

# Health and Environmental Services Committee

Wednesday, 8th October, 2014

## MEETING OF HEALTH AND ENVIRONMENTAL SERVICES COMMITTEE

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

In attendance: Mrs. S. Toland, Lead Operations Officer/  
Head of Environmental Health;  
Mr. T. Martin, Head of Building Control;  
Mr. S. Skimin, Head of Cleansing Services;  
Mr. T. Walker, Head of Waste Management; and  
Mr. B. Flynn, Democratic Services Officer.

### **Apologies**

Apologies were reported on behalf of Alderman McCoubrey and Councillors Hussey, Keenan, Kelly and Kyle.

### **Minutes**

The minutes of the meeting of 3rd September 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 October.

### **Declarations of Interest**

No declarations of interest were reported.

### **Committee Meeting in November**

The Committee was reminded that the Shadow Strategic and Resources Committee had, at its meeting on 26th September, agreed that it would be necessary for two party briefings to be provided during November for each political party. Those briefings would enable each of the parties to consider in detail the future governance arrangements for the Council and the rate-setting process for 2015/2016. Accordingly, in order to free-up Members' time, it had been proposed that meetings of the Principal Committees of the City Council be cancelled in November.

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The Members were informed that Chief Officers had been requested to defer until December any business which would have been submitted to Committees in November. Should any urgent decisions be required during November, the Chief Executive would be requested to exercise her delegated authority. However, such decisions would be taken only after consultation with the Party leaders, in conjunction with the relevant Committee Chairman. Alternatively, should it be deemed appropriate, the matter would be referred to the appropriate Committee in December, or, if necessary, to the Strategic Policy and Resources Committee in November.

The Committee noted the information which had been provided and agreed to cancel its scheduled meeting in November.

**Building Control**

**Naming of Street**

The Committee approved the undernoted application for the naming of a new street to which the Royal Mail had offered no objection:

<b><u>Proposed Names</u></b>	<b><u>Location</u></b>	<b><u>Applicant</u></b>
Cairnmartin Crescent	Off Cairnmartin Road	URS Infrastructure and Environmental UK Ltd.

**Requests for Drawings from the Building Control Archive**

(Mr. R. Corbett, Records Manager, attended in connection with this item.)

The Committee considered the undernoted report:

**“1 Relevant Background Information**

- 1.1 The purpose of this report is to inform the Committee and ask that it gives some consideration to two issues that have recently been put to the Service. Firstly that the Council give the original copies of their archive drawings to another organisation, and secondly the possibility of permitting archived drawings to be loaned to external parties on a temporary basis for exhibitions.**
- 1.2 The Building Control Archive is a unique reference facility which holds detailed drawings and information on buildings constructed in the Belfast City Council area dating from 1861 to the present day. There are currently nearly 500,000 plans and associated documents which were previously held in the basement of the City Hall but are now located in a private storage facility in the city.**

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- 1.3** The records are accessed by geographers, social historians and genealogists in addition to practising architects and students. It is accessed by approximately 125-150 people a year with other 100 written requests for information. It is not common practice to loan drawings out but persons are entitled to call at the Building Control offices to view drawings. A fee of £30 is usually charged but this is waived for students. The Service also permits paper copies to be taken of the drawings for research purposes.
- 1.4** Some of these drawings are exceptionally beautiful works and of great historical significance. Earlier this year, the company responsible for digitising our records provided the Service with a laser copy of the facade of the Grand Opera House in order to demonstrate the quality of its new technology. As the drawing was of little intrinsic value to the Service and as a gesture of goodwill, it was presented to the Trustees of the Opera House by the previous Lord Mayor, Cllr Ó Mulleoir. At that meeting, we displayed other working drawings of the Opera House dating back to the period of its original construction. The Grand Opera House has now requested that Belfast City Council loan the original drawings of the Grand Opera House to them permanently.
- 1.5** The Council also occasionally receives requests from organisations who ask for drawings to be loaned on a temporary basis and, as a matter of principle, the Committee's general views were sought at that time. Such a request has been received by the Ulster Museum for the original drawings of their building on a temporary basis for the purpose of holding an exhibition which will run from 17th to 31st October 2014.

**2** **Key Issues**

- 2.1** The Building Control Plan archive, whilst it is by definition a public archive, remains under the Council's control as it is required for administrative purposes. The records are therefore the exclusive property of the Council.
- 2.2** The Council has recently provided the Grand Opera House with a high quality copy of the drawings as a gesture of goodwill however they have now asked that the Council provides them with the original drawings. The Ulster Museum has requested the original drawings of their building purely on a temporary basis for the purpose of holding an exhibition which will run from 17th to 31st October 2014.

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- 2.3** The Committee should be aware of the risks of loaning out drawings, both temporarily and/or permanently. The Council's Records Manager was consulted and expressed concerns about original public records being loaned to non-accredited museums, libraries, etc. on the grounds of ensuring their security, access to researchers and permanent preservation (e.g. how they would be displayed, etc). PRONI was specifically consulted regarding the request made by the Grand Opera House in that it is giving away the original documents and also shared the other general concerns expressed by the Records Manager.
- 2.4** The Committee should consider the possibility that the service currently being offered to persons who wish to view original drawings would be compromised if drawings were loaned out.
- 2.5** If the current requests are acceded to it is likely to set a precedent whereby others may request that drawings are loaned out on a similar basis. Therefore the Committee are being asked to consider the loaning out, either temporary or permanent, of drawings in principle and whether a policy would be useful in establishing appropriate guidance.
- 2.6** If the Committee refuses to consent to release of the drawings then no further action will be required. However, if the Committee does agree, then the Service will consult with the Legal Services Department and an agreement will be drawn up to allow the drawings to be loaned out to the parties concerned.
- 2.7** The Committee is also being asked to consider whether it would be appropriate to draw up a policy which would regulate the loan of drawings to external parties. This policy would consider such factors as to whether the requester requires the drawings, for what purpose and why copies would be insufficient for their purposes. It might be appropriate to restrict the circumstances in which original drawings may be loaned out, whether on permanent or temporary basis.

**3** **Resource Implications**

- 3.1** None.

**4** **Equality and Good Relations Considerations**

- 4.1** No screening at this point however any policy may needed to be submitted for screening.

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**5 Recommendations**

**5.1 The Committee is requested to give consideration to the possibility of drawing up a policy which will enable drawings to be loaned out either on a permanent or temporary basis.**

**5.2 The Committee is requested also give consideration to the current issues, namely:**

- 1. Whether the Grand Opera House original drawings should be loaned out to the Grand Opera House permanently, and**
- 2. Whether the Ulster Museum drawings should be loaned out to the Ulster Museum for a set period of time for the purposes of an exhibition which runs from 17th to 31st October 2014.**

**5.3 The Committee is requested to either consent or refuse consent in respect of the above matters. Depending on its decision, the matter shall progress if necessary and Legal Services shall be consulted in the manner described above.”**

The Head of Building Control tabled for the information of the Committee a number of original examples of drawings from the archive, together with some high-quality reproductions.

During discussion, several Members expressed the view that the copies of the drawings were of such a high standard that it was unnecessary for original copies to be loaned from the archive. Regarding the request from the Ulster Museum for the loan of the original drawings for a two-week period, the Committee was satisfied that sufficient safeguards existed to ensure that the drawings would be handled in a professional manner.

Accordingly, the Committee agreed to the following course of action:

- that the original drawings of the Grand Opera House be not loaned for display purposes to the Trustees of the Grand Opera House;
- that the Ulster Museum be permitted to borrow, from 17th till 31st October, the original drawings of that building for the purposes of their display at the exhibition, subject to the drawing-up of an appropriate legal agreement and to the Council being satisfied that the documents would be handled and displayed in an appropriate and professional manner;
- that the Council formulates a policy to oversee any future requests for the loan of drawings from the Building Control Service’s archive; and

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- that further research be undertaken to determine the commercial viability of establishing an online archive of the Council's Building Control Service's records and to examine the feasibility of charging members of the public for the re-production of high-quality copies.

**Proposed Changes to the Water and Sewerage Service  
(Northern Ireland) Order 2006**

The Head of Building Control outlined the principle aspects of a report which gave an overview of a consultation exercise which had been undertaken by the Water and Sewerage Service. He indicated that the main issues which had been raised within the consultation exercise related to the following:

- the adoption of private sewerage systems and the role of building regulations in the adoption of such sewers;
- a review of the current level of sewer bonds and the retention, increase or decrease of that Bond;
- the prohibition of surface water connections to combined sewerage systems;
- encouraging the use of sustainable drainage systems (SUDS) in new residential properties; and
- maintaining and replacing private supply pipes, including strengthening NI Water's powers to enter commercial property to address leakages from burst pipes.

After discussion, the Committee endorsed the Council's response to the consultation exercise as set out hereunder:

**"Council Response to Proposals for  
New Water Legislation Public Consultation 2014**

**Private Sewerage Systems**

**General comments on this section of questions:**

**The Council advises that the Building Control Service is currently not part of the planning and development control process and has limited involvement with any proposals prior to either submission of a Building Regulation application or pre application discussions. It is anticipated that, with Planning moving to Local Authorities in the Local Government Reform, this problem can be fully addressed.**

**The Council is of the opinion that, in the majority of cases, it would seem appropriate to make sewer adoption contingent upon road adoption and vice versa. There may, however, be instances where a development has a mixture of surfaces not all of which are intended for 'roads' adoption. Whether the extent of adopted sewers should follow the exact**

boundaries of adopted surfaces may be a matter for discussion in each case and thus a rigid approach to the link between adoption of surfaces and pipes may not be appropriate. It is also noted that 4.1 to 4.3 relate solely to sewerage infrastructure and clarity may be required regarding whether the limit of adopted mains supplies would and should follow the same geographical limits.

**Proposal 4.1 – Make Sewer Adoption Agreements a pre-requisite of connection to the public sewerage system. Do you agree that all residential sewerage systems that are to be connected to the public network in the future and which serve five or more houses should be adopted by NI Water and protected by Sewer Adoption Agreements (and surety bonds)?**

The Council is informed by the Head of Building Control that the professional body, Building Control Northern Ireland of which he is the current chairman made representation to the Committee for Regional Development (Inquiry into Unadopted Roads) on this very issue. The Council welcomes this proposal but would also recommend that NI Water should adopt all residential developments including those under 5 houses, even where the road is not to be adopted to ensure equity for all residents. Whilst the vast majority of premises in the current city council area are connected directly to main sewerage systems, Belfast's boundaries will change dramatically in 2015. In that new expanded area, there may be small developments (under 5 houses) which could be served by a pumping station, this type of development needs to fall under the same requirement of what is being proposed.

The Council expresses concern that non-residential developments are not going to be adopted by NI Water and the potential difficulties which may occur where the works are not completed to the standard normally required by NI Water.

**Proposal 4.2 – Make sewer adoption a pre-requisite of private streets adoption - Do you agree that all new residential sewerage systems in private streets (serving five houses or more) should be adopted by NI Water and if so, do you agree that sewer adoption should be a pre-requisite of private streets adoption?**

The Council would welcome this approach and feels that it provides clarity as to the responsibility of NI Water. As stated in the previous question, the Council feels that all

houses should be adopted, even in residential developments where there are less than 5 dwellings. Furthermore, the proposals suggest that non-residential developments are not going to be adopted by NI Water and potential difficulties may occur where the works are not completed to the standard normally required by NI Water. This measure needs to be reconsidered.

**Proposal 4.3 – Review the current level of Sewer Bonds (at 40% / 50% of the estimated construction costs). Should the current level of sewer bond (i.e. 40% for gravity sewers and 50% for pumping stations/mains) be retained, increased or decreased for the PC15 investment period (2015-21)? Please give your reasons why.**

The Council has no strong views on this and the bond should be determined between the industry and NI Water. NIW should set the bond at whatever level is appropriate to their needs and is acceptable and feasible for the construction industry. Yearly review periods should also be introduced to amend the level of sewer bond as market conditions change.

### **Surface Water Drainage & New Connections**

#### **General**

Our opinion is that although there is real long term benefits in pursuing this policy we must point out that in a difficult economic environment for developers these proposals would introduce an additional cost to developers and will likely result in a downward adjustment in the value the market is prepared to pay for development land. Developers who have acquired development sites prior to introduction of these measures would not have been in a position to build this adjustment into the price they paid.

In light of this:

- (i) some transitional arrangements may be appropriate and 5.3 may form part of this;
- (ii) a reasonable period should be allowed to flag up the intended introduction of this policy so as to allow the market to phase in the relevant adjust.

**Proposal 5.1 – Prohibit new surface water connections to the combined system for non- residential development.  
Do you agree that surface water connections for all new non-residential sites should be prohibited?**

Although the Council supports the principal of a more sustainable means of dissipating surface water, it feels that this approach would be too inflexible and is not practical or feasible in some small land locked urban non residential developments, perhaps 'discouraging' instead of 'prohibiting' would be more a more workable approach.

The Council would also have concerns regarding the lack of robust regulatory regime, standards and procedure in place in Northern Ireland to support such a requirement. A number of bodies currently have some involvement in this area, but there is limited associated legislation and/or guidance on the issue. The Council also has concerns with the availability of the skills and knowledge required to design, construct and maintain SUDS and this is critical to the current proposals.

Proposal 5.2 – Encourage sustainable drainage systems in new residential development by restricting surface water connections to the combined sewerage system. Do you agree that developers should be:

- (i) prevented from connecting surface drainage from residential areas to the combined sewerage network;  
and
- (ii) required to use sustainable drainage systems to manage surface water locally on site?

Clarity required as the proposal and question appear to differ as the proposal refers to 'encourage' and the question to 'required'?

The Council would suggest that where there are decisions to be based on cost comparison between the costs of traditional methods versus the cost of SUDS, that the entire costs associated with SUDS are considered, e.g. including the loss of land use, i.e. 5 houses lost from the development to accommodate the SUDs.

The Council also feels that there may be limited recreational and amenity benefits from a SUDS and that the maintenance and liabilities associated with the system may be significant.

We would also ask what measures are in place to deal with situations where the development management company or residents group is unable or unwilling to deal with the ongoing maintenance, whose responsibility is it to ensure the SUDs continues to operate effectively without any public health issues?

The Council would also have concerns regarding the lack of robust regulatory regime, standards and procedures in place in Northern Ireland to support such a requirement. A number of bodies currently have some involvement in the areas, but there is limited associated legislation and/or guidance on the issue.

The Council also has concerns with the availability of the skills and knowledge required to design, construct and maintain SUDS as this is critical to the successful implementation of the current proposals.

**Proposal 5.3 – Incentivise the use of Sustainable Drainage Systems through the Reasonable Cost Allowance.**

**Do you agree that conditions should be introduced for the Reasonable Cost Allowance for sewer requisitions to encourage Sustainable Drainage Systems and reduce surface water connections?**

When a robust legislative framework and regulatory regime have been developed which covers the design, installation and ongoing operation of the SUDS, it may then be effective to provide incentives to encourage provision of SUDS.

#### **Maintaining & Replacing Private Supply Pipes**

**Proposal 6.1 – Introduce an information programme to educate the public about the risks of lead supply pipes. Do you agree that an information campaign should be funded to educate people about the risks of lead supply pipes.**

The Council feels that this may be useful, however needs to be managed carefully to ensure to educate and not create unnecessary concern for residents. Surely an opportunity would be where people are undertaking work they should be encouraged to replace the water supply pipe, relevant documentation relating to replacing lead pipes to be sent out with planning approvals and building control correspondence.

**Proposal 6.2 – Enable NI Water to replace private supply pipes with the owner's consent. Should NI Water be permitted to enter private land with the owner's consent to replace or repair private supply pipes that contain lead or to address leakage?**

As this should assist with reducing the amount of wasted water through leaking pipework, this would seem like a sensible approach.

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**Proposal 6.3 – Incentivise property owners to remove lead supply pipes by providing some financial support.**

**Should the Department incentivise people to replace lead supply pipes by making financial support available?**

**This may be beneficial to encourage homeowners to consider the replacement of lead pipes at their properties.**

**Proposal 6.4 – Promote lead supply pipe replacement through the house purchase/rental market by:**

- Requiring anyone selling or letting a property to declare whether lead is present in the external supply pipes; or,**
- Requiring anyone selling or letting a property to replace any external lead private supply pipes.**

**Although the benefits of this proposal are obvious, how this could be reasonably ascertained and could it cause significant delays in the conveyancing process and may be very onerous for homeowners**

**Depending on the level of financial support available this could help reduce or eliminate an inevitable market adjustment in the prices/rents people are prepared to pay for houses affected by lead piping (predominantly older properties). In the absence of financial support it would be an unfortunate consequence of the policy to put in place a market impediment which could affect whole districts of affordable housing falling into this category.**

**Proposal 6.5 – Strengthen NI Water’s powers to enter commercial property in order to address leakage from burst pipes Should NI Water be permitted to enter private land without the agreement of the property owner, to repair burst private supply pipes where critical issues arise?**

**In principle, the Council would agree with allowing NI Water powers of entry to address the issue of burst pipes, however it would always be more effective where possible to engage with the property owners. A definition of what factors determine a critical issue would also be beneficial and help set the parameters.”**

**Environmental Health**

**Association of Port Health Authorities  
Annual General Meeting and Conference**

The Committee noted the contents of a report which provided an overview of the Council's attendance at the above-mentioned annual general meeting and conference, which had been held in London from 9th till 11th September.

**Northern Ireland Registration Authority – Tobacco Retailers Register**

The Committee considered the undernoted report:

**“1 Relevant Background Information**

- 1.1 Smoking is the single greatest cause of preventable illness and premature death in Northern Ireland, killing around 2,300 people each year. In addition, a strong relationship exists between smoking and health inequalities. It has a greater impact on people living in areas of social or economic deprivation. Overall, almost one in four adults in Northern Ireland is a current smoker. In deprived areas this increases to one in three; and amongst the prison population, and for those with mental ill-health problems, smoking prevalence rates are considerably higher and one in two will die as a result of smoking.**
- 1.2 Since 2007, the NI Assembly has introduced a number of legislative controls to address this serious public health issue. On 30th April 2007, the Smoking (Northern Ireland) Order 2006 came into effect to protect people from second hand smoke by preventing smoking in most workplaces and public places. On 1st September 2009, the minimum age to purchase tobacco products was increased from 16 to 18 years by the introduction of the Children and Young Persons (Sale of Tobacco etc) Regulations (Northern Ireland) 2008; and more recently controls were introduced relating to point of sale display of tobacco products and the use of vending machines. The Council has been funded by the Public Health Agency since 2006 to enforce the tobacco control legislation. The level of compliance relating to smoke free workplaces and point of sale display in Belfast and indeed, throughout Northern Ireland, is high.**
- 1.3 The Public Health Agency also funds the Council to provide a smoking cessation service for its employees and this service has been extended over the past few years to include smoking cessation in other workplaces throughout the city.**

**1.4 In February 2012, the Department of Health, Social Services and Public Safety published a Ten Year Tobacco Control Strategy for NI with the overall aim to create a tobacco-free society.**

**2 Key Issues**

**2.1 In 2013, the Northern Ireland Assembly introduced a Tobacco Retailers Bill, which received Royal Assent in March 2014. The Tobacco Retailers Act (Northern Ireland) 2014 includes the establishment of a central register of tobacco retailers. It is estimated that the register will contain around 2,500-3,000 entries. Similar retailer registers have already been established in Ireland and Scotland.**

**2.2 The purpose of the register is to provide essential information to councils to enable the enforcement of tobacco legislation. The system will allow all tobacco retailers to record their details on an online database by completing a simple online application process. The process will also allow submission on a paper application form. There will be no cost or conditions associated with the registration for the business.**

**2.3 Local councils must be able to access the information contained in the register to check the registration status of retailers in their area. This information will also be accessible to the public through the internet. In addition, the register should allow for nominated council staff to enter and observe information relating to enforcement action taken with regards to relevant tobacco control legislation. This information will be restricted to nominated persons.**

**2.4 The system will include procedures for approved administrators to monitor, amend, omit and delete information as appropriate. It should be capable of interrogation to produce management reports e.g. the number of registered tobacco retailers in a particular council area. The use of compulsory fields will be required in order to facilitate accurate searches.**

**2.5 The registration authority will be responsible for the establishment and maintenance of the tobacco retailers register. Its responsibilities will include:**

- facilitating public access to the register on a 24 hour basis;**
- ensuring effective operation of the register and the maintenance of accurate records;**

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- storing data securely/ensuring restricted public access;
- sharing information with appropriate authorities, e.g. DHSSPS and councils;
- providing online guidance on the registration system; and
- providing a link in with NI Direct.

**2.6** The Department of Health, Social Services and Public Safety has approached the Council with a proposal that it takes on the regional registration authority role for NI. An initial meeting on 5th September explored the need to examine costs and to have further more detailed discussions with Digital Services. This report therefore seeks authority from the Committee to have exploratory meetings on this with the proposal to bring back an options paper with costs.

**3** **Resource Implications**

**3.1** **HR Implications**

None.

**3.2** **Financial implications**

Preliminary discussions with the DHSSPS have taken place about Council becoming the registration authority. DHSSPS have advised that funding is likely to be available for both the setting up and maintenance of the system. Further exploratory work will be done about the costing of systems etc.

**3.3** **Equipment Implications**

None

**4** **Equality and Good Relations Considerations**

**4.1** There are no equality issues associated with this work.

**5** **Recommendation**

**5.1** The Committee is requested to:

- i. agree, in principle, to the Council becoming the registration authority for NI, provided adequate funding is made available by DHSSPS to fully cover costs; and
- ii. authorise officers from the Environmental Health Service and Digital Services to engage in further discussions on the matter and bring back options to this Committee.”

The Committee adopted the recommendations.

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**Wastes Management**

**Mr. John Quinn**

The Committee extended its congratulations to Mr. John Quinn, Chief Executive of arc21, on his imminent election to the position of President of the Chartered Institution of Wastes Management.

**Chartered Institute of Wastes Management**

The Committee was informed that Council's Waste Transfer Station had been short-listed by the Chartered Institute of Wastes Management for the Peel People's Cup. The Head of Waste Management reported that that competition sought to recognise excellence in the operation of a waste management facility and the Council's team had been one of three short-listed. The awards ceremony would be held in the Marriott Hotel, Grosvenor Square, London, on 6th November.

The Committee agreed that up to three members of staff from the Waste Transfer Station be authorised to represent the Council at the awards ceremony in London.

In addition, the Committee agreed to delegate authority to the Chairman to approve the attendance of Members or officers at local events which would be organised by the Chartered Institute of Wastes Management during 2014/2015.

Chairman