

Health and Environmental Services Committee

Wednesday, 4th June, 2014

MEETING OF HEALTH AND ENVIRONMENTAL SERVICES COMMITTEE

Members present: Councillor Corr (Chairman);
the High Sheriff (Alderman L. Thompson);
Aldermen Kingston and Stoker;
Councillors M. E. Campbell, Clarke, Curran,
Garrett, Jones, Keenan, Kelly, Kyle, Magee,
McCarthy, McKee, McNamee and Thompson.

In attendance: Mr. T. Martin, Head of Building Control;
Mrs. S. Toland, Head of Environmental Health;
Mr. T. Walker, Head of Waste Management;
Mr. J. Ferguson, Operations Manager (Street Cleansing
and Transport); and
Mr. H. Downey, Democratic Services Officer.

Apologies

Apologies were reported on behalf of Alderman McCoubrey and Councillors Austin and Hussey.

Minutes

The minutes of the meeting of 2nd April 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 May.

Declarations of Interest

No declarations of interest were reported.

Directorate

Quarterly Financial Report

The Head of Building Control submitted for the Committee's consideration a report outlining the financial performance of the Health and Environmental Services Department for the final quarter of 2013/2014. He reported that there had, during that period, been an underspend of £495,000 (1.2%), which had been due primarily to the receipt of additional income by the Building Control Service, vacancies and unfilled posts within the Environmental Health Service and a reduction in costs associated with training, overtime, and supplies and services within the Cleansing Services Section. That had been offset to an extent by a slight increase in security, utility and waste treatment costs within the Waste Management Service.

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He drew the Committee's attention to two performance indicators relating to procurement compliance which had been included within the report, the first of which measured the number of times in which a valid purchase order had been created in advance of goods or services being ordered. The second indicator determined whether goods received by the Council were recorded on the appropriate system immediately upon their receipt, rather than waiting until an invoice had been received. The Council had agreed target figures of 90% and 75% respectively for 2013/2014, with each indicator being reported on a rolling year basis.

He confirmed that the Department had, in quarter four, achieved compliance rates of 89.8% and 72.4% respectively, which compared favourably with the previous three months. The overall Council compliance rates for the two indicators had, in quarter four, been 82% and 70.1%.

The Committee noted the information which had been provided.

Departmental Plan 2013/2014 – Year-End Update

The Committee noted the contents of a report which provided an overview of the work which had been undertaken in delivering the 2013/2014 Departmental Plan, together with the performance achieved against identified targets and projects.

Building Control

Update on Dilapidated Buildings Projects

The Committee considered the undernoted report:

“1 Relevant Background Information

- 1.1 As the Committee is aware, over the past number of years, due to the economic downturn, the problem of derelict, dilapidated and ruinous properties has increased dramatically. These properties and sites have led to an increase in anti-social behaviour, fly tipping, impact on adjoining properties, pests and increased dangers to those around the buildings due to the deteriorating nature of the properties.**
- 1.2 The Building Control Service, under the Belfast Improvement Act 1878 and Public Health Amendment Act 1907, has taken action on such properties to ensure that any dangers to those in or around the properties are removed. The Service has also used the additional powers contained within the Pollution Control and Local Government (Northern Ireland) Order 1978 to serve notices on the owners of dilapidated and ruinous properties or sites within Belfast which are deemed seriously detrimental to the amenity of the neighbourhood, to tackle the increasing problem.**

- 1.3 In July 2012, the Service undertook a survey of the city to identify and evaluate all the ruinous and dilapidated properties. Approximately 4,000 streets were surveyed and information was collected on any properties which fell into the criteria for the project. A total of 1,500 properties (including vacant sites and abandoned building works) were identified as potentially being in a ruinous or dilapidated condition; and we highlighted 250 properties within those 1500 that the Service believed were appropriate for action. The Service had previously been tackling these buildings through enforcement however the government in recognising the need to assist councils in tackling dereliction and dilapidation put in place particular funding schemes. This report will detail the success, not only of our enforcement but also in acquiring funds under those schemes to tackle derelict and dilapidated properties across the city.**

BCC Enforcement Powers and DoE funded Project I

- 1.4 By the use of our own enforcement powers and through additional £500K funding supplied in December 2012 by the then Minister for the Environment, Alex Attwood MLA, work had taken place by spring 2013 on nearly 150 buildings. This left approximately 100 buildings in the current matrix to be processed. The work under the Minister's scheme was a combination of demolition, hoarding and cosmetic works, and the results were reported to Committee in May 2013. We also continued work with enforcement action on the remainder of the buildings using our various legislative powers.**
- 1.5 As a result of the experiences gained by the Service in dealing with this problem, a letter was also sent by the Committee to the then DOE Minister Alex Attwood MLA asking for changes to the existing legislation to enable councils to work more effectively in dealing with dereliction. The Minister having met with the Head of Building Control and Legal Services Manager asked his officers to work with the Council in determining what needed to be done to improve the process. As a result of this meeting a discussion document on proposed changes to legislation in this area has been circulated to all councils from DoE for comments. This document and the proposed response to it by BCC is the subject of a separate report to this Committee.**

DoE funded Project II

- 1.6 Following the August 2013 Committee meeting, the Service submitted a further bid to DoE for £500,000 of funding from the October monitoring round. Included in the bid were a number**

of properties in the North East Quarter of the city centre and individual properties within the outlying areas of the city in each of the quarters. Whilst no funding for dereliction was approved by the Assembly Executive in October, our bid was resubmitted, as requested by the Minister in December 2013 for consideration in the January monitoring round.

- 1.7 Minister Durkan then announced in February 2014 additional funding to deal with dilapidations, sourced through the January 2014 monitoring round for a number of councils including Belfast. Some £230,000 was made available to Belfast. The money was for projects as defined in our bid and any money released had to be spent by the Councils by 31 March 2014. Whilst the funding was allocated to specific projects we negotiated a substitution framework as experience of the previous scheme demonstrated the need for a degree of flexibility.

DSD funded project I

- 1.8 As a result of our success in working with DoE and in tackling dereliction throughout the city, we were approached in late April and offered funding from the Department of Social Development, through both their City Centre Directorate (£61,000) and Belfast Regeneration Office (£20,000). This was work that whilst under their set criteria, and only available in the DSD core areas, could also benefit the improvement of routes for the Giro d'Italia. Whilst there was no opportunity to seek Committee or Council approval due to the short notice of the offer we had to take a decision to access these funds as we believed they would benefit the city.
- 1.9 The funding from the second DoE project (£230,000) combined with the DSD funds (£81,000), and in conjunction with £50,000 of funding from our own Council dereliction budget of 13/14, allowed us to carry out in total improvements or demolition on 49 properties during March and April 2014.
- 1.10 I am pleased to inform the Committee that all this work has now been completed to the satisfaction of both Departments. A list of all the buildings where work was carried out between March 2014 and May 2014 is attached. The Service wishes to acknowledge the work of many Elected Members who helped us to identify, and intervene with building owners, assisting us in getting some of these projects delivered. The Department recognises that some projects on the original application could not be delivered and substitutions had to be made at late notice, but I can assure Members that those projects will be in our new submission for funding as detailed in a separate

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report to this Committee. Additionally, those that can be pursued by other means will be progressed.

- 1.11 The work carried out in relation to these properties will have a major effect on enhancing and regenerating the North East Quarter area and on specific eyesores in all areas of the city including the 19 individual properties we enhanced along the route of the Giro d'Italia race.

2 Key Issues

- 2.1 The Service was successful in accessing £310,000 of funding from central Government to deal with dereliction and dilapidation across the city. This combined with £50,000 from our own budget has implemented work on 49 buildings.
- 2.2 The Service continues to take enforcement action in relation to derelict and dangerous properties throughout the city and has served 172 notices and 36 summonses in 2013-2014 on owners of a range of properties.
- 2.3 Resulting from our work with these Departments, we are currently bidding to DoE for additional funding and looking to negotiate with DSD officials to establish further partnerships.

3 Resource Implications

3.1 Financial

The Service spent £100,000 of its own budget during 2013/2014 in carrying out work in default, in addition to the funding allocated by the Government departments. This sum is in addition to any funding allocated by Government departments.

3.2 Human Resources

The majority of the work will be covered by existing Building Control staff. For the initial project the Service employed specialist staff such as a Quantity Surveyor to deal with the costs and project administration in addition to a Health and Safety (H&S) consultant to deal with sites under demolition. Recognising the undoubted benefits of this post the Service has now employed the Quantity Surveyor (QS) on a temporary contract in preparation of documentation and administration of the bid and will employ the Health & Safety consultant only when required. The QS cost are financed by an existing underspend in the Service's salary budget due to current vacancies and the costs for the H&S consultant can be allocated to the DoE Project were required.

Additional costs incurred were comprised of professional fees (Structural Engineer, CDM Co-ordinator, design liability), graphic design and graphics production, and disconnection of utilities, (mainly electricity supplies), to allow safe demolitions to be carried out were funded through the project.

3.3 Asset and Other Implications

None

4 Recommendation

4.1 The Committee is requested to note the work of the Building Control Service to date in delivering the projects.”

During a lengthy discussion, the Head of Building Control highlighted a number of limitations which were being encountered currently by the Council in attempting to deal effectively with dilapidated sites and properties, in relation to, for example, dealing with emergency situations and in recovering costs where remedial works had been undertaken in default. He explained that the Committee would, later in the meeting, be requested to consider a draft response for submission to the Department of the Environment, which was seeking to strengthen the powers available to councils to address such difficulties.

The Committee adopted the recommendation and agreed that a representative of the Department for Social Development be invited to attend a future meeting in order to brief Members on its Empty Homes Strategy, which sought to bring empty residential properties back into use.

Future Funding of Dilapidated Building Projects

The Committee considered the undernoted report:

“1 Relevant Background Information

1.1 As the Committee is aware, the problem of derelict, dilapidated and ruinous properties has increased dramatically. The Service devised a strategy to deal with these buildings throughout the city, tackling the issues from a combination of approaches. Whilst the enforcement processes the Building Control Service has carried out under the various available acts are an important part of the strategy to tackle these buildings, the other key factor has been the availability of government funding. Funding from the Department of the Environment (DOE) and the Department of Social Development (DSD), in conjunction with Council funds, recently allowed us to carry out improvements or demolition on a total of 49

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properties during March and April 2014, including many works which benefitted the route of the Giro d'Italia.

Invitation to Bid on DoE funded Project III

- 1.2 All councils recently received an invitation from the DOE to submit a bid for further funding to deal with dereliction. It is hoped these funds would be sourced from the June monitoring round and would have a deadline for completion of all works of 31st January, 2015. Such funding would be used in a similar manner to the previous DOE funding in terms of the engagement with owners to get legal agreements signed and engaging our contractors to carry out the works. This bid had to be submitted by 31st May 2014. Given that there were no meetings in May, we could not get this to an earlier Committee meeting and therefore we had to take a decision to submit a bid.
- 1.3 We are now informing Committee that we have made a bid for funding of up to £400,000 from DOE to carry out works in relation to dereliction and dilapidation in the city. The proposals incorporate buildings and sites across all areas the city and will include not only buildings that Elected Members have been particularly concerned with but also projects that were unable to be completed as part of our last bid due to circumstances outside our control. Details of the buildings we propose to carry out works on, and as submitted with the bid, are attached.

Possible DSD funded Projects

- 1.4 Further to recent work with the DSD, they made enquiries as to future working on similar schemes. They are interested in discussions with the Council in relation to possibly making another tranche of funding available for certain areas or projects within the city. These discussions, if approved by Committee and Council, will be carried out in close consultation and partnership with the Council's Development Department. If agreed, a further report will be presented to Committee for consideration following any outcome of those discussions.
- 1.5 Finally, running parallel to the externally funded work carried out through agreement with the owners, the Service continues to take enforcement action on a number of properties throughout the city with the intent of forcing the owners to repair the properties, or being granted the power for the Council to step in and carry out the repairs. The Service has been allocated its own dilapidation budget to taking action on

properties resulting from the outcome of this enforcement action.

2 Key Issues

- 2.1** DOE has invited the Council, along with others, to submit a bid for funding to address dereliction across the city. Such funding would be used in a similar manner to the previous DOE funding in terms of the engagement with owners to get legal agreements signed and engaging contractors to carry out the works.
- 2.2** Further discussions, if agreed, are to be held with the DSD to establish if they are able to make another tranche of funding available for certain areas or projects within the city. These discussions will be in close consultation and partnership with the Council's Development Department and a further report will be brought to Committee for consideration following those discussions.
- 2.3** Running parallel to externally funded work the Service will continue to take enforcement action on a number of properties throughout the city.

3 Resource Implications

3.1 Financial

The Service has £100,000 of its 2014/15 budget to carry out work in default. This sum is in addition to any possible funding allocated by government departments, and would not form part of the funding relating to the proposed bids.

3.2 Human Resources

The majority of the work will be covered by existing Building Control staff. Other specialist costs such as H&S consultant will be allocated to the DOE Project.

3.3 Asset and Other Implications

None

4 Recommendation

- 4.1** The Committee is requested to:

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- 1. acknowledge the bid made by the Head of Building Control to DOE for funding to address dilapidations based on the attached list of buildings;**
- 2. grant permission for the Head of Building Control to engage with DSD to discuss the possibility of further funding from that Department and that in doing so he will liaise with the Director of Development and inform the Committee of the outcome, and**
- 3. acknowledge the continuing work of the Service in relation to enforcement actions.”**

The Committee adopted the recommendations.

Consultation on Proposed Changes to Legislation to Address Dangerous, Dilapidated, Ruinous Buildings and Neglected Sites

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

“1 Relevant Background Information

- 1.1 The Committee will be aware of the work carried out by the Service over the last number of years in tackling the problem of derelict, dilapidated and ruinous properties. Additionally the issue of abandoned partially-completed building sites and even areas of waste ground left neglected has been frequently raised by members on behalf of their constituents. However, the Council has little if any powers to effectively address those problems. Such properties and sites are a great concern to the public; in particular residents that have to live in close proximity and the issues of anti-social behaviour, fly tipping, pests etc can undoubtedly make many people's lives a misery.**
- 1.2 The Building Control Service, in conjunction with Legal Services, adopts a robust approach in this area and regularly takes action under the Belfast Improvement Act 1878, Public Health Amendment Act 1907 and the Pollution Control and Local Government (Northern Ireland) Order 1978. However, whilst we have a high degree of success most of this legislation is antiquated and therefore does not always have the scope or necessary powers to tackle all aspects of this increasing problem.**
- 1.3 Additionally despite the success of enforcement we have taken to date under the above three pieces of legislation, there**

are significant deficiencies, omissions and loopholes inherent in all of the provisions that impact adversely on the Council's ability to take effective action in certain circumstances. In particular the power to act in emergency situations is very limited and there are also significant deficiencies in the legislation in relation to the recovery of costs where the Council had had to carry out works in default because the owner cannot be traced or the owner has no means to carry out the necessary works.

1.4 As a result of the experiences gained by the Service in dealing with these problems, a letter was sent by the Committee to the then DoE Minister Alex Attwood MLA asking for changes to the existing legislation to enable councils to tackle issues around dereliction more effectively. The Minister, having met with the Head of Building Control and the Town Solicitor, asked his officers to work with the Council in determining what needed to be done to improve the process. As a result of that meeting, and other subsequent meetings between Council officers and DoE officials, a discussion document: 'Environmental Legislation: Dilapidated/Dangerous Buildings and Neglected Sites' on proposed changes to legislation in this area has been circulated to all councils from DoE for comments. The current DoE Minister has also confirmed that he is keen for the matter to be progressed.

1.5 This document has now been considered by various officers across the Council, including Environmental Health and Legal Services, and the proposed response to the consultation is attached.

2 Key Issues

2.1 Current legislation dealing with dangerous, dilapidated and ruinous buildings and abandoned sites is not fit for purpose in certain circumstances.

2.2 Some of the key issues are:

- Ability to make people amenable before the courts;
- Inability to deal with properties where the owners are in administration or some other type of insolvency;
- Need for simpler and more effective forms of recovery of Council funds spent in default;

- Need to broaden the scope of buildings and sites that need to be tackled, to include abandoned building sites;
- Powers of court to fine owners who default on their responsibilities;
- Benefits of consolidating and updating legislation into a modern fit for purpose document;
- The provision of appropriate Guidance from the Department;
- Powers for Councils to take immediate action in emergency situations;
- Ensuring that any new powers compliment, but remain distinct from, powers under planning legislation
- (The issue of action under this type of legislation and the impact on planning legislation requires to be rationalised.)

2.3 The DoE has circulated a consultation document on proposals for new legislation to be introduced to offer councils improved powers to deal with these issues. The proposed response document by the Council, which is appended, was written after detailed discussions took place between Building Control, Environmental Health and Legal Services.

3 Resource Implications

3.1 Financial

None – no new resources above those already dedicated to enforcing against ruinous, dangerous or dilapidated buildings are likely to be required to enforce new or amended legislation.

3.2 Human Resources

None – no new personnel above those already dedicated to enforcing against ruinous, dangerous or dilapidated buildings are likely to be required to enforce new or amended legislation.

3.3 Asset and Other Implications

None

4 Recommendation

4.1 The Committee is requested to:

1. note the work of the Building Control, Environmental Health and Legal Services to date and adopt, amend or reject the proposed responses, and
2. after ratification submit the agreed response to the DoE consultation document on behalf of the Council.

COUNCIL RESPONSE

Q1. *Have you taken action under Article 65 of the Pollution Control and Local Government (Northern Ireland) Order 1978?*

Yes.

Q2. *What were the results of such action?*

The Council has carried out the works in default.

Q3. *Do you consider Article 65 to be an effective or useful provision, and if not, why?*

The Article 65 provision is used by the Council on a regular basis as set out in the table below.

Year	Article 65s Issued
01/04/2013 – 31/03/2014	44
01/04/2012 – 31/03/2013	47
01/04/2011 – 31/03/2012	63

Article 65 is normally used where there is a statutory nuisance which should be abated but the Council is unable to trace the owner of the property. There would also need to be an element of urgency to the situation, e.g. blocked drain causing sewage to emanate from the property or accumulations of refuse causing vermin to proliferate in a property or locality.

Article 65 allows the Council to address urgent situations in order to protect the health and wellbeing of the public. The provision is not used to address issues where an occupied property is being affected by a statutory nuisance from an

unoccupied or derelict property next door. This is because the Northern Ireland Housing Executive (the NIHE) has the power to deal with situations like these under Article 63 of the Housing (NI) Order 1981. Unfortunately, the NIHE don't always utilise this power to its full capacity. The Council currently has a budget of £8,000 to deal with Article 65 issues which also involves procuring a suitable contractor.

Q5. Have you any suggestions on how the effectiveness or usefulness of Article 65 might be improved or strengthened?

The key issue is one of having sufficient available financial resources and having the capacity to carry out the works, rather than the limitations of the legislation. It is certainly a very useful piece of legislation to quickly address issues of an urgent nature.

Q6. Do you have any further comments on Article 65?

This power and the associated resources could be combined with the powers under Article 63 of the Housing Order (NI) 1981 to provide an effective tool in dealing with derelictions causing statutory nuisance to adjoining properties, which isn't necessarily the case at the moment.

Any review of these provisions should examine the issue of ensuring the clarity of roles of councils and the NIHE and should provide meaningful means of recovering costs including the power of sale of properties if owners do not have the means to pay costs incurred in undertaking works in default. In the case of abandoned property, given that Article 63 is designed to preserve housing stock, provision should be made to enable the power of sale of such property to NIHE (or a relevant housing association) in the first instance, which would enable it to be utilised for social housing.

Q7. Is there a need for a definition of 'building' to be included in the Northern Ireland legislation?

Under the current legislation, the Council has taken enforcement action in relation to a wide range of other dilapidated or ruinous structures, such as free-standing walls, retaining walls, advertising signs, free standing industrial chimneys, hoardings, boundary fences and so on. While it would be useful to define a building, it is more important to retain the flexibility already in existence so as to allow enforcement action to be taken in relation to any dilapidated man-made structure and not to restrict it to buildings only. The

lack of a definition for a building, has not, in relation to the ability of the Council to take successful enforcement action under Article 66, posed any difficulties as the wording of Article 66(1) includes the phrase 'building or structure' and that has provided the flexibility to enforce successfully against the owners of a wide range of 'non-building' structures, such as ruinous hoardings around vacant property.

Q8. Do you have any views on the Article 66 'seriously detrimental to the amenities of the neighbourhood' requirement?

Although some other councils have voiced the view that this requirement is too subjective, it should be noted that none have, to the best of the Council's knowledge, taken any cases under Article 66. By comparison, the Council has taken numerous cases and has never been challenged by either a defendant or a District Judge regarding the assertion that the condition of a structure is such that it is seriously detrimental to the amenities of a neighbourhood. Based on this evidence, the Council believes that the broad and subjective nature of this definition provides the scope and flexibility to take action when officers are of the view that a structure has a seriously detrimental effect. The Council would respectfully suggest that the only way to test a legislative provision is by taking action under it and letting the Courts determine whether your view as to what is seriously detrimental is correct. Currently, the Council proceeds on the basis that the term amenity is a simile for 'pleasantness' of a neighbourhood. The state of an individual building should not in the Council's opinion be construed against the broader environmental setting in which it is located; an amendment to the provision making this clear would prevent any disparity in approach and application.

Additionally, the Council considers that the use of the term 'seriously' should be retained, as it seems reasonable and proportionate that the impact of a building or site on the amenity of its surroundings should be sufficiently grave in order to justify legal action being taken.

Q9. Do you have any suggestions as to how the requirement might be improved?

As stated above, the Council is broadly happy that this requirement gives sufficient flexibility to take a wide range of cases as it is currently worded, however, please refer herein and to the answer to Question 10 for suggestions for improvement.

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Q10. Would Departmental guidance on factors to be taken into account in determining whether or not the requirement is satisfied be helpful?

Yes. The Council takes into account factors other than simply the aesthetic condition (and always *in addition to* aesthetic condition) including those used in the ranking matrix below. The Council takes the view that the inclusion of factors other than aesthetic condition should properly be considered when determining whether a building is '*seriously detrimental to the amenities of the neighbourhood*'. This position has not been challenged to date, either by defendants, defendants' legal representatives or by the District Judge hearing the case. Whilst it is of course possible that this view could be the subject of challenge and found to be incorrect, there has been a demonstrable lack of such a challenge to date.

Category	Rating	Weighting	Score
1. Aesthetic condition	(1 to 4)	15	15 to 60
2. Impact on attached properties	(0 to 2)	5	0 to 10
3. Public Realm Works nearby	(0 or 1)	10	0 or 10
4. Previous BIA *	(0 to 2)	5	0 to 10
5. NIFRS **	(0 or 1)	10	0 or 10
6.ASB ***	(0 or 1)	40	0 or 40
7. PSNI ****	(0 or 1)	5	0 or 5
8. Arterial route	(0 or 1)	20	0 or 20
9. Deprived ward	(0 or 1)	10	0 or 10
10. Tourist area	(0 or 1)	10	0 or 10
11. Fly tipping at site	(0 or 1)	10	0 or 10
12. Graffiti/ fly-posting	(0 or 1)	5	0 or 5
Total	_____	_____	15 to 200

Matrix used for ranking order in which to take enforcement.

Divide total score by 2 to get percentage rating.

* The Council has previously taken enforcement action relating to the building under BIA/PCO Art. 66

** There have been logged incidents of arson/fire-setting within the building/on the site resulting in attendance by the Fire Service.

*** There are logged incidents of anti-social behaviour complaints to the Council/police associated with the building/ site.

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****** Police have records of having to respond to incidents within the building/on the site.**

Q11. Could such guidance fetter the discretion of Council officers?

This is of huge concern to the Council given the successful action taken to date under the current legislation. The Council acknowledges that some guidance may be helpful. However, it is essential that it is non-prescriptive and does not fetter the discretion of council officers, particularly if unusual or complicated situations arise. If the guidance provides a sufficient number of examples of situations where the requirement has been met and similarly, examples where it has not, in theory this may be of assistance. But between these black and white situations, there are unlimited shades of grey, where flexibility is essential. However, it appears the majority of councils in the province have been reluctant to use the legislation owing to a perceived fear of losing a case due to the subjectivity of the requirement and for this reason, guidance on factors to be taken into account when assessing if the requirement has been met would undoubtedly be useful. On balance, the Council is of the view that non-prescriptive guidance is likely to be more often useful than not.

Q12. Do you have any views on the inclusion of the words 'if he so elects' in Article 66(1)(b) of the 1978 Order?

The Council is of the view that this is a very sensible provision as it removes the need for council officers to make the decision that a building should be demolished, which might in some cases be challengeable on the basis that it is unreasonable, where an owner wishes to retain the building. Giving an owner the option of either renovating the exterior of a building or demolishing it and clearing the site, either of which actions would have the effect of alleviating the effect of the building on a neighbourhood, and may be less onerous for an owner. The one potentially problematic area that arises in relation to the term 'if he so elects'" relates to buildings that have some degree of protection, i.e. are either listed, within a Conservation Area or within an Area of Townscape Character (ATC). For example, demolition of buildings inside an ATC, as a rule, does not benefit from permitted development and therefore permission is required. In addition, permission will only be granted with an acceptable replacement scheme. There are however exceptions to this rule, in particular Paragraph A.1 (a) of Schedule 2 of The Planning (General Development) (Amendment) Order(Northern Ireland) 2012, which states that demolition which is required or permitted to

be carried out under any statutory provision. The Department considers that an Article 66 notice issued by the Council is a statutory notice and therefore, if this notice permits the demolition of any building then its demolition becomes permitted development. Therefore, the inclusion of the words 'if he so elects' within the notice might in some cases, inadvertently permit the demolition of a building that should, in the interests of the amenity of the area, be renovated instead. The Council would welcome an option for it to require demolition in certain serious cases, for example, where renovation is not viable.

Q13. Is it necessary to remove the words 'if he so elects' to make Article 66(1)(b) of the 1978 Order more effective?

No, the Council believes that it should be retained in any new legislation for the reason given in the answer to Question 12. However, it may be that a qualifying clause could be inserted to provide that where a building has protected status a council can issue a notice which does not permit demolition as an option (see answer to Question 12). This may avoid owners deliberately allowing listed or protected buildings to fall into such a state of disrepair that the Council will serve a notice which will in turn allow an owner to circumvent the protected status of a building.

However, if additional Article 66 type powers were granted to councils where an owner could not be identified and the phrase 'if he so elects' is retained, then demolition powers may be inappropriate. This is because it may be unfair to demolish a building where an owner could not be identified by a council.

However, the Council would welcome the option of demolition where an owner cannot be identified although perhaps that power should only be exercisable when the building is in such a condition that demolition is the most appropriate option in the opinion of a council.

The phrase which follows 'if he so elects', that is, 'as may be necessary in the interests of amenity', appears not to draw a distinction between the implications of repair and demolition. It places an obligation on an owner to make a decision in the interests of the amenity which he may not be best placed to do. It conflicts with the provision which places overarching responsibility on a council to determine interpretation of the term 'amenity'.

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Q14. Are there any reasons to support the retention of the words 'if he so elects' in Article 66(1)(b) of the 1978 Order?

Yes, refer to the answer to Question 12 and herein generally.

Q15. Have you taken action under Article 66 of the Pollution Control and Local Government (Northern Ireland) Order 1978?

Yes

Q16. What were the results of such action?

In the vast majority of cases where the Council has issued a notice under Article 66, the owner has carried out the works required (renovation of the building, demolition, or removal of rubble from the site) either following the issue of a notice or following the issue of a summons for failure to comply with a notice. Of those cases that went to court, in each case the owner was fined for failure to comply with a notice. In some of these cases, generally where owners were bankrupt/in administration, the Council carried out works in default and are pursuing recovery of costs incurred in doing so. The recovery of costs incurred by the Council in these latter instances is fraught with difficulty however. In addition to the financial outlay in carrying out the physical works there is also a significant resource implication in the cost-recovery process and in many cases, it proves impossible for the Council to recover the costs incurred in carrying out works in default.

Q17. Do you consider Article 66 to be effective, and if not, why?

Article 66 is effective in certain circumstances, i.e. where the owner carries out the works required by a notice without having to go to court. It is less effective where the case goes to court and the owner is found guilty as the only sanction is a fine, unlike the Belfast Improvement Act 1878 where the judge can issue an order requiring an owner to carry out the necessary works. The Council then has to issue a further summons, an owner can be fined again, but there is no mechanism for forcing him to carry out the works other than repeated fines. Article 66 is completely ineffective where the owner cannot be identified as there is no mechanism for taking any action in these circumstances.

Also, in the context of Article 66, the Council would welcome discretionary powers in relation to the lengths it has to go to in investigations in respect of identifying owners. A council should only be required to carry out reasonable

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enquiries/steps to ascertain ownership, thereafter perhaps a council would be able to deem a property owner unidentifiable.

Q18. Do you have any suggestions on how Article 66 could be improved in relation to cost recovery?

The most significant improvements would be the introduction of a provision to allow the Council to sell property in order to recover costs where it has not been possible to recover it by other means. In the case where an owner is solvent, the simple threat of selling a property to include a building and land may be sufficient to persuade an owner to reimburse the Council for work carried out.

General points in relation to Article 66 and cost recovery are as follows:-

- The Council would welcome automatic priority of the Council's costs and charges over other charges, mortgages and creditors.
- Better powers generally for recovering money.
- Enforced sale/power of sale – title issues- there may be problems with title in respect of enforced sale of unregistered land. New legislation would need to provide a way of giving a prospective purchaser secure title in enforced sales even if the owner was not identifiable and not all conveyancing documents were available, for example, maps. A legislative assurance could address these problems. This is perhaps also a problem for the Crown in relation to Bona Vacantia land, however, it does not impede the Crown from disposing of unregistered lands. Also if there is a statutory power to sell in fee simple then there may be no need to deduce title.
- Enforced sale/power of sale- priority- the proposed legislation would need to ensure that an enforced sale power would overrule order of priority. Any registered charges/mortgages etc... would need to be cleared from title and in the event that there are surplus funds following recovery of the costs from the sale proceeds then same can be paid out to the relevant charge/mortgage holders in order of subsequent priority or if no charges/mortgages, the surplus could be returned to an owner or retained by a council.

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- **Human Rights- New legislation providing enforced sale power would be subject to human rights screening and the Council would welcome this to eradicate any doubt from the human rights perspective in terms of an enforced sale.**

- **Abandonment -if the cost projected to carry out the required works in default exceeds a property/site value, and a property is not used/ occupied, it would be useful to have a mechanism by which to declare buildings as abandoned. If works are carried out by a council, title to a property/site, at a council's discretion, could vest in a council subject to an advertising and notification process of such action and to perhaps Chancery Court approval. The Council would also welcome a power of sale over abandoned property if for whatever reason the Council does not require a property vested in itself. A definition of abandoned, which explains how a property /site can be declared abandoned, may therefore be required.**

- **Insolvency – the Council would welcome better measures to deal with insolvent owners, for example, power to serve notices on fixed charge receivers and other persons/bodies responsible under an insolvency scenario or if this is not possible, powers to carry out works without notice where a property is dangerous and is subject to an insolvency procedure or threatened insolvency procedure. If insolvency scenarios are not addressed in the new legislation then this might have resource implications where a council carries out works and cost recovery may be hindered because of the insolvency. The proposed legislation must provide a framework whereby all individual and corporate insolvency scenarios (administration, liquidation, CVAs, receiverships and administration receivership, IVAs and bankruptcies) are addressed and that notice can be served on fixed term receivers, companies in administration, trustees in bankruptcy, official receiver and financial institutions as appropriate without court approval. Also, the person/body responsible under an insolvency scenario should be deemed owners as appropriate.**

- **Disclaimed land- where property is disclaimed and costs are owed to a council then, subject to a council's discretion, a property should revert to a**

council before reverting to the Crown, however, a council should have the right to disclaim also.

Q19. Do you have any suggestions on how Article 66 could be improved in relation to abandoned or incomplete developments?

It is difficult to apply the current wording of Article 66 to abandoned or incomplete developments, as the structures themselves are generally neither ruinous nor dilapidated. The issues relate to:-

(1) danger to trespassers, including children;

(2) the aesthetics of partly constructed buildings often surrounded by scaffolding, building materials scattered across sites, cranes, unsightly boundary fences such as heras-type fencing, unfinished roads and overgrown vegetation; and

(3) vandalism and anti-social behaviour with partly finished buildings as a focal point.

'Dilapidated' needs to be expanded upon further as it appears to exclude newer unsightly buildings or incomplete buildings. It may be that a separate power is needed for newer buildings as planning legislation may be inadequate. Incomplete structures would need to be either completed or demolished in full. A new provision, tailored specifically to deal with abandoned sites is required or guidance from the Department is required in an effort to achieve more robust application of Planning Service completion notices. The Council does not consider Article 66 to be the appropriate vehicle for dealing with this problem, however, the provisions contained within the Town and Country Planning Act 1990 appear to provide potential scope to deal with this problem, as do provisions within Section 73 of the Planning (Northern Ireland) Act 2011.

In short, the proposed legislation should address abandoned dangerous sites where there are buildings or partially built properties which a council should have a power to deal with. Abandoned sites generally should be clearly aligned to planning powers.

Q20. Do you have any further comments on Article 66?

To make Article 66 more effective, it is essential that there is a process for works to be done where an owner cannot be identified. This could be by way of having a council seek a

court order or alternatively a power in default after reasonable enquiries are carried out to identify an owner. It is suggested that non-prescriptive guidance would be the best way to ensure consistency in determining whether an owner can be located and provide some reassurance for councils that they have carried out sufficient checks.

Furthermore, Article 66(6) permits the Court to impose a per diem penalty for every day that the offence continues after conviction up to and until a council exercises its powers in default. The experience of the Council is that District Judges are reluctant to impose a per diem penalty because there is no mechanism in place for determining how this is to be administered. The Council would therefore either request that this provision is amended so as to include such a mechanism or provide guidance as to how the Courts should deal with the imposition of a per diem penalty.

As a result of the recession, a huge number of properties throughout Northern Ireland that are owned by an individual or company are subject to insolvency. A lot of properties have been abandoned by insolvent owners but more often there is a lender or administrator who has a degree of interest in a property who deliberately will not take possession of a property due to its condition. As stated, the new legislation should address these scenarios.

The Council has also come across properties where the owner has died intestate and the next of kin has not come forward to progress the administration of the estate.

In such cases the Council tends to do works in default. However, due to the current priority of charges legislation, a prior charge holder such as, a mortgagee, recovers its charge first, after which, there is highly unlikely to be a surplus to pay the costs incurred by a council. This thereby creates the position whereby the banks and perhaps other parties are benefiting from works carried out with ratepayers money as the works carried out by a council will likely increase the value of the property and prevent it's further fall into disrepair. The Council would therefore request that the Department extend the definition of owner so as to include any person or body which has a proprietary or substantial beneficial interest in the building or land. The council would seek the ability to charge land in respect of costs incurred for undertaking work in default with accumulating interest and for those charges to rank in priority to those of any other interested party or prior charge.

Q21. Are there any other relevant provisions in legislation not included in the above list?

Section 70 of the London Building Acts (Amendment) Act 1939 provides that where a council has incurred any expenses in relation to any dangerous or neglected structure, if payment is not forthcoming, a court may make an order that no part of the land involved may be built on, or no part of the repaired building let until the outstanding amount has been paid to a council.

The Inner London Boroughs implement the Dangerous Structures Fee and Expenses Regulations 2013 which allows them to charge fees in relation to dangerous structures. By way of example, in relation to an English council called Tower Hamlets, the fee payable for surveying and certifying a structure reported as dangerous, the service of a notice if required, further monitoring inspections and other services by council officers up to the time of (but not including) obtaining a summons is £200, where the survey to determine whether the structure was dangerous commenced after 8.00 am and before 6.00 pm Monday to Friday, or £350 where the survey was commenced at any other time or on a public holiday.

In relation to obtaining a summons or order, together with court attendance, and any inspection of the structure prior to the hearing, and other services there is a further fee of £350. In addition to those fees it also imposes a fee for supervision and/or checking and certifying accounts and other services by council officers in connection with the undertaking of work to remove an immediate danger or to carry out works in default where an owner has failed to comply with a court order. This appears to provide a significant deterrent against allowing a property to fall into a dangerous state and also provides a revenue stream to allow this work to be adequately funded by building owners instead of the ratepayers in general.

Q22. Have you taken any action in relation to the pieces of legislation identified in Part 1 and Part 2 of this Discussion Document and if not why not? (Where appropriate indicate legislative and/or decision making factors.)

The Council has taken action under Articles 65 and 66 of the Pollution Control and Local Government (NI) Order 1978 (see answers to questions 1, 2, 15 and 16) and instigated well over 1000 cases under the Belfast Improvement Act 1878 (and where owners cannot be found, also using Section 76 of the Belfast Corporation Act 1911), including 133 cases during the

financial year 2013/2014. The Council has taken, relative to the numbers under the Belfast Improvement Act 1878, fewer cases of enforcement under the Public Health Acts Amendment Acts 1907, as it is generally used where there is no 'structure' such as in the case of a dangerous excavation adjacent to a public footway. The majority of the cases the Council takes under these pieces of legislation are resolved before a court appearance is required. Of those that proceed to court, the Council has yet to have a successful challenge to the contention that a building or place is dangerous.

Q23. The Department would welcome views on the possible proposal to introduce legislation in Northern Ireland based on that in Part 3 of the Building Act 1984 (i.e. sections 77, 78, 79, 80, 81, 82, 83 and 121).

Sections 80-83 of that Act appear to relate to the requirement to give notice to a council of conventional demolition of not necessarily dangerous or dilapidated buildings. This is in the remit of the Health & Safety Executive NI and not local authorities. Section 77 is similar to the provisions of the Belfast Improvement Act 1878 as it relates to dangerous buildings, except that it does not include a provision to permit a council to sell the land if necessary to recover costs. Neither does it allow for a council to require a person to provide information on the ownership of the building, unlike Article 66 or Section 330 of the Town and Country Planning Act. It also does not make any provision for taking action where the owner cannot be identified.

However Section 78 of the Building Act 1984, which relates to emergency measures for dangerous buildings, would be invaluable particularly in Northern Ireland where it is not always straightforward to locate an owner due to the complicated system of search/identification and the registration of deeds. Whilst the registry of deeds system is being phased out under compulsory first registration, a substantial amount of property within the Belfast area remains under the registry of deeds system as opposed to the land registry system.

Section 79 of the Building Act 1984 is virtually identical to Article 66 as discussed at length above. However, it is not as broad as the existing powers in that it does not provide for the Council doing works in default or recovery of costs in any form.

With the exception therefore of the emergency powers provision, the Building Act 1984 does not offer anything more

than what exists in Belfast already and omits important provisions currently in place, such as the ability to sell land (Belfast Improvement Act 1878), the ability to take action where an owner cannot be identified (Belfast Improvement Act 1878) and the ability to require information to be provided on ownership (Article 66). The Council takes the view that significant changes and additions to the text of the Building Act 1984 would be necessary in order for it to improve the legislation already in place.

Q 24. The Department would welcome your views on the possible proposal to introduce legislation in Northern Ireland based on that in Part 8, Chapter 2 of the Town and Country Planning Act 1990 (i.e. sections 215, 216, 217, 218 and 219.)

The best practice guidance document by ODPM for this piece of legislation points out that Section 215 permits action to be taken against land and buildings as the definition of land in Section 336 of the 1990 Act includes a building. The Council would welcome the introduction of these provisions. It is noted that to serve a notice under this provision the test is much lower than that which currently exists in Article 66. Section 215 only requires the amenity of the area, or adjoining area to be adversely affected, not 'seriously detrimental' as per Article 66.

The use of Sections 215-219 of the 1990 Act seems to have been very successful with a high level of compliance and a low percentage of appeals and/or works in default. The successful case studies included within the guidance document include a number of dilapidated buildings similar to those for which the Council has served Article 66 notices in the past. These provisions would also permit the Council to serve notice on an occupier as well as the owner.

Section 330 of the 1990 Act allows a local authority to obtain details about the ownership of land and this is a useful provision, as with Article 72 of the Local Government and Pollution Control (NI) Order 1978. In conjunction with Sections 76-79 of the Building Act 1984, it would appear to be a useful tool.

Q25. The Department would welcome any other views on how best to improve the legislative framework in relation to dilapidated/dangerous buildings/structures and neglected sites.

The Council would prefer the introduction of a completely new piece of legislation to address all of the issues of dangerous structures, dangerous places (e.g., a missing storm drain

manhole cover within a vacant site), emergency powers relating to dangerous structures or places, dilapidated or ruinous structures and dangerous abandoned or dangerous incomplete sites and a very robust method of ensuring cost recovery. This is particularly true when some of the legislation which exists is adoptive and dates back to 1847, which may make it difficult for some councils to even ascertain whether the legislation was ever adopted.

A new Act would also allow the Department to address the omissions and weaknesses identified herein with regard to the current legislation. The introduction of a new piece of legislation would also reassure councils that its powers are Convention compliant, particularly in the context of Article 1 of the First Protocol and Article 10.

In addition to the issues outlined above, the Council would suggest that there are a number of matters a new act could address. These include:

- 1 the power to close roads where a dangerous building fronts a road, pending the making safe of the building;
- 2 the ability to take enforcement action against banks or the relevant responsible person in an insolvency scenario where companies or individuals are in financial difficulties;
- 3 where land/property is due to revert to the Crown via the Bona Vacantia process, but a council has carried out works in default, the land/property should revert to a council instead of the Crown in the first instance. Disclaimed land, where costs owed to a council, could be evidenced perhaps by registration of a statutory charge. In the event that a council does not want to retain the lands/property, then a council should be able to disclaim same, which would then revert to the Crown, following disclaimer;
- 4 a more expedited method of serving notices, for example, in emergency situations would be welcomed, such as posting a notice on a building, should be deemed good service. A power to undertake work in extreme cases of emergency without a court order should also be considered;

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- 5 the introduction of provisions akin to the Dangerous Structures Fee and Expenses Regulations 2013 as discussed above, which may ensure that a council recoups the costs of dealing with dangerous structures;**
- 6 make it an offence to own, or occupy where an owner cannot be identified, a dangerous or dilapidated building. This would encourage those responsible for dangerous or dilapidated structures to take more proactive steps to ensure the condition of their property does not fall into disrepair;**
- 7 ensuring that councils have sufficient powers to obtain information, and to make it an offence to fail to provide information when requested by a council;**
- 8 consider introducing an offence in relation to obstruction;**
- 9 the Council suggests that the Department Of Environment liaise with the Department of Justice in relation to the current Department of Justice Consultation on Fine Collection and Enforcement in Northern Ireland (responses required by 6/6/14) which may impact upon cost recovery processes in relation to dangerous, dilapidated, ruinous buildings and neglected sites;**
- 10 person responsible – there should be a broad definition of owner - person/body with greatest interest, for example, under insolvency etc... See answer to Question 18;**
- 11 statutory charges registered on foot of proposed legislation to be discharged on any subsequent transfers or dealings of the subject land/site and it should be made clear that the debt is recoverable from successive owners or occupiers;**
- 12 power of sale should be exercisable in relation to properties where owners are and are not identifiable. One stage approach to power of sale required (unlike Belfast Improvement Act 1878), can sell the structure and land as one lot. Proposed legislation should remove burdens (as**

necessary) affecting the subject land and provide notification procedure of proposed sale to charge holders;

- 13 costs to be recovered – the legislation should include costs of works as well as all other expenses incurred by a council to include advertising, consultant, legal and surveying work, to name a few, as well as interest;
- 14 where an order granting a power of sale is made (if this is to be the procedure) or activation of the power under the legislation as prescribed, then no liability should be incurred by a council to any party – actual title/possession does not/never passes to a council; and
- 15 as stated, new legislation should test the compatibility of the power of sale procedure in general, which should not be a 2 stage approach but a 1 stage sale process, to ensure it is Convention compliant.

It is essential that, given that planning powers are to come to local councils in April 2015, new legislation is drafted taking cognisance of the extent and limitations of planning enforcement powers, including the provisions within the Planning (Northern Ireland) Act 2011, as there may be situations where planning legislation is the better vehicle to use (for example, abandoned and partly completed sites).

Q26. If an improved legislative framework was put in place by the Department, do you agree that councils would be in a position to take effective action to address the problems associated with dilapidated/dangerous buildings and neglected sites in their respective areas and if not, why not?

Yes, with better legislation and better cost recovery procedures, there is no reason why all councils should not be much more proactive in dealing with these problems. The Council already has a track record of effective enforcement using the current legislation and an improved legislative framework would allow the Council to further improve that track record.”

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Applications for the Erection of Dual-Language Street Signs

The Head of Building Control reported that the undernoted applications to erect additional street nameplates in a language other than English had been received by the Council:

<u>Street Name</u>	<u>Second Street Name</u>	<u>Language</u>
Benares Street	Sráid Benares	Irish
Cawnpore Street	Sráid Cawnpore	Irish
Dunmore Street	Sráid Dhún Mór	Irish
Oranmore Street	Sráid Óran Mór	Irish

He explained that, in accordance with Council policy, a survey of each street had been conducted which had determined that in excess of 66.6% of the residents had been in favour of the additional nameplates. Accordingly, he sought approval for their erection.

The Committee granted the approval sought.

Naming of Streets

The Committee approved the undernoted applications for the naming of new streets and the continuation of existing streets to which the Royal Mail had offered no objection:

New Streets

<u>Proposed Name</u>	<u>Location</u>	<u>Applicant</u>
Dunmore Walk	Off Alexandra Park Ave, BT15	Apex Housing Association
Kinnaird Avenue	Off Kinnaird Street, BT14	Apex Housing Association
Malone Park Gardens	Off Balmoral Avenue, BT9	Deramore Developments
Mill Valley Way	Off Mill Valley Place, BT14	Lagan Homes
Mourneview Court	Upper Springfield Road, BT12	MacRae Hanlon Architects

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Continuation of Existing Streets

<u>Proposed Name</u>	<u>Location</u>	<u>Applicant</u>
Kinnaird Street	Off Antrim Road, BT14	Apex Housing Association
Mill Valley Road	Off Ligoneil Road, BT14	Lagan Homes
Sandown Park South	Off Sandown Road, BT5	Deramore Developments
St. James Mews	Off St. James Street, BT14	Apex Housing Association

Cleansing Services

Welfare of Animals – Update on Working Arrangements

The Committee considered the undernoted report:

“1 Relevant Background Information

- 1.1 From 2nd April 2012, District Councils have had the statutory responsibility for enforcement of the powers in the Welfare of Animals (NI) Act 2011, in respect of non-farmed animals e.g. domestic pets of any vertebrate species and equines (horses and donkeys). The Department for Agriculture and Rural Development (DARD) retains responsibility for the welfare of farmed animals and the PSNI responsibility for wild animals and criminal acts involving animal cruelty.**
- 1.2 Local councils have adopted a collaborative regional approach to the new legislation and have appointed nine Animal Welfare Officers to enforce the animal welfare legislation. The service is delivered on a sub-regional basis with Animal Welfare Officers based in Belfast, Armagh, Ballymena, Castlereagh and Omagh. Belfast has one Animal Welfare Officer and one dedicated administrative officer. The animal welfare function is currently placed in the Enforcement Section and is managed by the Enforcement Manager, under the direction of the Operations Manager.**
- 1.3 The service has been fully funded by DARD since its commencement in 2012 and DARD has committed to pay a regional budget of £820,000 to the councils to deliver the animal welfare function for 2014-2015. Belfast has submitted a bid of £126,865 for the delivery of the service in Belfast for the 2014/2015 financial year. Funding is claimed retrospectively on a quarterly basis by the 5 lead councils.**

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- 1.4 The delivery of the Service is overseen by a regional Project Board with members consisting of representatives from all of the four Council groupings and Belfast, as well as the other partner organisations including DARD and the PSNI. The Project Board established governance arrangements, agreed Memorandums of Understanding (MOUs) and Service Level Agreement (SLAs) between the lead Councils and DARD and developed operational procedures which ensured that Councils were in a position to deliver the service.**
- 1.5 The MOU between the Councils and DARD from 2014–2015 has been agreed by the Project Board members and now requires to be agreed by the individual lead Councils. The purpose of this MOU is to retain the framework, established in 2012-2013 between the Department and the Council, which clarifies the approach to enforcement of the 2011 Act, sets out the funding arrangements and clarifies the roles and responsibilities to be undertaken by the Council in enforcing the provisions under the 2011 Act as regards to non-farm vertebrate Animals.**
- 1.6 From 2nd April 2012, on the approval of the Project Board, Omagh Borough Council assumed the role of lead council for Animal Welfare. Its principal role is to act as liaison between the regional council groups, including Belfast, the Department of Agriculture and the PSNI on policy matters, the provision of statutory statistical returns to DARD and ensuring regional provision of the new animal welfare function.**
- 1.7 The Officers have statutory enforcement powers and can take a range of actions to improve the welfare of non-farmed animals including, providing advice, issuing an improvement notice, taking animals into their possession (in extreme cases of suffering), applying to courts for Disposal Orders in respect of seized animals and initiating prosecution action.**
- 1.8 An ‘out of hours’ service is provided from 9am to 5pm Saturday and Sunday by the Animal Welfare officers on a rotational basis throughout the year. There is a single out of hours regional animal welfare mobile phone number which enables the public to contact the on-duty Animal Welfare Officer.**
- 1.9 The number of calls received for animal welfare issues within the Belfast area, accounts for almost 16% of the calls received regionally. Although we only have one officer for the Belfast region, it is estimated that we carry the workload of 1.6 officers. When the boundaries are extended to include the Castlereagh and Lisburn areas, it is anticipated that the**

work capacity will increase leading to an increase in calls which will require an additional resource.

- 1.10 The Animal Welfare service is a high profile service which attracts media interest and coverage and has recently been the subject of a debate in the NI Assembly following a high profile animal cruelty case.

2 Key Issues

- 2.1 District Councils are responsible for the enforcement of the powers in the Welfare of Animals Act (NI) 2011 in respect of non-farmed animals.
- 2.2 Regional management is led by Omagh District Council through a Project Board made up of representatives from the five regional council groups including Belfast. There is an operational sub group of AWO line managers who oversee day to day service provision.
- 2.3 DARD is committed to funding the delivery of animal welfare for at least the first 3 years. Future funding of this service is currently under discussion with DARD.
- 2.4 The governance arrangements between the five lead councils have been agreed. A SLA has been drafted and agreed outlining their responsibilities to each other in respect of the legislation including agreement to transfer funds between the groupings to ensure that service needs are met.
- 2.5 The MOU between individual District Councils and DARD from 2014- 2015 has been agreed by the project board pending formal Council approval. The MOU sets out the funding arrangements and Council roles and responsibilities in enforcing the provisions of the 2011 Act and relates to the 2014-2015 financial year. This is a restatement and minor update of the MOU for the 2012-13 and 2013-2014 years.
- 2.6 Belfast City Council Legal Services has been engaged to act on behalf of all District Councils.
- 2.7 The future delivery of the service is being considered as part of the Local Government Re-organisation Programme.
- 2.8 The following table highlights the activities of the Animal Welfare Services in Belfast from 1st April 2012 to 31st March 2014.

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Animal Welfare Calls Reported in Belfast City Council Area, 1-4-2012 to 31-3-2014	
<u>Animal Welfare Calls</u>	
Total Number of Calls received to date by BCC	1797
Number of completed calls in BCC	1768
BCC calls as a percentage received to date in Northern Ireland	15.7%
<u>Animal Welfare Cases</u>	
Number of Animal Welfare Cases in BCC	1357
Number of Calls that are not Animal Welfare Cases	440
Number of Animal Welfare Cases Closed	1328
Number of Animal Welfare Cases Open	29
<u>Breakdown of Calls by Species</u>	
Equine	83
Dogs	1102
Cats	113
Other	84
<u>Breakdown of Visits and Actions</u>	
Number of Visits Carried Out	1999
Improvement Notices	77
Number of Cases where Animal Seized	27
<u>Legal Cases</u>	
Number of Legal Cases in BCC	11
Number of Cases open	7
Number of Disposal Orders applied for	7
Number of Disposal Orders granted	3
Number of Prosecutions	2
Number of Convictions	1

3 Resource Implications

- 3.1** During the first year of implementation, there was a regional under spend in relation to the animal welfare budget, however, during the second year (2013–2014), there was an overspend regionally, due to the number of multiple seizures resulting in on-going care costs and veterinary bills, pending the outcome of legal proceedings in respect of these cases. DARD have agreed to fund the overspend for 2013–2014.
- 3.2** DARD will fund delivery of Animal Welfare in 2014-2015 up to £820,000 for the region (£126,865 Belfast City Council). There are on-going discussions with DARD regarding a predicted shortfall in the funding for this year's budget, if the number

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of animal welfare cases necessitating seizure follows the same pattern as the 2013-2014 year.

4 Equality Implications

4.1 There are no relevant equality or good relations implications

5 Recommendations

5.1 The Committee is requested to note the Council's role in respect of animal welfare and, in particular, the extent of the work undertaken to date.

5.2 The Committee is requested also to agree the Memorandum of Understanding between DARD and the Council from the financial year 2014/2015, for the Enforcement of the Welfare of Animals Act (NI) 2011 by Councils in respect of non-farmed vertebrate animals and authorise the Director of Health and Environmental Services to sign the MOU on behalf of the Council."

The Committee adopted the recommendations and noted that a copy of the Memorandum of Understanding was available on the Mod.gov website.

Northern Ireland Assembly Motion on Animal Welfare

The Operations Manager (Street Cleansing and Transport) drew the Committee's attention to a recent high profile court case involving the keeping or training of dogs for the purpose of fighting. He explained that there had been significant debate surrounding the outcome of the case, given the serious nature of the animal cruelty offences which had been committed. That had led the Northern Ireland Assembly, on 31st March, to pass a motion which had expressed concern at the recent increase in the number of cases of extreme animal cruelty, the low level of convictions and the failure to impose the maximum sentence available. That motion had called also on the Minister for Agriculture and Rural Development, in partnership with the Minister for Justice, to initiate a review of the implementation of animal cruelty legislation, particularly, sentencing guidelines and practices, to ensure that the maximum effectiveness was being brought to bear to address animal cruelty.

He explained that a Member had suggested that the Committee might wish to write to the aforementioned Ministers expressing its support for the Assembly motion.

The Committee agreed to adopt that course of action.

Cleansing Services Customer Service Standards

The Committee was reminded that, in 2007, it had agreed to adopt a set of Customer Service Standards which had been formulated in order to enable the effective comparison of actual to targeted performance for each of the standards set. The

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Committee had agreed also to receive on annual basis a report setting out the Service's performance against those standards.

The Operations Manager (Street Cleansing and Transport) submitted for the Committee's consideration a list of Cleansing Services Customer Service Standards, together with actual performance against targets, for the period ending on 31st March, 2014. He confirmed that the overall performance of the Cleansing Service in relation to the standards had been very satisfactory and that of the twenty-five which had been reviewed on a monthly basis, the majority had been of an acceptable or very acceptable standard.

He pointed out that response times relating to the removal of graffiti were often affected adversely by delays in obtaining permission from the owner or occupier of a property. Accordingly, he sought the Committee's approval to amend the Customer Service Standards relating to the removal of contentious and non-contentious graffiti to reflect that, in future, response times would be measured from the date on which authority had been granted by an owner or landlord and the appropriate disclaimer had been completed.

The Committee noted the information which had been provided and granted the approval sought.

Street Cleanliness Index

The Committee considered the undernoted report:

"1 Relevant Background Information

- 1.1 The figures presented in this report cover the fourth quarter of the financial year i.e. the period from January 2014 to March 2014. Monitoring figures were measured by Cleansing Services Quality Officers. Enforcement, Dog Warden and Education and Awareness information was supplied by the Customer Support Service, Dog Warden Service and the Community Awareness Section within Cleansing Services, who were responsible for these functions over the period concerned.**
- 1.2 The monthly monitoring programme consists of a random 5% sample of streets throughout the city being inspected and graded. From the grading, a Street Cleanliness Index is calculated and plotted for the various areas of the city, and the city as a whole.**
- 1.3 The index range is from 1 to 100; with a Cleanliness Index of 67 being regarded as an acceptable standard by Tidy NI. The results show the trends on a month to month basis. To alleviate the influence of spurious results on the overall index, the results are averaged over the last 4 surveys. Spurious**

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results may occur for reasons such as adverse weather conditions, seasonal problems etc.

- 1.4 All Cleansing Services Quality Officers were assessed on 7th February 2014, by an Officer from Tidy Northern Ireland. Following the assessment it was confirmed that all Quality Officers are assigning cleanliness grades appropriately and in accordance with the requirements.

2 Key Issues

- 2.1 The overall city wide cleanliness index for this quarter is 74. This is a similar score compared to the score for the previous quarter's cleanliness index of 74. The index for the same period in the previous year was 74. A cleanliness index of 74 is above the target set and is considered an extremely good level of cleanliness.

- 2.2 The breakdown by individual area is as follows:

North

- 2.3 The North Cleanliness Indices for January 2014 to March 2014 were 73, 72 and 72 respectively. This represents an increase for January (up 1), and a decrease for February (down 1) and March (down 2), by comparison to those figures for the same period in the previous financial year viz. 72, 73 and 74 respectively.

The area is however maintaining a good level of cleanliness.

South

- 2.4 The South Cleanliness Indices for January 2014 to March 2014 were 74, 73 and 78 respectively. This represents a decrease for January (down 1), and February (down 3), and an increase for March (up 5) by comparison to those figures for the same period in the previous financial year viz. 75, 76 and 73 respectively.

The area is maintaining a good level of cleanliness.

East

- 2.5 The East Cleanliness Indices for January 2014 to March 2014 were 74, 74 and 75 respectively. This represents a similar score for January (74), a decrease for February (down 1), and a decrease for March (down 1), by comparison to those figures for the same period in the previous financial year viz. 74, 75 and 76 respectively.

The area is maintaining a good level of cleanliness.

West

- 2.6 The West Cleanliness Indices for January 2014 to March 2014 were 71, 71 and 71 respectively. This represents an increase for January (up 1), a similar score for February (71) and an increase for March (up 1), by comparison to those figures for the same period in the previous financial year viz. 70, 71 and 70 respectively.

The area is maintaining a good level of cleanliness

Central

- 2.7 The Central Cleanliness Indices for January 2014 to March 2014 were 73, 73 and 73 respectively. This represents an increase for January (up 1), a similar score for February (73) and an increase for March (up 1), by comparison to those figures for the same period in the previous financial year viz. 72, 73 and 72 respectively.

The area is maintaining a good level of cleanliness.

Complaints / Enquiries

- 2.8 There were 1233 enquiries regarding street cleansing during the quarter (by comparison to 1369 last quarter).
- 2.9 There were thirty two Corporate Complaints (31 Stage One, and 1 Stage Two) during the quarter – four of which related to street cleansing (all stage 1).

Enforcement

- 2.10 There were 536 Fixed Penalty Notices issued under the Litter (NI) Order 1994, and 112 summonses issued. In addition 1184 Article 20 Notices were issued requesting information about alleged offences.

Community and Education Projects

- 2.11 During the last quarter the Community Awareness Team continued to promote the anti litter campaign 'Litter makes a pig of you', and the anti dog fouling campaign "Your Dog, Your Job". The team also engaged primary school children in the anti litter / anti dog fouling message through the 'Captain Cleanup and the poop scoop mystery' puppet show and the

Terrible tales of trash' road show, both were extremely well received by pupils.

- 2.12 In the last quarter, the team facilitated 17 community cleanups involving 424 volunteers, visited 69 schools engaging 7092 pupils in the anti-litter and anti-dog fouling messages, and attended 3 community talks and events promoting the anti-litter / anti-dog fouling message to 235 citizens and 24 meetings across the city.

Dog Fouling

- 2.13 The overall instances of dog fouling observed by Cleansing Services Quality Officers during the quarter were 277. There is a focus placed on dealing with dog fouling hotspots as a result of complaints and information from staff out on the ground. Cleansing Services and the Dog Warden Service continue to work together to address hot spots when identified.

Dog Warden Information

- 2.14 During the quarter the following was noted;

1. A total of 31 fixed penalty notices were issued for dog fouling (54 last quarter)
2. A total of 258 dogs were seized for straying (272 last quarter)
3. A total of 151 fixed penalty notices were issued for straying (147 last quarter)

- 2.15 This year the dog warden service exceeded targets for dog fouling fixed penalties by 23%, and has also exceeded stray dog fixed penalty targets.

3 Resource Implications

Financial

- 3.1 There are no financial implications in this report.

Human Resources

- 3.2 There are no human resources implications in this report.

Asset and Other Implications

- 3.3 There are no assets or other implications in this report.

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4 Equality and Good Relations Implications

4.1 There are no relevant equality and good relations implications.

5 Recommendation

5.1 The Committee is requested to note the content of this report.”

The Committee adopted the recommendation.

Environmental Health

**Review of Anti-Social Behaviour
Practice and Service Delivery**

The Head of Environmental Health reminded the Committee that, at its meeting on 2nd April, it had granted approval to undertake an internal review of practice and service delivery in relation to anti-social behaviour. She reported that officers from the Environmental Health Service, the Cleansing Services Section and the Parks and Leisure Department had now produced draft Terms of Reference which had confirmed that the review would:

- examine existing processes across Departments in order to identify best practice;
- develop a single Council policy on anti-social behaviour, with an agreed vision, aims, objectives and desired outcomes;
- make recommendations on the Council’s approach to preventative programmes and reactive interventions; and
- develop subsequently a common operational policies and procedures framework for implementation, to consider, for example, the logging and reviewing of incidents, common reporting and service standards.

She explained that a strategic group would be established, whose membership would include Elected Representatives, in order to establish objectives and outcomes and to monitor the detailed project plan which would be developed and progressed by an operational working group comprised of lead officers.

The Head of Environmental Health pointed out that it was anticipated that the review would be completed by December, 2014, and that a report would, thereafter, be presented to the Committee for its consideration.

The Committee approved the Terms of Reference as a basis for the review.

Support for Community Heating Oil Clubs in Belfast

The Committee considered the undernoted report:

“1 Relevant Background Information

- 1.1 The issue of fuel poverty has been of growing concern to the residents of the city. The latest available figures indicate that, in the greater Belfast area, 42% of households are defined as being in fuel poverty. One contributing factor to this is that, unlike other parts of the country, Northern Ireland remains particularly reliant on home-heating oil which has become increasingly expensive over the past few years.**
- 1.2 As Members will be aware the Council supports a number of initiatives to tackle the issue of fuel poverty. This includes our contribution to DSD’s ‘Warm Homes’ scheme which aims to target households most at risk of fuel poverty and to improve the energy efficiency of their homes. We have also offered seasonal warmth packs for older people during the winter months. The Council also set up and manages the ‘Be Warm’ fuel stamp scheme which encourages householders to save for home heating oil by spreading the cost of bills over the year. The scheme had sold £1million worth of stamps by February of this year.**
- 1.3 Ten years ago home heating oil cost about 20p per litre (or £180 for a standard 900 litres delivery). Today this has jumped to around 55p per litre or nearly £500 for 900 litres. As a result many households have resorted to ordering smaller quantities but at a much higher cost per litre. It is worse for those who rely on small ‘emergency’ drums as they are often paying over £1 per litre (or the equivalent of £900 for 900 litres).**
- 1.4 In response to this price challenge, a number of community groups across Northern Ireland and here in Belfast (some with the support of Bryson Energy and Community Foundation NI) have set up local ‘oil buying clubs’ to negotiate more competitive deals from oil suppliers. Successful clubs have saved their members hundreds of pounds over the course of a year.**
- 1.5 This report proposes that the Council puts in place a pilot programme to promote the concept of oil clubs and to offer practical guidance and support to communities that wish to establish their own club.**

2 Key Issues

- 2.1** The idea behind an oil club is a simple one: a group of neighbours place their individual orders with a volunteer co-ordinator who then negotiates the best bulk price with suppliers. Once a price per litre has been agreed each household then individually make arrangements for delivery and payment directly with the chosen supplier. The advantage for the supplier is that they receive a large order for oil that is delivered to a compact area over a short period of time. (NB: At no time does the club handle payments – that is always done directly between the householder and the oil supplier.)
- 2.2** With support from the Public Health Agency, Bryson Energy and Community Foundation NI, officers have developed a practical guide for setting up a club that is aimed particularly at existing community groups and workers across Belfast. (Additional material and downloadable templates would also be available from the council's website).
- 2.3** Oil clubs have three main advantages:
- Households save money: clubs are usually free to join yet households can save from £10 to over £30 per delivery, representing thousands of pounds saved within a community each year.
 - Everyone gets their oil at the same price per litre regardless if they order 300, 500 or 900 litres.
 - Clubs can help change buying habits and begin to reduce over-reliance on very expensive 'emergency' drums. (The guide encourages clubs to work with oil suppliers that participate in the Council's 'Be Warm' Fuel Stamp scheme which exists to help people better manage their oil bills over the year).
- 2.4** While setting up a club is fairly straightforward, experience elsewhere has shown that it does take quite some time, effort and a little cost. A club needs a few committed volunteers with organisational and meeting skills; access to a meeting room; access to a computer; a mobile phone; printer; photocopying facilities, etc. So, while it is possible for enthusiastic individuals to set up their own neighbourhood club, it is probably best done through an existing local community group, church groups, clubs, etc. Such groups are likely to have the basic community development skills, resources and local knowledge to make the club an on-going success over a number of years.

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- 2.5 To maximise the potential of the guide, it's proposed that the Council run a pilot programme to provide practical support to local groups that might need additional help in setting up a club. Working with our colleagues in Community Services, officers are proposing that the most effective way to deliver such a support programme would through the eighteen Capacity Support organisations. These organisations are contracted by our Community Services section to provide community development support in neighbourhoods across the city.**
- 2.6 The Community Services team will need to seek approval from Development Committee to proceed with this idea – and are bringing a similar paper to their June meeting. If both Committees agree to the proposal then Community Services would seek to negotiate with the Capacity Support organisations regarding their potential role in the programme.**
- 2.7 While yet to be agreed, this role would likely to include offering access to meeting rooms and computer suites; small admin support; signposting to relevant bodies such as Bryson Energy, the Consumer Council and CFNI. It is proposed that a total budget of £18,000 would be made available to participating Capacity Support organisations to cover their additional costs in supporting the programme across the city. At the end of 2014/2015 Council officers would carry out an evaluation of the pilot programme to gauge its success.**
- 2.8 The proposed timetable for the programme would be as follows:**
- A September 2014 workshop in a city centre location to begin promotion of the guide and also to offer practical advice and examples of the work of successful clubs. All Members would be encouraged to attend the event with invitations issued in August.**
 - Following this event those Capacity Support organisations willing to participate would offer ongoing practical support to any groups seeking help; while Council would promote the concept of oil buying clubs**
 - February 2014 - a follow up workshop to refresh interest in the concept and to encourage membership drives amongst clubs (and to encourage saving across the year for future oil purchases).**
 - April 2015 – Evaluation of the programme.**

- 2.9** At this stage, Members are being asked to consider and approve this outline programme proposal. Following approval by both Committees, Community Services staff will then negotiate with the Capacity Support organisations regarding their potential role in supporting the programme; and would seek to determine the contractual arrangements.
- 2.10** A follow-up paper with detailed proposals would be brought back to both Health & Environmental Services and Development Committees in August 2014 for final approval.

3 Resource Implications

- 3.1** The estimated costs for the pilot programme are:

– Print production of the oil guide	£2,000
– September and February workshops	£3,000
– Capacity Support budget	£18,000
– Total costs	£23,000

- 3.2** The proposed H&ES department contribution is £6,000 which has been identified from within existing 2014/2015 Revenue Estimates.
- 3.3** The Development Department is also prepared to make a contribution of £8,000 to the budget.
- 3.4** The Public Health Agency, who provide a range of support to address fuel poverty in the city, and who have worked with officers on the oil club guide, have indicated that they are willing to contribute £10,000, subject to final agreement on the detail of the programme, and approval by our Committees.

4 Equality and Good Relations Considerations

- 4.1** There are no equality or good relations implications at this stage. However all new policy and strategy work detailed within the plan will be subject to equality screening in line with the Council's standard processes.

5 Recommendation

- 5.1** The Committee is requested to note the contents of the draft oil buying guide and to agree:
- 1.** to the outline programme proposal to support new oil buying club across the city during 2014/2015

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including the proposed support role for Capacity Support organisations;

- 2. in principle to the £6,000 contribution from the Health and Environmental Services Department; and**
- 3. to receive a follow-up paper in August 2014 which will include the final detailed programme proposal and information on the September workshop."**

The Committee adopted the recommendations.

Food Service Delivery Plan 2013/2014

The Head of Environmental Health reminded the Committee that, each year, the Council drafted a Food Service Delivery Plan, which set out the activities, techniques and approaches to be taken by the Council during the year in order to monitor and ensure food safety and to promote healthy food choices. It provided also the basis on which the Council's regulatory activities were monitored and audited by the Food Standards Agency. Accordingly, she submitted for the Committee's approval the Plan for 2014/2015, a copy of which was available on the Mod.gov website.

She drew the Members' attention to a procurement exercise which had been undertaken recently by the Chief Environmental Health Officers' Group, on behalf of all councils in Northern Ireland, for the provision, in accordance with Article 27 of the Food Safety Order (Northern Ireland) 1991, of public analytical services. She reported that Minton, Treharne and Davies Limited, Pentwyn, Cardiff, had been awarded that contract and she sought the Committee's approval to appoint four persons from that company, namely, Ms. S. Brookes, Mr. P. W. Hancock, Mr. J. A. Robinson and Mr. P. Urwin to act as Public Analysts to the Council.

The Committee granted the approvals sought.

Association of Port Health Authorities Annual General Meeting and Conference

The Committee was advised that the Association of Port Health Authorities, of which the Council was a Corporate Member, was a United Kingdom-wide organisation which had responsibility for implementing health controls at seas and airports. The Head of Environmental Health reported that, each year, the Association held its Annual General Meeting and Conference during the month of September. This year's event would take place from 9th till 11th September in London and would provide delegates with an opportunity to meet and exchange information with those from other local authorities, central government, industry and commerce. In addition, speakers from a number of organisations would address delegates on a range of port health-related topics. The cost of attending the event would be approximately £1,000 per person.

The Committee agreed that the Chairman, the Deputy Chairman, the Director of Health and Environmental Services and the Head of Environmental Health (or their

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nominees) be authorised to attend the Association of Port Health Annual General Meeting and Conference. The Committee authorised also the attendance at the event of Councillor McCarthy who, in September, 2013, had been elected for a two-year period to the Executive Board of the Association.

Waste Management

Waste Behavioural Change Plan 2012/2015

The Committee considered the undernoted report:

“1 Relevant Background Information

1.1 The Waste Behavioural Change Plan 2012/2015 was developed to complement the actions of the Zero Waste Action Plan. The plan focuses on engagement with the public to drive up the recycling rate. The Service has now completed a review of the actions that it stated it would undertake during year 2, 2013/2014.

1.2 This review ensures that the Service learns from, and further develops, those activities which have worked well and deliver value for money.

2 Key Issues

2.1 As the roll-out of new receptacles and development of new facilities is almost complete, the Service is increasingly looking to communicate and engage with householders on what is needed to continue to improve the city’s recycling rate and to meet the challenging targets for Belfast. Recently, the work associated with the roll out of the new inner city kerbside sort and food waste scheme was recognised at the Letsrecycle.com “Awards for Excellence”. Last month, the Council was awarded the annual “Best Recycling Initiative by a Local Authority” for the successful introduction of these new arrangements.

Year 2 – 2013/2014

2.2 Over the year, the Waste Education section has delivered a range of planned activities helping to increase recycling performance across a number of schemes;

- **Delivered 1,135 individual waste information sessions involving around 16,000 people via public events, community groups, schools and businesses;**
- **Supported the new inner city kerbside sort scheme with food waste to 55,000 households through**

doorstep engagement and liaising with agents and landlords to ensure residents were fully informed of the new scheme;

- Supported the introduction of the pilot kerbside glass collection scheme for 11,000 households;
- Launched the Zero Waste Community Grant Scheme enabling community groups to trial new waste related services or initiatives in their area;
- Delivered high profile, low cost public waste events including:
 1. Compost Week,
 2. Recycle Week and
 3. European Week for Waste Reduction,

As well as contributing to other corporate events (e.g. Belfast Day, St Patrick's Day, the Spring Fair and other proceedings held by external organisations);

- Expanded the "*Bring Home Box*" scheme for restaurants which aims to reduce food waste by encouraging customers to take leftovers home. The scheme has proved popular, with a Facebook posting liked by 263 people, shared 66 times and a total audience view of around 15,000. There are now around 50 businesses signed up.

2.3 The Education section has also implemented other interventions and programmes in addition to those outlined in the Behavioural Change Plan. In partnership with Keep Northern Ireland Beautiful (formerly Tidy NI), we supported three projects: Eco-schools, BEES and Eco-Home.

- Eco-Schools is an environmental management system for schools, operating in over 50 countries across the world. Upon registering schools must form an Eco-Committee of pupils and staff, carry out an environmental audit and develop an action plan. The participants progress through various stages to achieve green flag status. The whole school community is involved and participating schools can achieve financial savings, as well as reducing their environmental impact.
 - The Education Section provided advice to teachers and visited schools to address waste-related topics. Several members of the Section are Eco-Schools assessors.

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- In 2013/14, 32 new schools registered on the scheme, a 25% increase on the previous year, which brings the total number of Eco-Schools in Belfast to 157 (97.5% of all schools in the city).
 - **The BEES (Belfast Environmentally Efficient Schools) competition has just finished its second year. This competition was created as an alternative to competitions which rely solely upon public speaking, rather than teamwork and practical application of knowledge and skills.**
 - To enter, schools conduct a project on waste and this year 20 schools submitted applications, up from 14 the previous year. BEES is a spin-off of the Eco-Schools programme and is designed to develop confidence and self-esteem amongst participants using the environmental as a theme. The finalists are to be invited to a celebration in City Hall in June, along with the schools picking up Eco-School awards.
 - **Eco-Homes is an on-line environmental audit targeted for households. Initially developed by the Service using funding from the DOE's Rethink Waste fund, households complete a survey and receive a score on their sustainability. They are provided with advice on ways to further save money and reduce their carbon footprint, and a major aspect of the survey focuses on waste/recycling. This year, the project was funded via the Zero Waste Community Grant Scheme.**
- 2.4 During the year, the Service was visited by government representatives from Cyprus and Macedonia interested in learning from our experience in areas such as procurement, and the design and operation of our Household Recycling Centres. A DOE-led delegation from Cardiff City Council also visited Belfast to hear how we had successfully implemented the kerbside sort and food waste scheme in the inner city. This initiative is also being quoted as a case study in an Association of Public Service Excellence (APSE) Waste Management guide, which will be published shortly.**
- 2.5 Additionally, the Service has been part of a trial to develop a Global Waste Management Outlook model for the UNEP. The Council's approach to develop the inner city kerbside sort and food waste scheme has been used to inform the national**

framework for “*technically, economically and environmentally practicable*” (TEEP) and what councils should consider when planning for new waste collection arrangements. Finally, the Business Improvement through Environmental Solutions (BITES) scheme developed between the Service and Economic Initiatives has been showcased by the Eurocities Greening the Local Economy as best practice.

Year 3 – 2014/2015

2.6 In 2014/2015, the Section will:

- Develop further avenues to increase community participation by working closely with outside bodies such as the Northern Ireland Housing Executive, housing associations, resident’s groups, the universities and interagency forums established through the city.
- Engage with the households joining Belfast through LGR which will require education and support on proposed changes to their recycling collection arrangements.
- Engage with the households in Belfast on a blue bin who will be getting a glass kerbside box as well as the 5,000 households on this scheme, but with no brown bin 5,000.
- Work in partnership with Waste Resources Action Programme (WRAP) which has received funding for a two year food waste project for 10 UK cities (including Belfast) on reducing food waste, saving resident’s money and promoting the food waste collections.
- Further promote the “*Bring Home Box*” scheme for restaurants, continue to work with WRAP to highlight the Hospitality and Food Sector Agreement (HaFSA) and provide other assistance to the food sector, in particular, and businesses in general.
- This month, invite Community Groups to apply for tranche 2 of the Zero Waste Community Grant scheme to fund projects (Oct 2014 – Mar 2015), to monitor and support those projects funded by tranche 1 and to review how the scheme can be amended to further promote waste prevention and recycling.

3 Resource Implications

3.1 The activities of the Section were all met through the Service’s revenue budget and the waste fund.

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4 Equality Implications

4.1 There are no relevant equality and good relations implications.

5 Recommendation

5.1 The Committee is requested to note the report.”

The Committee adopted the recommendation.

arc21 Briefing

The Committee was reminded that arc21 had, for a number of years, been working on behalf of its eleven constituent councils to procure Energy from Waste and Mechanical/Biological Treatment facilities. The Head of Waste Management reported that, following a comprehensive evaluation process, a site on the Hightown Road had been selected as being suitable for both facilities and that the bidder had recently submitted a planning application. He explained that, given that the process was now entering a crucial stage, it would be beneficial for Members to be briefed in advance of the Council considering the proposal.

The Committee agreed that, in the first instance, briefings take place for each of the Political Parties and that a briefing for the Committee take place subsequently, to which all Members of the Council would be invited.

Chairman