None

#### Human Resources

None

#### Asset and Other Implications

None

### Recommendation

The Committee is asked to endorse the attached response prepared by arc21.

### Consultation on Meeting EU Landfill Diversion Targets

#### Introduction

arc21 is a collaborative legal public sector entity embracing eleven Councils located along the Eastern Region of Northern Ireland which covers 25% of the land base, populated by approximately 57% of the national population and accounts for approximately 54% of the national municipal waste (as currently defined) arisings.

The establishment of arc21 together with its functionality is enshrined in legislation with the original provision being The Local Government (Constituting a Joint Committee a Body Corporate) Order (NI) 2004.

In essence, it is primarily responsible for activities associated with the production, ongoing development and implementation of a Waste Management Plan within the Eastern Region Area.

The eleven constituent Councils of arc21 are Antrim Borough Council, Ards Borough Council, Ballymena Borough Council, Belfast City Council, Castlereagh Borough Council, Carrickfergus Borough Council, Down District Council, Larne Borough Council, Lisburn City Council, Newtownabbey Borough Council and North Down Borough Council.

#### Background

The Landfill Directive set challenging targets for Member States to reduce the amount of biodegradable municipal waste sent to landfill – the ‘landfill diversion targets.’ Following discussions with the European Commission, it has been agreed that the UK’s approach to meeting these targets should be changed. The consultation addresses the implications of changing the UK’s approach to meeting these targets in relation to Northern Ireland. It is intended to be the first of two consultations, with specific proposals being presented in the second consultation.

At this stage, the Department are seeking the views of stakeholders on the proposed approach in a number of areas to inform the further development of policy and legislation. This includes setting out the new interpretation of the definition of municipal waste; revisions to the 1995 baseline and targets; and the reporting and monitoring obligations necessary to enable robust reporting against the targets to the European Commission.

It also seeks views on the future of the Northern Ireland Landfill Allowance Scheme (NILAS) in addressing both the District Council and private sector elements of municipal waste and providing the necessary confidence that Northern Ireland meets its targets.

### Response

To assist with replies the Department have encouraged responses through answering nine questions covering three aspects. Accordingly and consistent with this format, arc21 would respond as follows:

### Reporting and Monitoring Obligations

**Q1.** Which of the possible approaches to reporting on the amount of Biodegradable Municipal Waste (BMW) sent to landfill should the Department develop further? Is it right to favour measuring a landfill target at the point of landfill, provided a robust and credible method can be determined?

**A1.** arc21 recognises the rationale and is supportive of the proposal to broaden the definition of municipal waste for the purposes of reporting against the targets set out in the EU landfill Directive. The result means, regardless of the source of the waste, its environmental impacts can be monitored and managed in a consistent manner. However this must enable a robust and credible monitoring methodology to be determined.

arc21 notes that the revised baseline 1995 figures have been modelled and that this has been shared with the European Commission who has confirmed acceptability. Also noted is the consequent change to each of the four administrations targets which in essence have approximately doubled.

The Department outlines three distinct approaches:

- (1) Extending the existing 'mass balance' approach
- (2) Returns made by landfill operators with an assessment of the biodegradable content of mixed EWC codes made by either the Department or the Landfill Operator or by other operators of specified facilities
- (3) Some form of transitional or composite reporting.

Provisionally, the Department have indicated their preference for the second approach with the assessment of the biodegradable content of the mixed EWC codes being undertaken by the Department. arc21 would agree with the Department's preference in terms of simplicity, expediency and not adding any additional burden on top of existing reporting obligations.

In order to address any potential risk for a wide range of individual interpretations of the identification and classification of the appropriate EWC codes, the Department may wish to consider appropriate and targeted education and awareness activities with particular attention to landfill operators.

arc21 further notes the Department's intention to continue with Wastedataflow as it serves to deliver robust reporting mechanism acting as a valuable and comprehensive data source and management tool for waste managed by Councils.

There is no current robust system that addresses commercial and industrial waste streams and arc21 would encourage the Department to derive and implement a suitably robust system which offers comparable information to record the flows of commercial and industrial waste streams.

arc21 is content that the NIEA continues as the monitoring authority in regard to the introduction of revised arrangements.

Q2. Are there alternative approaches the Department should be considering?

A2. No.

**Policies to divert biodegradable waste from landfill**

Q3. Do you consider that NILAS is an effective policy to assist NI in meeting its share of the UK landfill diversion target in:

- a) 2013
- b) 2020

Please provide evidence to support your views if possible. In particular it would be useful to know the role NILAS plays in future planning by District Councils/waste management groups to divert waste from landfill.

- A3. The introduction of NILAS did help to focus minds and did encourage councils to take action to divert waste from landfill. It had galvanised efforts to increase recycling rates, helped councils to develop business cases for procurement, delivered new infrastructure and resulted in a greatly improved means of consistently capturing data through Wastedataflow. It has been successful historically but it has been superseded as a prime driver for councils in diverting waste from landfill.

The wider financial landscape and costs associated with landfill is and will be the key factor in this area. Government's commitment to the continuation of the landfill tax escalator only serves to reinforce this. The impact of NILAS as a driver is likely to be further diminished in the future with the introduction of waste prevention programmes, landfill bans and recycling targets.

arc21 is aware the usefulness of a Local Authority Allowances Schemes is also under scrutiny in other UK administrations. Indeed Scotland has currently suspended its scheme and in England there is a growing consensus that their scheme should not continue after 2013. The continuation of NILAS has the potential to militate against cohesive working arrangements and put collective efforts at risk. Such working arrangements have delivered significant efficiency gains as evidenced in the arc21 Annual Report for the year ending 31<sup>st</sup> March 2009 which points towards an amount in excess of £4m that year. There is a clear imperative and expectation for public services to deliver efficiency gains and the lessening of an unnecessary burden which serves to protect and enhance current working arrangements which are delivering efficiency gains should be encouraged.

The prognosis for progress against the revised diversion targets under the proposed wider interpretation is optimistic for 2013, albeit with an element of caution. This is based on reasonable assumptions which suggest that if the position in 2009 as outlined in paras 5.5 to 5.10 in the consultation paper remains unchanged until 2013, Northern Ireland is likely to meet the 2013 target. The indications are that between 2009 and 2013, the situation is more likely to improve rather than stand still or deteriorate as waste arisings appear to be reducing and recycling rates are increasing.

However, at this point the situation in respect of meeting the 2020 target is more difficult to predict with the same degree of confidence. As mentioned earlier, there is a number of additional policy drivers likely to be introduced in the future which will enhance any incentive towards landfill diversion and this should be borne in mind.

Councils have well established kerbside collection schemes for dry recyclables with kerbside collection of organics becoming more common. The procurement of residual waste treatment facilities is at a relatively advanced stage in all three Waste Management groups. Councils will continue to make progress with the implementation of their Waste Management Plans with NILAS having become much less of a driver.

Accordingly, we would recommend the Department considers a balanced approach to the future role for NILAS through the introduction of a facility to suspend the scheme whilst retaining the capability of quickly reverting to it with minimum legislative effort. Careful monitoring of the prevailing situation over the forthcoming years should be employed to measure progress against the targets and enable a more meaningful view to be formulated in terms of the prognosis for 2020.

This offers a balanced and prudent approach which:

- Acknowledges the prime incentive for landfill diversion is economic and financial drivers
- Will not unduly affect continuing progress with landfill diversion
- Reinforces collective working arrangements delivering efficiency gains
- Allows greater flexibility for introducing other administrative arrangements i.e. single waste disposal authority
- Retains the capability for the imposition of sanctions and punitive measures

The revised targets are split almost 50/50 between the waste managed by councils and commercial and industrial waste managed by the private sector and therefore it will require equal efforts by both sectors to meet the targets. This equity should also be a feature in any policy measures. The suspension of NILAS would be a step towards a more equitable approach in this regard.

**Q.4. What policy instruments should the Department consider in its assessment of those necessary to meet the landfill diversion targets in 2013 and 2020? Please provide evidence to support your response if possible.**

**A4. As previously mentioned, there are a number of policy instruments that the Department are already considering which will help improve landfill diversion performance. In this regard, arc21 has submitted a response to the first consultation on the implementation of the revised Waste Framework Directive and will be submitting a response to the consultation on landfill bans which is running in parallel to this consultation.**

**arc21 have previously argued that a significant proportion of revenue from landfill tax should be ring-fenced for projects which are able to contribute to landfill diversion with particular emphasis on council projects and would continue to advocate such.**

**arc21 would also like to see the introduction of measures through producer responsibility obligations for packaging which results in a greater degree of integration with the management of waste collected by councils. arc21 has consistently argued for the establishment of measures that takes advantage of the synergies and reduces the burden on the public purse as a progressive step forward.**

**Q.5. Are there other policy options specifically to divert biodegradable municipal waste from landfill that the Department should be considering?**

**A5. In principle, arc21 supports measures that could encourage more sustainable treatment of biodegradable wastes, including landfill bans. However, it is important that any such measures do not unduly increase costs to councils without any commensurate environmental gain.**

**Amending the existing legislation**

**Q.6. Do you agree with the proposal to create the concept of 'Collected Waste' as a means of NILAS continuing in its current form as a policy addressing waste collected by District Councils.**

**A6.** As indicated earlier, arc21 has suggested that NILAS in its current form should be suspended. However, there is a rationale in differentiating, monitoring and reporting on wastes managed by councils separate to commercial and industrial waste managed by the private sector.

**Q.7.** Is 'Collected Waste' the best term, or is there a better alternative?

**A7.** As indicated earlier there is a rationale to differentiate between wastes managed by councils separate to commercial and industrial waste. However arc21 would suggest that the term 'Collected Waste' does not offer sufficient clarity and could still create possible confusion. Accordingly arc21 would suggest that the term 'Council Waste' or 'Council Managed Waste' should be considered.

**Q.8.** Do you agree that allocations of landfill allowances to District Councils should be retained as currently allocated for each NILAS scheme year?

**A8.** As indicated earlier, arc21 has suggested that NILAS in its current form should be suspended. However, if it is retained or indeed if it is reintroduced following suspension, the current framework of allocations would appear to be appropriate.

**Q.9.** Do you think targets for BMW to landfill should be set in non-target years, and if so, on what basis?

**A9.** arc21 would not currently support the application of statutory targets in non target years. However, it will be important to monitor and report progress towards the target years and for that purpose the use of indicative targets may be useful.

Again, arc21 would suggest that equity of approach should be applied to wastes managed by councils and to commercial and industrial wastes managed by the private sector."

The Committee endorsed arc21's response to the consultation document.

**Consultation Document –  
Introduction of Restrictions on the  
Landfilling of Certain Wastes**

The Committee considered the undernoted report:

**“Relevant Background Information**

In June, as one of a number of consultation papers, the Department of Environment (DOE) issued a ‘*Consultation Paper on the Introduction of Restrictions on the Landfilling of Certain Wastes*’ proposing the possible introduction of further restrictions on the landfilling of certain wastes.

This consultation considers the principle of introducing landfill restrictions, and is available to view on the DOE website at [www.doeni.gov.uk/waste.html](http://www.doeni.gov.uk/waste.html). It sets out the policy drivers behind the DOE’s aims to divert recyclable and biodegradable waste from landfill. This consultation paper also includes evidence from recent research on banning such wastes from landfill. A list of candidate waste types for which the evidence suggests the benefits of diversion from landfill in terms of greenhouse gases and resource efficiency gains could outweigh the costs of diversion are included. Again, as per the other consultation response on meeting EU Landfill Diversion Targets submitted to the Committee this month, this exercise is being conducted to ensure that the Government correctly addresses the requirements of the EU Waste Framework Directive (2008/98/EC) – WFD, and has already concluded in England and Wales.

Responses from this consultation will inform the DOE’s decision of whether it is desirable, practical and affordable to introduce restrictions. Should the DOE conclude this to be the case, the specific proposals would be the subject of a second consultation exercise on the preferred options.

The closing date for responses is 8th October, 2010.

**Key Issues**

The DOE has identified the following options for introducing new policies to restrict biodegradable and recyclable wastes being sent to landfill:

- (a) do nothing;
- (b) introduce landfill bans i) on their own or ii) accompanied by a requirement to sort;

- (c) introduce a sorting or tougher pre-treatment requirement (no landfill ban); and
- (d) introduce producer responsibility linked to recycling targets.

The DOE considers Option b (i) as its preferred position as this would send out a clear signal to promote maximum diversion from landfill. The consultation identifies a number of candidate waste types which could be suitable for banning from landfill, as follows:

- Metals
- Glass
- Food
- Wood
- Textiles
- Paper/Card
- Plastics
- Green (garden) waste
- WEEE

The DOE recognises that the manner in which any landfill ban will be regulated will also have to be considered, as will the potential for dealing with any fly-tipping which may arise. It anticipates, however, that such issues will be considered in a subsequent consultation. Research within the consultation paper, which was undertaken by Eunomia, a Bristol-based consultancy which specialises in waste management, recommends a lead-in period of at least 5 years for the introduction of any restrictions or landfill bans.

As with the earlier consultation paper, in order to inform a suitable response to this paper, arc21 met with the other Waste Management Groups, the NI Local Government Association (NILGA), the Local Government Technical Advisers Group (TAG) and the Local Authorities Recycling Advisory Council (LARAC) to discuss the content. The key points within the attached arc21 response are that:

- arc21 is generally supportive of these proposals;
- a longer lead-in period would be appropriate;
- as with the earlier consultation paper response, the DOE should take this opportunity to consider accessing landfill tax monies and extending producer responsibility;
- the DOE should take this opportunity to review its Waste Strategy (2006-2020);

- the 'Duty of Care' be reviewed as an appropriate control measure; and
- further resources are likely to be needed to address potential increases in flytipping.

The Service would concur with the response, and as arc21 points out, would urge the DOE to consider this as only one strand of its efforts to reduce reliance on landfill and improve resource efficiency. arc21 and Service are eager to explore other instruments to divert more waste from landfill, such as how to better engage with households, and lobby the DOE when necessary.

#### Resource Implications

##### Financial

None

##### Human Resources

None

##### Asset and Other Implications

None

#### Recommendation

The Committee is asked to endorse the attached arc21 response.

#### Consultation on the Introduction of Restrictions on Landfilling of Certain Wastes

##### Introduction

arc21 is a collaborative legal public sector entity embracing eleven Councils located along the Eastern Region of Northern Ireland which covers 25% of the land base, populated by approximately 57% of the national population and accounts for approximately 54% of the national municipal waste (as currently defined) arisings.

The establishment of arc21 together with its functionality is enshrined in legislation with the original provision being The Local Government (Constituting a Joint Committee a Body Corporate) Order (NI) 2004.

In essence, it is primarily responsible for activities associated with the production, ongoing development and implementation of a Waste Management Plan within the Eastern Region Area.

The eleven constituent Councils of arc21 are Antrim Borough Council, Ards Borough Council, Ballymena Borough Council, Belfast City Council, Castlereagh Borough Council, Carrickfergus Borough Council, Down District Council, Larne Borough Council, Lisburn City Council, Newtownabbey Borough Council and North Down Borough Council.

### **Background**

This consultation sets out the policy drivers behind the Department's aim to divert recyclable and biodegradable wastes from landfill and presents the evidence from recent research on banning such wastes from landfill and how this could potentially contribute to furthering this aim. It lists a number of candidate waste types for which the evidence suggests the benefits of diversion from landfill in terms of GHG and resource efficiency gains could outweigh the costs of diversion. It stresses the affordability in public finances terms of introducing restrictions would need to be carefully considered before a decision to proceed with any form of restriction could be taken.

It acknowledges the relative importance of clearly assessing the likely impact of landfill bans for different materials in the context of the full package of instruments in place to deliver their waste objectives, and to identify what additional net benefit a ban would add in combination with or instead of other instruments, including the impact on businesses.

The following options for introducing new policy measures to restrict biodegradable and recyclable wastes from landfill in Northern Ireland are as outlined:

- Do nothing
- Introduce landfill bans either a) on their own or b) accompanied by a requirement to sort
- Introduce a sorting or tougher pre-treatment requirement but without a landfill ban
- Introduce producer responsibility systems linked to recycling targets

The consultation identifies a number of candidate waste types taken forward into a cost benefit analysis stage and these were:

- Metals
- Glass

- Food
- Wood
- Textiles
- Paper/Card
- Plastics
- Green (garden) waste
- WEEE

This is a first stage consultation on the principle of introducing landfill restrictions.

Responses from this consultation will inform the Department's consideration of whether it is desirable, practical and affordable to bring forward restrictions. Should the Department conclude to introduce restrictions the specific proposals would be the subject of a separate second stage consultation on the chosen options including draft Regulations for implementing them and a full regulatory impact assessment.

#### Executive Summary

arc21 is generally supportive of landfill bans for all the proposed materials with no accompanying requirement to sort. Other complementary policy interventions such as that related to Landfill Tax, Producer Responsibility and Economic Incentives should also be considered in tandem with a landfill ban.

arc21 would again reiterate the need for the Department to conduct a review of the existing Northern Ireland Waste Management Strategy. The timely development of alternative treatment infrastructure will be required to facilitate a well managed transition away from landfill. It is suggested that a suitable lead in time for the introduction of a landfill ban should be between 7 and 10 years. Well documented issues with planning, funding and market development will require to be addressed to facilitate a well managed transition.

arc21 would also recommend the existing regulatory framework, in particular the 'Duty of Care' and waste permitting regimes, be used as much as possible in terms of relevant enforcement measures associated with implementation.

Finally it will be important to ensure adequate resource is available to address the potential for an increasing in fly-tipping.

#### Response

arc21 is generally supportive of landfill bans or restrictions particularly given it represents a clear signal that landfill of wastes which are biodegradable or have intrinsic materials/energy value should be reduced and, as far as is practicable, stopped.

arc21 would contend that landfill bans should not be the only instrument to reduce reliance on landfill and improve resource efficiency. Other measures could be complementary to landfill bans and some of the desired effect could be achieved with due regard to further considerations of these measures including:

- Landfill tax
- Producer Responsibility
- Economic Incentives
- More rigorous implementation of the Landfill Directive pre-treatment requirement
- Enhanced monitoring and reporting especially under the 'Duty of Care' regime.

Attempts to simply 'push' material out of landfill are unlikely to be effective in the absence of proper measures that will also 'pull' resources into the economy. In advance of wastes being banned or discouraged from landfill, there needs to be a clear view, based on careful sustainability analysis of the current position, of what objectives Northern Ireland wishes to achieve. Examples of this should include:

- Application of the waste hierarchy as defined in the revised Waste Framework Directive as far as is practicable
- Minimise climate change impact
- Maximise renewable energy generation
- Optimise recycling and recovery of materials
- Introduction of Strategies that offer best affordability or economic development and 'green' jobs

To maximise the value of secondary materials recovered from our wastes, we will also need further stimulation of secondary reprocessing capacity plus further stimulation of industry demand for these materials and energy recovered from the wastes. Available finance is an important constraint in the provision of new waste treatment capacity. Private sector investment in treatment capacity can be encouraged through reduced technology risk and reduced planning risk. The last budget mentioned the creation of a 'Green Investment Bank' and further details from Government are awaited. The creation of this Bank, if introduced in a timely manner with suitable operating arrangements, could represent a step forward in de-risking investment in appropriate waste technologies.

In view of the above, currently the policy option presented in the consultation which arc21 would be most supportive of is the introduction of landfill bans on their own and not accompanied by a requirement to sort. However, greater clarity is needed to demonstrate how the Department would use landfill bans or restrictions, in concert with other controls, to tangibly move the

management of wastes into an era of resource management. Accordingly arc21 would again call on the Department to review the existing Northern Ireland Waste Management Strategy which is generally acknowledged as being outdated.

Taking into account the above, arc21 would comment on the specific questions as follows:

**Q1. Given the evidence available, do you think there is a case for a landfill ban on this waste type?**

**A1. Based on the carbon savings identified, there would appear to be adequate evidence to show there is scope and justification to prevent the following materials from being landfilled:**

- Paper / Card
- Food
- Green (garden)Waste
- Wood
- Textiles

arc21 agrees that the carbon savings are likely to be achieved through the introduction of landfill bans supported by other policy interventions. Carbon savings are also likely to accrue from these other interventions in the absence of landfill bans.

In the case of the remaining materials i.e. metals, plastics and glass (WEEE being a combination of all three) there is evidence to support landfill bans on an energy basis.

Accordingly, arc21 is generally supportive of landfill bans in regards to the listed materials.

arc21 acknowledge that the department have declared that any second stage consultation would consider more detailed proposals to evaluate if any such landfill bans could be introduced in practical terms and where the onus would be placed in terms of responsibility, accountability and funding.

**Q2. What would be the practical difficulties and issues in implementing a landfill ban on this waste type?**

**A2.** The practical difficulties which are likely to arise are primarily that associated with the provision and timing of alternative waste treatment/reprocessing infrastructure. The implementation of the Ozone Depleting Substances Regulations and the resultant fridge mountain is a good example of the effect that the introduction of measures in the absence of suitable arrangements can have.

Issues with planning, funding and market development have all been raised previously by arc21 and are well documented.

The manner in which any landfill ban will be regulated will also have to be considered as will the potential for dealing with any fly-tipping which may arise as a consequence of any landfill bans.

**Q3.** What would be your proposed solutions in dealing with such difficulties and issues in implementing a landfill ban on this waste type?

**A3.** It is important to consider the issues of planning, funding and market development in a holistic way as they are intrinsically linked. Encouraging innovation through a progressive market development programme with appropriate incentives allied to a planning system that is fit for purpose will help engender the confidence required by all stakeholders to enable the requisite level of progress to be made. These issues are not new and have been well documented previously.

In terms of regulation, as much use of the existing framework should be utilised. Clearly, any landfill permit would have to be suitably modified to reflect any landfill bans. arc21 advocated using the "Duty of Care" regime to address waste hierarchy requirements flowing from the revised Waste Framework Directive and it would also be appropriate to link this into the monitoring and regulation of any landfill bans. This would primarily entail a suitably worded declaration being incorporated into the transfer note.

It will be important to ensure that the regulators have sufficient funding to be proactive in the field of fly-tipping and to carry out enforcement of fly-tipping incidents.

**Q4. If you support a ban on this type of waste what should the lead-in time be for a ban on this waste type, to allow time for the necessary infrastructure to develop?**

**A4. Lead-in times for newly developed waste treatment infrastructure can be highly variable particularly given the current vagaries with the planning system.**

This is recognised in the two pieces of research associated with this consultation. In the case studies considered in the Green Alliance study, timescales of between 2 and 12 years are quoted. Eunomia suggest that it would be difficult to implement landfill restrictions in less than five years.

arc21 would advocate that the lead in time should be no less than seven years and no more than ten years.

**Q5. If you do not support a ban on this waste type, do you think other measures should be used to divert it from landfill and if so what would they be?**

**A5. As indicated above, arc21 believe that landfill ban should support other complementary measures.**

arc21 would like to see the introduction of measures through producer responsibility obligations for packaging which results in a greater degree of integration with the management of municipal waste (as in the current UK interpretation). arc21 have consistently argued for the establishment of measures that takes advantage of the synergies and reduces the burden on the public purse as a progressive step forward.

A similar case could be made in the case of batteries and WEEE (with the emphasis on small WEEE) as more stretching targets are on the horizon.

**Q6. There may be other possible approaches to improve resource efficiency and reduce GHG emissions from this waste type (for example encouraging manufacturers and retailers to move away from using materials that are hard to recover or recycle). We would welcome observations and suggestions for each waste type.**

**A6. arc21 would welcome any further detailed proposals in any second stage consultation on the rationalisation of the range and type of materials (e.g. reducing the number of available plastic polymers for use in packaging) and the co-fusion of materials (e.g. wood and plastic) that makes it difficult to recycle in post-consumer waste streams.**

**It might be of particular interest to evaluate the benefits of specifying standards for the manufacturing and recycling of textiles, mattresses and carpets.**

**Q7. Are there any other waste types which you think should be subject to a landfill ban?**

**A7. arc21 are not aware of any compelling evidence which would support the specific imposition of a landfill ban for any other waste type.”**

The Committee endorsed arc21's response to the consultation document.

### **Business Improvement through Environmental Solutions Programme**

The Committee was advised that the Waste Management Service, together with the Development Department's Economic Initiatives Service, had, since 2007, worked in partnership to develop and deliver the Business Improvement through Environmental Solutions (BITES) Programme. The Head of Waste Management stated that the Programme had been formulated to assist participating companies to promote business sustainability and improve their competitiveness by helping them to introduce environmental management policies, reduce environmental liabilities and enhance compliance with environmental regulations. The Economic Initiatives Section was the lead contributor to the Programme, with officers from the Waste Management Service providing management support and expertise, as required. In the first year of the Programme, participating businesses had on average realised cost savings of 1% of their turnover, with one company having identified £22,000 of savings.

He explained that the aforementioned Services had undertaken jointly a tendering exercise seeking support for the delivery of the BITES Programme in 2009/2010 and provided details in relation to the environmental consultancy company which had been awarded the contract. In all, twelve small and larger businesses had completed the initial phase of the programme, which had comprised a series of workshop-based training exercises supported by site visits to consider issues such as energy management, environmental management systems, purchasing and transport management, solid waste management and water management. Participating companies had received also one-to-one mentoring in order to help them to address particular challenges within their own business. Upon completion of the programme, in addition to having conducted an environmental assessment of their company, candidates had gained accreditation with the Institute of Environmental Management and Assessment. The contract which had been awarded for the delivery of the 2009/2010 Programme had included an option to extend for an additional two phases, subject to satisfactory performance.

The Head of Waste Management reported that there had been a number of enquiries regarding the next phase of the programme. It was proposed that, following an evaluation of the initiative and subject to satisfactory performance, a further phase be undertaken. He explained that the cost per year of the programme was £40,000, with the Economic Initiative Service contributing £27,000, which had been agreed by the Development Committee at its meeting on 9th June, the Waste Management Service contributing £10,000 and participating companies contributing in total £3,000.

An application had been submitted to the Department for Enterprise, Trade and Investment's European Programmes Unit to receive up to 50% match-funding for the Programme. Accordingly, he recommended that, subject to all conditions being met in relation to the contractor, the Committee grant approval to contribute to the Business Improvement through Environmental Solutions programme for a further twelve months.

The Committee adopted the recommendation.

### **Proposed Recycling Centre at Springvale**

The Committee considered the undernoted report:

#### **“Relevant Background Information**

**Prior to 1995, the Council had 13 civic amenity sites which were used primarily as mustering stations for the street cleaning and refuse collection squads. Each of these sites had several open-top skips where the public could deposit household waste free of charge for disposal.**

**The EU Landfill (LFD) and Waste Framework Directives (WFD) have set targets for the Council in terms of diverting biodegradable waste from landfill and increasing the recycling rate for the city. As a result, since 2005 new kerbside collection services for recyclable materials have been introduced to all householders in Belfast and this continues in the inner city with consideration of kitchen waste. A programme to refurbish and expand the civic amenity (CA) sites, or acquire new sites, was undertaken concurrently to develop modern household recycling centres with a much stronger emphasis on waste diversion and recycling. These new centres largely replaced the older smaller CA sites, located in residential areas which were subsequently closed.**

**To date, four recycling centres have been developed at Palmerston Road – off Holywood Road, Ormeau – off Park Road, Blackstaff Way – off Kennedy Way and Alexandra Park Avenue – off Antrim Road.**

**As part of the review of CA sites, the Service identified the benefits of developing a fifth household recycling centre between the north and west of the city which would facilitate a review of the need for the two remaining CA sites at Springfield Avenue and Agnes Street.**

**The Service worked closely with the Council's Estates Unit, now located in the Property and Projects Department, to identify suitable locations which could serve both communities. Following protracted investigations, the potential of the former Mackie's site at Springvale was identified.**

In late 2004/05, officers from the Waste Management Service and the Estates Unit commissioned some preliminary investigations into the suitability of the site as a recycling centre and identified two possible options for a proportion of the site. These proposals were forwarded to the Department for Social Development (DSD), along with a request for confirmation that they would be prepared to release part of the land for use as a recycling centre to serve north and west Belfast, subject to agreement on price, Council approval, title and resolution of contamination and planning issues. At that time, DSD were commissioning site investigation reports to identify the scale of some contamination issues which were identified for the site. DSD advised that they were committed in principle to accommodating the Council's request and transferring lands for the purposes of a recycling centre.

In 2006, the DSD and the Belfast Regeneration Office (BRO) undertook a Masterplanning exercise for the Springvale site to assess its development potential and produce a series of options. The Masterplanning process consulted widely with stakeholders including adjacent landowners, Belfast Institute for Further & Higher Education (BIFHE – now Belfast Metropolitan College), Invest NI, NI Housing Executive (NIHE), the Northern Ireland Office (NIO), Planning Service, Strategic Investment Board (SIB) and West Belfast Partnership Board. In addition, written consultation was invited from all elected members for the area.

As part of this exercise, officers from the Estates Unit restated the Council's interest in securing a proportion of the site for a new recycling centre, as well as use of part of the lands for sports pitches. At its meeting on 11 September 2006, the Committee considered the Masterplanning process and agreed that a formal expression of interest should be made to the DSD stating the Council's interests in a proportion of this site for a recycling centre.

The Masterplanning Options Report was published in 2008 and identifies three options, all of which included a recycling centre. The report highlighted that the need for a recycling centre was identified through consultation and situating such a facility at this site would accommodate cross community usage. The DSD advised the Council's officers that the DSD Minister had decided to test the options within the report with a more select audience, namely the West Belfast and Greater Shankill Partnership Boards, before equality screening and giving consideration to a fuller consultation on the preferred option.

The DSD is now proposing to prepare a Masterplan for a wider area. DSD officers advised that they would be willing to recommend to their Minister to exclude the area identified for a recycling centre from the wider Masterplanning process on the basis that the earlier Options Report includes this facility in each of the proposed layouts on foot of the previous consultation exercise. This would allow the Council to proceed with site investigation, contamination reports, preliminary planning assessment, etc.

Invest NI, who own the adjoining lands, had previously constructed an access road and roundabout system into Springvale, and so control access to the site. Some officers from Invest NI have expressed reservations regarding the proposed development of a recycling centre at the Springvale site which they feel may not be compatible with their organisation's proposals on the adjoining land. At this time, there are no potential clients for these sites.

### Key Issues

The LFD has set progressively reducing targets for Member States to reduce the amount of bio-degradable waste they send to landfill i.e. 75% by 2010, 50% by 2013 and 35% by 2020. In addition, the WFD currently being transposed nationally, will introduce a requirement for each council to recycle 50% of its waste by 2020. The Council is working with arc21 to provide appropriate contracts for the treatment and disposal of wastes in order to comply with this, and other, legislation.

In terms of delivering these objectives, the Council has identified 'better care for the environment' as a corporate theme, within which there is a commitment 'to be on course to achieve zero waste direct to landfill by 2015'. The Council's recycling rate for 2009/10 was 26.7%.

Recycling centres have a significant role to play in helping to achieve these targets. With approx 20,000 tonnes of waste received per year and, based on existing data which shows that 60% – 70 % of this material at the recycling centres is recycled, there is the potential to recycle approx 14,000 tonnes overall. This compares with around 10% from the older, CA sites which is largely due to the limited segregation of materials which can be achieved at these facilities due to the size constraints of the sites. Based on the projected figures for 2012/13 and a 60% recycling rate, a new centre at Springvale could therefore contribute around 1,800 tonnes and almost 2% towards the Council's overall recycling rate.

The Council programme of development for recycling centres city-wide now means it has four strategically located household recycling centres but, on this basis, there is a gap at the north and west of the city.

Following searches by the Waste Management Service and the Council's Estates Unit, the Springvale site was identified as the most promising site in this area of the city suitable for development as a recycling centre. The Committee has previously recognised this case at its Committee meeting in September 2006. The previous DSD consultation exercise, part of the Masterplanning process, supported the case for a recycling centre at this location which would accommodate cross community usage.

The development of a recycling centre at Springvale would increase the Council's waste diversion and recycling rates and would facilitate a review of the need for the remaining CA sites at Agnes Street and Springfield Avenue. It could also contribute substantially towards demonstrating the Council's commitment to deliver 'Best Endeavours' in order to mitigate against any financial penalty which may arise from a failure to meet NI Landfill Allowance Scheme (NILAS) waste diversion targets, which have been introduced to bring into affect the requirements of the LFD.

Any proposals for the layout of a Springvale recycling centre would be based on an updated version of the design previously used at the Ormeau facility at Park Road which has achieved national recognition at the letsrecycle.com awards after coming runner-up in 2009 in the best CA/Household Recycling Centre site category.

Earlier this summer, under the title 'North & West household recycling centre – a new shared space', this proposal had been submitted for consideration for support under PEACE III (Phase 2) Local Action Plan for Belfast and it is contained within the current consultation document as Option 7. Public feedback on this exercise was due by the end of August and will be presented to the Good Relations Partnership on 3 September, before the final proposals are submitted to the SEUPB. Early indications suggest, however, that this proposal may be unsuitable for funding due to the risks associated with obtaining appropriate planning permissions in time to meet the Peace III programme timeframe.

For several years, the Service has ensured that the development of an additional recycling centre has been identified as a potential project for the capital programme; however, it is currently identified as 'uncommitted' and capital financial resources have not been allocated. As part of the PEACE III bid process, the Service started preparing a Business Case/Economic Appraisal in line with Council's Gates Review process to secure the necessary expenditure.

Should the Committee approve the recommendations within this report, further discussions will need to commence promptly with Invest NI regarding securing access to the Springvale site for the purposes of developing and servicing a recycling centre.

#### **Resource Implications**

The proposal to develop a recycling centre at the Springvale site is likely to require a capital expenditure of around £2.25 million, but the operation of the facility will also require commitment to ongoing revenue funding. This includes an indicative land acquisition cost for the site, provided for by the Estates Unit, and allows for the development of a 'standard' recycling centre.

Development costs for the proposal, and any additional items, will be outlined as part of the Economic Appraisal and Gates Review processes. Costs will be dependent on the particulars of the option selected and land acquisition costs and will be informed by appropriate site investigations, including contamination reports to determine any development issues. These could impact upon the value of the site.

#### **Recommendations**

The Committee is asked to:

- (i) note the attached report and ongoing issues surrounding the Springvale site;
- (ii) agree to the Service progressing the development of a Business Case/Economic Appraisal for submission through the Gates Review process; and
- (iii) commend the Springvale recycling centre proposal to the Strategic Policy & Resources Committee for inclusion as a 'committed' project in the Capital Programme.

With the permission of the Deputy Chairman, Councillor Crozier addressed the Committee. He voiced concern that the provision of a Household Recycling Centre at Springvale and the proposed review of the two remaining Civic Amenity Sites at Springfield Avenue and, in particular Agnes Street, would create difficulties for local residents. He pointed out that the Agnes Street facility provided a valuable contribution in terms of the disposal of waste and highlighted the additional distance which would have to be travelled by householders in that area to avail of the new Springvale site. In response, the Director of Health and Environmental Services stressed that a robust economic appraisal, which would examine all of the available options, would be undertaken in relation to the proposal.

After further discussion, the Committee adopted the recommendations.

### Provision of 240 Litre Residual Waste Bins

The Committee considered the undernoted report:

#### “Relevant Background Information

Members will be aware that in May 2010 a review of charges for wheeled bin containers was approved. The charges were based on a tender exercise conducted by arc21 for the provision of wheeled refuse containers.

Following the tendering exercise, the contractor for the 240 litre residual waste bins informed arc21 that they were unable to meet their contract obligations and, as a result, the contract was terminated and a new tender exercise conducted.

This report outlines the new supplier for the provision of 240 litre wheeled refuse containers and the impact on the Council’s charging mechanism.

#### Key Issues

Following the termination of the contract for the provision of 240 litre residual bins, arc21 has recently carried out a new tender exercise for these containers. The tender was for the supply and delivery of 240 litre wheeled refuse containers and the main terms and conditions are as follows:

- Contract duration is 7 months in order to tie in with the expiry date of the concurrent arc21 refuse containers contract.
- Prices are fixed for the duration of the contract.
- No minimum guaranteed quantities
- No exclusivity of supply.

The tenders were evaluated on a cost (90%) and quality (10%) basis. The most economically advantageous tender was received from Tank Engineering Ltd.

<u>Supplier</u>	<u>Average Price</u>
Tank Eng. Ltd	£17.59

The Service recommends that its requirement of 240 litre residual bins is sourced from the above company and in line with the terms and conditions of the arc21 contract.

Taking into consideration this new product price, the Service proposes a revised charge for 240 litre and 140 litre residual bins to householders, passing on the savings arising from the arc21 re-tendering exercise.

Item	Current	Proposed	Refurbished*
140 litre wheeled in	£30.00	£27.00	£13.00
240 litre wheeled bin	£32.00	£30.00	£15.00

\* Dependent upon availability

As members are aware that charges are levied per bin sale to cover the price of the container, delivery to the customer's home and associated administration charges. The prices outlined above are for the provision of wheeled bin containers for domestic use, which do not attract VAT. Wheeled bin containers for use in commercial premises will attract VAT at the prevailing rate.

The Council's current bin charging policy requires residents to pay for their bin and any replacements, unless their bin has been destroyed by the Council during the waste collection process. Residents are therefore currently responsible for meeting the cost of replacement bins where the original bin has been destroyed as the result of anti social behaviour, such as bin burning, as to provide a new bin free of charge would cost the Council at least £12,000 per annum given that it is estimated that currently 25% of bin replacements arise from anti social behaviour incidents.

Residents who do require a replacement bin as the result of a confirmed anti social behaviour incident will be offered a refurbished bin, which costs at least 50% less than the new purchase price.

Given the instances of bin burnings, the Service has investigated the possibility of procuring non-combustible bins. However, this option is not recommended based primarily on cost grounds and market soundings. This will, however, be kept under review as new solutions emerge.

### Resource Implications

#### Financial

The recommended charges for bin sales are set to cover the price of the container, delivery to the customer's home address and the associated administration charge.

#### Human Resources

No human resource implications associated with this report.

### **Asset and Other Implications**

No other implications associated with this report.

### **Recommendations**

It is recommended that the Service source its 240 litre residual bins from the above company in line with the terms and conditions of the arc21 contract.

It is also recommended that the prices for 140 litre and 240 litre residual bins are amended in line with the above pricing table.”

The Committee adopted the recommendations.

### **Review of Staffing Levels and Shift Patterns at Household Recycling Centres/Civic Amenity Sites**

The Committee considered the undernoted report:

#### **“Relevant Background Information**

In 2001, new legislation was introduced within the United Kingdom to transpose the EU Landfill Directive (LFD). The diversion of Biodegradable Municipal Waste (BMW) from landfill is a key objective of the LFD and a series of progressively reducing targets were set to reduce the amount of BMW sent to landfill

- to 75% of 1995 levels by 2010,
- to 50% of 1995 levels by 2013 and
- to 35% of 1995 levels by 2020

The Waste Management Service has been working with arc21 to implement a Waste Plan to meet the LFD and its challenging targets.

In 2009/2010, the household recycling and composting rate for Belfast was 26.7%. Beyond the LFD, the EU Waste Framework Directive (WFD), which is currently being transposed locally, is seeking to introduce further targets to aid in meeting a recycling and composting rate of 50% by 2020.

As part of the Council’s corporate objectives, values and strategic themes, the Waste Management Service is developing new proposals to increase the amounts of waste which is diverted from landfill for recycling and composting. The Service is seeking to do this through (i) the provision of appropriate receptacles to every household in the city (ii) the development of improved Household Recycling Centres (HRCs) and (iii) greater engagement with

householders and businesses in Belfast. The Service is taking these steps to deliver upon the Council commitments to 'taking better care of Belfast's environment', and to 'provide a cleaner, greener, healthier city now and for the future' as outlined in the corporate Value Creation Map.

Reflecting these commitments, Members may recall that at its November meeting last year approval was granted to permanently close the Clara Street civic amenity (CA) site. At this meeting, Members also granted approval to the Head of Service to commission the Council's Business Improvement Service (BIS) to undertake a review of staffing levels and shift patterns at the HRCs. BIS commenced this review in early 2010 to examine the potential for the re-deployment of existing staff (two Recycling Supervisors and four Recycling Operatives) from Clara Street CA site on its closure to the other HRC's to avoid redundancies if possible, to review staffing levels at the HRCs and to review the shift patterns at the HRC's and CA sites.

As Members will be aware, there are four HRC's in Belfast at (i) Alexandra Park Avenue – North (ii) Blackstaff Way – West (iii) Palmerston Road – East and (iv) Ormeau (Park Road) – South. At the time of the review, there were also three CA sites operating at Clara Street – east, Agnes Street – north and Springfield Avenue – west. As planned, Clara Street ceased operating as a CA site on 31st March, 2010. There were two Recycling Supervisors and four Recycling Operatives based at the Clara Street CA site.

As part of the consideration for future options for staff, Members should also be aware that the Service is currently investigating the possibility of developing a new HRC at Springvale.

In terms of managing the sites, there is a daily 'two shifts pattern' at each HRC which ensures there are staff to cover all site opening times. Shift patterns are required for the winter and summer periods as the opening hours at the HRC's and CA sites differ. Different shift patterns are also required for the different posts (i.e. the Area Recycling Officers, the Recycling Supervisors/Recycling Operatives and for the part-time Recycling Operatives). The current opening hours at the HRCs and CA sites are as follows:

Winter Period – October to March  
Saturday 9.00am to 5.00pm  
Sunday 12.00pm to 5.00pm  
Monday – Friday 8.00am to 5.00pm

Summer Period – April to September  
Saturday 9.00am to 5.00pm  
Sunday 12.00pm to 5.00pm  
Monday – Friday 8.00am to 8.00pm

Currently, Palmerston Road HRC and Ormeau HRC are staffed with one Recycling Supervisor and three Recycling Operatives per shift. Blackstaff Way HRC and Alexandra Park Avenue HRC are staffed with one Recycling Supervisor and two Recycling Operatives per shift. When the shifts overlap at the sites the staffing level doubles. In assessing the potential for redeploying the Clara Street CA site staff, BIS considered:

- The public usage of each site (the hourly vehicular usage)
- The total weight of recycled/composted and residual waste handled at each site and the recycling rates
- The recycling facilities provided at each HRC and
- The size of each HRC.

A summary of the total wastes, percentages recycled/composted materials, and residual wastes handled at the HRCs from October 2008 to September 2009 was:

<b><u>Alexandra Park Ave HRC</u></b>	<b><u>Annual Tonnage</u></b>
Total Recycled Waste	3235
Residual Waste	1946
Total Waste Arising	5181
% Recycled & Composted	62%
<b><u>Blackstaff Way HRC</u></b>	<b><u>Annual Tonnage</u></b>
Total Recycled Waste	2739
Residual Waste	2549
Total Waste Arising	5287
% Recycled & Composted	52%
<b><u>Palmerston Road HRC</u></b>	<b><u>Annual Tonnage</u></b>
Total Recycled Waste	3254
Residual Waste	1489
Total Waste Arising	4743
% Recycled & Composted	69%
<b><u>Ormeau Park HRC</u></b>	<b><u>Annual Tonnage</u></b>
Total Recycled Waste	1809
Total Recycled Waste	1097
Total Waste Arising	2906
% Recycled & Composted	62%

The table shows that the total wastes at Alexandra Park Avenue and Blackstaff Way HRCs are higher than the other two HRCs. Alexandra Park Avenue and Blackstaff Way HRCs are also staffed with fewer Recycling Operatives. The percentage of recycled and composted waste for Alexandra Park Avenue HRC (62%) and Blackstaff Way HRC (52%) is less than that achieved at Palmerston Road HRC (69%).

Data for these two sites also shows that the recycling rates dropped in 2007 but have slowly gained ground in Alexandra Park since then, while they have not recovered in Blackstaff Way. Over the same period, both Palmerston Road HRC and Ormeau HRC recycling rates have improved steadily to 69% and 62% respectively.

### Key Issues

BIS were commissioned by the Waste Management Service in 2009 to undertake a review of staffing levels and shift patterns at the HRCs in light of the proposed closure of Clara Street CA site (see attachment). Having reviewed the operations at the HRCs, BIS considers that the recycling rate performance at the Palmerston Road and Ormeau sites is at least partially due to the higher staffing levels these sites have, and as such can provide better customer care and support to users. The additional staff at these sites provide the opportunity to conduct more focused education and promotion of recycling to users. Differences in the performance of these sites may also be attributed to some demographic and/or cultural differences.

### Transfer of Recycling Operatives

Following an analysis of the above information BIS considers that transferring staff from Clara Street to Alexandra Park Avenue and Blackstaff Way HRCs would standardise staffing levels at all HRC's and would provide the necessary resources to ensure more efficient and effective operations. The staffing increase at Alexandra Park Avenue and Blackstaff Way HRCs would also enable the Service to make some further improvements, such as (i) to improve manual handling practices (ii) to increase the promotion and education of recycling and composting at the sites (iii) to improve control over commercial waste users (iv) to improve the supervision of contractors on site (v) to improve customer care and the delivery of the Service's standards and (vi) to reduce the risks of not complying with legislative and operational requirements.

The transfer also recognises the investment in training for staff which will assist the Service increase the percentage of recycled and composted wastes diverted from these HRCs.

Also, at present the Service covers sickness absence by bringing in staff on overtime. By increasing the number of Recycling Operatives to three per shift, it is expected that cover will not need to be provided if only one member of staff is absent, which will reduce overtime payments currently paid.

The total cost of HRC overtime from January to December, 2009 was £162,340. This is substantial and cannot be sustained.

### Transfer of Recycling Supervisors

Each HRC has two Recycling Supervisors; Clara Street was the only CA site which was also similarly staffed, primarily due to its size. There are eight such posts which are all currently filled. As mentioned earlier, the Service is currently investigating the development of a new HRC at Springvale which, if approved, is unlikely to be operational before 2013. At this time two Recycling Supervisors will be required.

BIS consulted widely on prospective areas of work during this interim period for the two Clara Street Recycling Supervisors. Senior management within the Service have identified a number of operational inefficiencies which must be addressed to better manage operations and increase the Council's recycling and composting performance and these could be rectified if additional staffing resources were available at the HRCs for a period of time. The work to deliver these improvements is part of the Recycling Supervisors role but, due to operational pressures, it has been difficult to complete these on a day-to-day basis. The projects identified to date are as follows:

1. To implement improvements in customer care and good practice
2. To promote better segregation of wastes to improve recycling and composting by increased education of HRC users
3. To determine opportunities to generate income at the HRCs
4. To conduct a commercial waste study
5. To conduct a bulky household waste handling study
6. To review general signage requirements at the HRCs, including those concerned with licensing and permitting requirements.

This work could be completed on a project basis and would deliver benefits to the service. It is anticipated that these projects could be completed through expressions of interest, by releasing Recycling Supervisors from their day-to-day responsibilities. Depending on the expressions of interest, the two Clara Street CA site supervisors may be appointed to undertake projects or be transferred to provide cover for other supervisors who are undertaking projects.

The primary role of the two officers selected for project work will remain that of a supervisor, providing cover for leave, sickness absence and training. With the Clara Street CA site closing, there will be savings in overtime levels of £11,500. The Service has estimated that transferring these staff to the HRCs will further reduce the overtime needed to cover leave, sickness absence and training and will generate further savings of around £29,500.

#### Shift Patterns employed at the HRC's

Another purpose of the BIS review was to consider the shift patterns at the HRCs/CA sites which are currently being served by a daily, two shift pattern. Staff are required to start work 15 minutes before the sites open to the public and finish 15 minutes after they close. To inform this part of the review, an analysis of public usage was conducted which showed that, during the first hour, usage was less than 30% of the average rate which indicates that there is little demand to open the sites at 8.00am in the winter and summer. It can also be seen on page 20 of the BIS report that the sites are relatively well used between 4.00pm and 5.00pm in the winter.

Following discussions with senior management, BIS recommends that the site opening time should change to 8.30am in the winter and summer; it also proposed to extend the winter closing time to 5.30pm which would allow householders use of the sites later in the evening. Therefore the proposed opening hours for the sites in winter are as follows:

#### Proposed Opening Hours - Winter Period

October to March

Saturday 9.00am to 5.00pm  
Sunday 12.00pm to 5.00pm  
Mon – Fri 8.30am to 5.30pm

In the summer, the hourly usage at the HRCs between 6.00 pm – 8.00 pm was approximately 50% of the overall average hourly rate which would indicate that keeping the sites open each week night to 8.00pm is inefficient. Following the management discussions, a number of options were examined with the one night per week 'late opening' being the most preferred; i.e. the HRCs open to 8.00pm on Wednesday evenings only during the summer and open to 5.30pm on the other weekdays. Therefore, the proposed opening hours for the sites in summer are as follows:

**Proposed Opening Hours - Summer Period**

April to September

Saturday	9.00am to 5.00pm
Sunday	12.00pm to 5.00pm
Monday, Tuesday, Thursday, Friday	8.30am to 5.30pm
Wednesday	8.30am to 8.00pm

New shift patterns were then developed around these proposed new opening hours. The present shift patterns do not cover late openings on Tuesday and Thursday when staff are paid overtime. Removing this overtime alone will generate savings of approximately £33,000 per annum.

**Communication with stakeholders**

During the course of the BIS review, staff and the trade unions were consulted regarding the proposed shift patterns and opening hours. Staff also preferred the proposed option to work one late night in the summer. BIS also consulted with Human Resources at both Departmental and Corporate levels to consider any issues from redeploying staff from Clara Street CA site: none were identified. Financial Services were also consulted with regard to the new shift patterns to examine the impact on staff from changing their starting and finishing times and reducing the number of later evenings worked in the summer. The introduction of the one late night per week shift pattern will not impact on the staffs' current shift allowance; the only change officers will experience will be a reduction in overtime which will assist the Council's efficiency agenda.

In line with the March, 2010 Committee meeting, the Head of Service has also met with each of the Party Group leaders to brief them on the proposals and no issues have been raised during these discussions.

**Resource Implications**

**Financial Implications**

The financial implications of implementing the recommendations of the BIS report would be an estimated saving of £74,000 per annum, based on reducing overtime using the revised shift patterns, the closure of Clara Street CA site and the redeployment of staff from Clara Street CA site to the four HRCs. The savings of £74,000 per annum can be summarised as follows:

<u>Description</u>	<u>Cost per annum</u>
Savings from the removal of overtime costs to cover late night opening (gap in shift – 7 hrs per wk across 7 sites)	£33,000
Savings in overtime from the closure of Clara Street	£11,500
Savings from the redeployment of staff and reduction in absence cover	£29,500
<b>Total savings per annum</b>	<b>£74,000</b>

### Human Resource Implications

This review showed that the staff from Clara Street CA site could be redeployed at the HRCs once the site closed without any redundancies. This redeployment will be conducted in line with Council policy and procedures.

The review also showed that the current shift patterns at the HRCs and CA sites could be amended which will impact on staffs' starting and finishing times. This will not constitute a change to their terms and conditions of employment.

The Trade Unions and staff are supportive of these proposals.

### Recommendations

The Committee is asked to approve:

- the transfer of the four officers from Clara Street CA site to Alexandra Park Avenue and Blackstaff Way HRCs
- the transfer of the two supervisors from Clara Street CA site to be used, on an interim basis, at all HRCs to provide an additional resource to undertake improvement projects
- the proposed amendment to the opening and closing times for the winter and summer periods as outlined above
- the commencement of a communications campaign to promote these changes to the operational hours to the public from October, 2010 onwards in advance of Council consideration of the report and
- the proposed shift patterns for staff at the HRCs and CA sites.”

After discussion, the Committee adopted the recommendations.

Chairman