

LISBURN & CASTLEREAGH CITY COUNCIL**Minutes of the Environment and Sustainability Committee held in the Council Chamber, Island Civic Centre, and remotely, on Wednesday 4th October 2023 at 6.00 pm****PRESENT IN CHAMBER:**

Councillor C McCready (Chairperson)
 Deputy Mayor, Councillor G McCleave
 Aldermen M Gregg and J Tinsley
 Councillors S Burns, P Catney, G Hynds, P Kennedy,
 A McIntyre, M McKeever and N Parker

PRESENT IN REMOTE LOCATION:

Councillor R Carlin (Vice-Chairperson)
 Alderman S Skillen
 Councillors J Lavery BEM and R McLernon

OTHER MEMBERS:

In Chamber:
 Alderman A Grehan
 Councillor C Kemp

IN ATTENDANCE:

In Chamber:
 Acting Director of Environmental Services (RH)
 Acting Head of Service (Waste Management and Operational Services) (JK)
 Head of Service (Building Control and Sustainability) (CD)
 Acting Head of Service (Environmental Health, Risk and Emergency Planning) (SC)
 Member Services Officers (CH, CA)

Commencement of the Meeting

At the commencement of the meeting, the Chairman, Councillor C McCready, welcomed those present to the meeting of the Environment and Sustainability Committee. The Chairman advised that the meeting would be audio recorded unless the item on the agenda was to be considered under confidential business. At this point, the Member Services Officer read out the names of the Elected Members and Officers in attendance at the meeting. The Chairman, Councillor C McCready, stated that, whilst the meeting was being recorded, unauthorised recording was not permitted, as per the Council's Standing Orders.

In accordance with the Protocol for Remote Meetings, the Chairman asked that those attending via zoom to ensure that the meeting could not be seen or heard by any other person at their remote location when confidential business was being considered.

He asked that mobile phones be put on silent or switched off for the duration of the meeting. The Acting Director of Environmental Services, Mr Richard Harvey proceeded to outline the evacuation procedures in the case of an emergency.

1. Apologies (00:02:54)

It was agreed to accept apologies for non-attendance at the meeting on behalf of The Right Worshipful the Mayor, Councillor A Gowan and Alderman J Baird.

2. Declarations of Interest (00:03:13)

There were no Declarations of Interest.

3. Report by the Head of Service (Building Control and Sustainability) (00:03:22)

3.1 Consultation on NI 2030 & 2040 Emissions Reduction Targets, First Three Carbon Budgets and Climate Change Committee Advice Report (00:03:30)

The Committee considered a report which provided information in connection with a consultation launched by DAERA in relation to NI 2030 and 2040 Emissions Reduction Targets and First Three Carbon Budgets and Advice Report. Members noted that September Full Council meeting had granted delegated authority to the October Environment and Sustainability Committee, to agree the draft consultation response for submission before the closing date of 11th October, 2023.

Members were provided with a website link to view the Department website, discussion, guidance documents and response template. A copy of the draft response on behalf of the Council, had been circulated to Members for consideration. It was reported that any Members' comments received had been included in the response.

In relation to question fourteen of the consultation document, Alderman M Gregg noted that in the rest of UK the grid connections were met by the power provider rather than whoever was providing the renewable energy source, however in Northern Ireland it appeared that the grid connection cost had to be met by whoever was providing the renewable energy. The Head of Service for Building Control and Sustainability agreed to include the above comment in the consultation response.

It was proposed by Alderman M Gregg, seconded by Councillor G Hynds, and agreed to recommend that the response, on behalf of the Council, to the Consultation on NI 2030 and 2040 Emissions Reduction Targets and First Three Carbon Budgets, and Climate Change Committee Advice Report be approved, subject to the inclusion of additional comments received.

3.2 Consultation on Proposed Amendments to Part E (Fire Safety) of The Building Regulations and Guidance (00:07:28)

The Committee considered a report which provided information in connection with a consultation launched by the Department of Finance (DoF), in relation to proposed amendments to Part E (Fire Safety) of the Building Regulations and Guidance. It was reported that the Consultations main proposals were in relation to Sprinklers, Smoke Alarms, Fire Safety Information, Smoke Ventilation Standards in Flats and Facilities Access for the Fire and Rescue Services.

Members were reminded that it had been reported at the September Environment and Sustainability Committee, that due to the closing date of 25th September 2023, a response would not be compiled in time for the September meeting. It was agreed that the response would be submitted by Officers before being brought to the October Committee meeting for retrospective approval.

Members were provided with a website link to view the Department of Finance website, guidance documents and response template. A copy of the response submitted on behalf of the Council, had been circulated to Members for information. It was reported that any Members comments received had been included in the response.

It was proposed by Councillor P Kennedy, seconded by Councillor A McIntyre, and agreed to recommend that the Councils response to the Department of Finance consultation on proposed amendments to Part E (Fire Safety) of The NI Building Regulations and Guidance, be retrospectively approved.

3.3 Department of Finance Consultation on a Range of Technical Issues Relating to the Building Regulations NI (00:09:47)

The Committee considered a report in connection with a consultation led by the Department of Finance, on a range of technical issues relating to the Building Regulations NI. The Head of Service reported that the discussion document outlined pre-consultation detail of potential next steps on a range of inter-related areas, including; conservation of fuel and power, ventilation, mitigation of overheating in dwellings; and electric vehicle charging infrastructure to parking spaces at buildings.

Members were provided with a website link to view the Department website, discussion, guidance documents and response template. Members were encouraged to forward any comments they wished to have included in the final response.

It was reported that the closing date for the consultation was 15th November 2023, and that a response would be brought to the November Committee meeting for approval, in advance of the closing date. Members noted that as the consultation closing date was 15th November, there would not be time for any agreed response to be ratified at Full Council on 28th November 2023.

3.3 Department of Finance Consultation on a Range of Technical Issues Relating to the Building Regulations NI Cont'd

It was proposed by Alderman J Tinsley, seconded by the Deputy Mayor, Councillor G McCleave, and agreed to recommend that Council delegates the authority to the November Environmental and Sustainability Committee, to agree and submit on behalf of Council, the response to Department of Finance in relation to the consultation on a range of technical issues relating to the Building Regulations NI.

4. Report by the Acting Head of Service (Environmental Health, Risk and Emergency Planning (00:11:03)

4.1 The Waste and Contaminated Land (Northern Ireland) Order 1997 (00:11:12)

Further to the report considered by the Committee at its meeting in March 2023, the Acting Head of Service set out in her update report, the key information in relation to the new powers that had been given to the Council under the Waste and Contaminated Land (Amendment) 2011 Act(Commencement No.3) Order (Northern Ireland) Order 1997 (W&CLO1997).

It was stated that the enacted provisions provided Councils in Northern Ireland with equivalent powers to that of the Northern Ireland Environment Agency (NIEA) to take action in relation to unlawful deposits of waste on land within Council areas. A detailed report providing background information and a copy of the Environmental Health procedure to be applied to all illegal dumping on open ground had been circulated to Members for consideration.

In response to a request made by Councillor J Lavery BEM, the Acting Head of Service agreed that data in relation to the number of complaints of illegal dumping received against the number of fines issued, would be circulated to Members for information.

Following discussion, it was proposed by Alderman M Gregg, seconded by Councillor G Hynds, and agreed to recommend that:

- the Article 4 W&CLO1997 Fixed Penalty to be set at £400 for detected offences be approved,
- the Council Environmental Health procedure in Appendix 2 be approved; and
- the adoption of Article 5 W&CLO1997 as a discretionary power that Council Officers may use, when appropriate, subject to resources, be approved.

4.2 Cemeteries – Postbox to Heaven (00:17:51)

The Acting Head of Service provided an update to the Committee, further to the meeting of the Environmental Services Committee in April 2023, were Councillor Legge proposed a Notice of Motion for consideration to be given to a “Postbox to Heaven” initiative to be implemented across Lisburn and Castlereagh City Council Cemeteries.

4.2 Cemeteries – Postbox to Heaven Cont'd

It was reported that Officers had completed an information gathering exercise on other Councils within Northern Ireland and England to ascertain their approach to 'Postbox to Heaven'. The findings alongside an example of a white post box were circulated to Members for consideration.

It was suggested that the Council take a similar approach to that of Warrington County Council, by offering biodegradable seeded cards that could be used to grow wildflowers within a designated memorial area at a cemetery.

Alderman J Tinsley put on record that he unfortunately would not be in a position to support the initiative on a personal level, he noted it was a lovely idea and understood the sentiments of the initiative, but felt that it would proactively give false hope to grieving people.

It was proposed by Councillor N Parker, seconded by Councillor G Hynds, and agreed to recommend that the consideration for the initiative "Postbox to Heaven", to be progressed alongside the next phase of development within the existing cemetery, which will include a memorial/remembrance garden be approved.

Following discussion it was further agreed that consideration also be given to ensuring the seeded cards are easily identifiable from other cards that people may put into the 'Postbox to Heaven'.

4.3 Food Control Service Plan 2023/2024 (00:24:10)

The Head of Service (Environmental Health, Risk and Emergency Planning), set out in her report, the background and key information in relation to the Food Service Plan for 2023/2024, which had been developed in order to meet the requirements outlined in the Food Standard Agency's Framework Agreement.

It was reported that the Food Standards Agency (FSA) required each competent authority to have an up-to-date, documented Food Service Plan, which should be readily available to food business operators (FBOs) and consumers.

A copy of the Food Control Service Plan 2023/2024 was circulated to Members for their information. Following discussion, the Committee agreed that the Food Service Plan for 2023/2024 be noted.

4.4 Notice of Motion in the name of the Deputy Mayor, Councillor Gary McCleave – Blue / Green Algae (00:27:03)

Members were provided with a copy of the following Notice of Motion in the name of the Deputy Mayor, Councillor G McCleave, which had been referred to the Committee by Council on 26th September, 2023 for consideration:

4.4 Notice of Motion in the name of the Deputy Mayor,
Councillor Gary McCleave – Blue / Green Algae Cont'd

“This council calls on the local Government Association (NILGA) to immediately establish a working group made up of DAERA and its respective agencies including NIEA, Inland Fisheries and others, along with representatives from the four Councils that border Lough Neagh, and other relevant agencies including NI water, the Public Health agency and Food Standards Agency in order to hold the department(s) and agencies accountable for the development of a timebound targeted strategy to address the poor water quality and in particular the impact of toxic Blue Green algae affecting Lough Neagh, and its impact on the environment, the loughs residents, businesses and recreational users. NILGA will convene the working group and strategy to address the issue”.

The Notice of Motion was proposed by Deputy Mayor, Councillor G McCleave and seconded by Councillor N Parker.

With the permission of the Chairman, Deputy Mayor, Councillor G McCleave spoke to the committee advising that Lough Neagh was in crisis due to an accumulation of years of neglect and abuse. He stated that the impact of Blue/Green Algae this year had been unprecedented, affecting the environment, business, tourism, recreation, angling and water sports reaching well beyond Lough Neagh with Lower Bann area being badly affected also.

He further explained that there was a legal obligation to maintain good water quality under the Water Framework Directive Regulations and in order to restore public confidence a new approach had to be taken. He stated that the Notice of Motion proposed to hold those Departments and Agencies accountable for the development of a time-bound strategy to address the poor water quality and that NILGA will consult widely with all the relevant agencies and stakeholders currently affected. He thanked the Committee for the opportunity to bring forward the Notice of Motion and asked for their support.

In seconding the Notice of Motion, Councillor N Parker concurred with the aforementioned sentiments expressed by the Deputy Mayor, Councillor G McCleave, and stated that she fully supported the motion before the Committee. She advised that the current situation facing water quality, and in particular in Lough Neagh, which was used domestically across 40% of homes in Northern Ireland, had been well documented over the last number of weeks and months. She further stated that an urgent solution needed to be found to prevent the issues that had caused the problems; that businesses were greatly affected and animals and wildlife at risk, causing deep public concern.

Following a number of comments of support by members of the Committee, it was unanimously agreed that the Notice of Motion on Blue/Green Algae be approved.

4.4 Notice of Motion in the name of the Deputy Mayor,
Councillor Gary McCleave – Blue / Green Algae Cont'd

Further to discussion, it was proposed by Councillor P Catney, seconded by Councillor N Parker and agreed to recommend that in the absence of a functioning executive, a letter to be written to the Secretary of State be approved, calling on him to ensure that the Loughs environmental and economic sustainability be given the due care and consideration needed to protect future generations, by setting up an inter-departmental working group as a matter of urgency, to assess and implement measures were feasible.

5. Report by the Acting Head of Service (Waste Management and Operational Services) (00:43:03)

5.1 Consultation on the draft Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations 2024 (00:43:12)

Councillor C Kemp left the meeting during this item of business (6.45 pm).

Further to the report considered by the Committee at its meeting in September 2023, the Committee considered an update report in regards to a consultation which had been launched on 28th July by the Department of Agriculture, Environment and Rural Affairs (DEFRA) in Northern Ireland, along with the UK Government, Scottish Government and Welsh Government, in relation to the draft Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations (2024).

A copy of the draft response on behalf of the Council, had been circulated to Members for consideration. Members noted that September Full Council meeting had granted delegated authority to the October Environment and Sustainability Committee, to agree the draft consultation response for submission before the closing date of 9th October, 2023.

It was proposed by Alderman M Gregg, seconded by Councillor A McIntyre, and agreed to recommend that the draft consultation response to be submitted for Lisburn and Castlereagh City Council be approved.

The Chairman, Councillor C McCready, advised that Any Other Business would be considered at this point in the meeting.

6. Any Other Business (Agenda item 7.0 refers) (00:46:17)

6.1 Mullaghglass Complaints Update (00:46:22)
Alderman J Tinsley

Alderman Tinsley was encouraged by the response received by the Acting Head of Service for Environmental Health, Risk and Emergency Planning to his query, were she confirmed that no further complaints had been received by Council from residents in relation to the Mullaghglass Landfill Facility since it ceased accepting municipal waste.

6.2 Rave Complaints (Stoneyford) (00:52:10)
Alderman J Tinsley

Alderman J Tinsley advised the Committee, that he had received a number of complaints from both local residents and local farmers in regards to a rave that had taken place in an open field, a few hundred yards outside Stoneyford, from approx. 10 pm on Saturday 30th September, 2023 until approx. 9 am the following morning. It was reported that the rave didn't end until police arrived on Sunday morning.

Responding to questions, the Acting Head of Service for Environmental Health, Risk and Emergency Planning confirmed that the Council had no prior notice of the rave and that seven telephone complaints had subsequently been received. It was reported that officers were actively investigating the circumstances of the rave and that the land owner had confirmed that they would not be allowing any further use of their land for use of this nature.

The Committee were advised that the Council did not operate an out of hour's facility and that complaints of this nature, outside of Council hours were a matter for the police, if there was a disturbance of the peace. It was also confirmed if the Council received any prior notice for raves of this nature, that suggested they would be a nuisance for residents, then a noise abatement notice could be served to stop it from happening.

Alderman J Tinsley passed on his appreciation to Officers for their proactive approach in investigating the circumstances of the rave.

6.3 Dog Fouling (00:54:41)
Councillor G Hynds

Responding to a question raised by Councillor G Hynds, the Acting Head of Service for Environmental Health, Risk and Emergency Planning confirmed that Officers carried out target controls within hotspot areas periodically, and agreed to consider Councillor G Hynds suggestion of pro-actively offering scoop the poop bags to dog walkers to help address dog fouling.

6.4 Household Recycling Centre Service Level Agreement
Deputy Mayor, Councillor G McCleave (00:56:56)

The Deputy Mayor, Councillor G McCleave requested an update on the outcomes of Officers re-engagement with neighbouring Councils to ascertain the feasibility of entering into a service level agreement whereby, Lisburn and Castlereagh City Council rate payers could utilise other Council HRC sites. The Acting Director of Environmental Services advised that work was ongoing on this matter and that a report would be tabled to the November 2023 Environment and Sustainability Committee.

6.5 Kerbside Model Consultation Update
Acting Director of Environmental Services (00:57:46)

Officers provided an update on the Kerbside Model Equality Consultation which concluded on Monday 25th September 2023, reporting that a total of 1,535 completed responses had been received (1526 responses from residents and 9 on behalf of organisations). It was reported that 75% of respondents advised that changes to waste collections would not present difficulties personally or to their household. Results indicated high agreement to the current and proposed measures.

The Committee were advised that Officers would now analysis all responses with the aim to table a report to the Environment and Sustainability Committee in December 2023, with a further report tabled in early 2024 to include all developments over the past year and what impact those developments might have had in the kerbside decision that was taken in January 2023.

Officers responded to a number of comments and questions arising from the Kerbside Consultation update. Responding to a request made by Alderman J Tinsley, it was agreed that the initial findings/statistics that had been verbally provided to the Committee would also be circulated to Members for their scrutiny.

7. Confidential Report from the Acting Director of Environmental Services (Agenda item 6.0 refers) (01:10:12)

The Chairman, Councillor C McCreedy, advised that the confidential report items would be dealt with "In Committee" due to (1) containing information relating to the financial or business affairs of any particular person (including the Council holding that information), and (2) due to information which is likely to reveal the identity of an individual and (3) information in relation to which a claim to legal professional privilege could be maintained in legal proceedings.

"In Committee"

It was proposed by Alderman J Tinsley, seconded by Councillor P Catney, and agreed that the following matters be considered "in committee", in the absence of members of the press and public being present.

The member of the press seated in the public gallery left the meeting (7.12 pm).

Alderman A Grehan left the meeting (7.12 pm).

7.1 Off Street Car Parking Contract (Agenda item 6.1 refers)
 (Redacted Report will be published on completion of contract process)

Alderman A Grehan returned to the meeting (7.15 pm).

The Acting Head of Service (Environmental Health, Risk and Emergency Planning presented this item of business.

7.1 Off Street Car Parking Contract (Agenda item 6.1 refers) Cont'd

Responding to a question raised by Alderman J Tinsley, the Acting Director of Environmental Services advised that a Regional Off Street Car Parking Group existed to consider this project and including any legal advice pertaining to the same.

Following discussion, it was proposed by Councillor P Catney, seconded by Alderman M Gregg, and agreed to recommend that the recommendations, as detailed in the report circulated, be approved.

7.2 Environmental and Sustainability Charges Scheme – 2024/2025
(Agenda item 6.2 refers) (Report will not be made available)

The Acting Director of Environmental Services presented this item of business. Responding to a request made by Alderman M Gregg, the Acting Director agreed to include the lower and upper limits of Statutory Charges, were appropriate, in future Charges Scheme Reports brought to the Environment and Sustainability Committee.

Alderman S Skillen expressed understanding of why the High Hedges Charge was set at the rate outlined in the report, but put on record her disappointment in the decision.

It was proposed by Alderman M Gregg, seconded by Councillor P Catney, and agreed to recommend that the Environmental Services Directorate charges for 2024/2025 financial year, as detailed in the report circulated, be approved.

8. Confidential Any Other Business

8.1 HRC Site Visits

The Acting Director of Environmental Services reminded Members of the upcoming site visits to the Depot, the Cutts and Carryduff HRC Sites and encouraged Members to RSVP to Member Services as soon as possible.

Resumption of Normal Business

It was proposed by Councillor P Catney, seconded by Councillor G Hynds, and agreed to come out of committee and normal business was resumed.

There being no further business, the meeting concluded at 7.24 pm.

Mayor/Chairperson