

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Ref: NMD/DC

Minutes of the Meeting of Newry, Mourne and Down District Council Development Committee held on Tuesday 25 November 2014 at 6.00pm in the Boardroom, District Council Offices, Monaghan Row, Newry

In the Chair: Cllr. W Clarke

In attendance: (Councillors)

Cllr. T Andrews	Cllr. R Burgess
Cllr. S Doran	Cllr. D Curran
Cllr. S Ennis	Cllr. G Fitzpatrick
Cllr. G Hanna	Cllr. L Kimmins
Cllr. D Hyland	Cllr. M Larkin
Cllr. K Loughran	Cllr. H M Kee (non-Committee Member)
Cllr. D McAteer	Cllr. R Mulgrew
Cllr. B O Muiri	Cllr. M Murnin
Cllr. B Quinn	Cllr. G Stokes
Cllr. D Taylor	Cllr. B Walker

(Officials)

Mr L Hannaway, Chief Executive Designate
Mr J McBride, Change Manager
Mr C O'Rourke, Director of Environmental Services
Mr G McGivern, Director of District Development
Mr M Lipsett, Director of Recreation & Community Services
Mr J Farrell, Director of Environment, Health and Building
Services
Mrs M Ward, Group Chief Building Control Officer
Mrs H McKee, Community Planning Officer
Mrs C McAteer, Committee Administrator

DC/57/2014: APOLOGIES

Apologies were received from Councillors P Clarke, G Donnelly and H Reilly.

DC/58/2014: DECLARATIONS OF INTEREST

There were no declarations of interest.

COMMITTEE BUSINESS

DC/58/2014: **ACTION SHEET – DEVELOPMENT COMMITTEE MEETING
28 OCTOBER 2014**

Read: Action Sheet arising from the Development Committee Meeting held on 28 October 2014. **(Copy circulated).**

NOTED: Mr Hannaway confirmed that all actions had been progressed.

PRESENTATION – COMMUNITY PLANNING

DC/59/2014: **PRESENTATION ON AN INTRODUCTION TO
COMMUNITY PLANNING**

NOTED: Heather McKee, Community Planning Manager gave a presentation on an Introduction to Community Planning. **(Copy attached).**

A question and answer session followed during which Mrs H McKee responded to issues raised by Members.

DC/60/2014: **DRAFT RESPONSE TO THE LOCAL GOVERNMENT
(COMMUNITY PLANNING PARTNERS) ORDER (NI) 2015**

Read: Report from Heather McKee, Community Planning Manager asking Members to review the response document, suggest amendments and agree to the submission of the response to be submitted by 12 December 2014. **(Copy circulated).**

AGREED: **It was AGREED on the PROPOSAL of Councillor Andrews, SECONDED by Councillor D McAteer, to approve the response to this Consultation Document subject to the response strongly reiterating that the Community Planning Partners should be required to fully participate in the development of the Community Plan and also that the following organisations should be included as Community Planning Partners:-**

- **NI Ambulance Service**
- **Loughs Agency and Waterways Ireland**
- **Intertrade Ireland**
- **Universities**

IN COMMITTEE

DC/61/2014: WASTE GROUP MANAGEMENT IN THE NEW COUNCIL

AGREED: It was **AGREED** on the **PROPOSAL** of Councillor Hyland, **SECONDED** by Councillor Andres, to discuss this item “In Committee” due to the staffing and contractual matters to be discussed.

AGREED: It was **AGREED** on the **PROPOSAL** of Councillor O ‘Muiri, **SECONDED** by Councillor D McAteer, to come “Out of Committee”.

NOTED: The Chairman reported a verbal update had been given in relation to the future Group Structures for Waste Management and that a report would be tabled at the December Development Committee Meeting for consideration.

SERVICE CONVERGENCE

DC/62/2014: PROPOSED POLICY AND OPERATIONAL CHANGES TO WASTE MANAGEMENT PRACTICES FROM 1 APRIL 2015

Read: Report dated 25 November 2014 from Canice O’Rourke/Jim McCorry requesting that Members consider and agree a series of policy and operational changes within Waste Management that will come into force upon the merger of Newry and Mourne and Down District Council as follows:-

- a) NILAS Data Reporting
- b) Complaints handling and Address Database
- c) Issuing of Wheeled Bins
- d) Bulky Waste Collection
- e) Fleet Management (Telemetry, Fleet Renewal and ‘O’ Licence)
- f) District Cleansing
- g) Trade Waste and Caravan Charging
- h) Waste Contracts

NOTED: Mr O’Rourke advised that the following issues reflected a change in current policy/procedures and required approval by the Committee:-

Aspect	Proposal
Appendix 3 – Purchase of Black Bin	Householder to purchase N.B. Agreed that officials add to the policy that householders be offered the opportunity to replace their black bin with a smaller bin to encourage recycling – if they accept this offer then the smaller bin be offered free of charge
Appendix 3 – Purchase of Blue Bins	All new households to purchase blue bin effective from 1 st April 2015
Appendix 3 – Policy with respect to larger families	Adopt new policy from 1 st April 2015 that households with 6or more have a collection of: 1no 240L black bin 1no 360L blue bin
Appendix 3 – Bins reported as lost	From 1 st April 2015, Council will not accept responsibility for lost/stolen bins and will not replace any bin free of charge. Exception will only be given if the bin is lost/stolen due to bin not being collected on scheduled collection day in which case the Council will replace the bin free of charge with an equivalent bin and also with stipulation that a P.S.N.I. Crime Reference is provided.
Appendix 3 – Policy in the event that a vulnerable member of the public have had bin stolen	From 1 st April 2015 Council will replace the stolen bin with equivalent 2 nd hand bin, free of charge, provided a crime reference number is given. If no equivalent bin is available, 50% of the cost will go to the householder. Policy to apply first case only and replacement thereafter is at cost to the householder.
Appendix 3 - Collection Time	Household:7.30am Commercial:9.00am (unless agreement made with commercial)
Appendix 3 – Missed Collection	Council is not obliged to provide a collection if bin is not presented but may undertake a collection based on information received and circumstances provided that no foreseeable additional cost applies and where management have agreed to provide the service.
Appendix 3 – Access to bin blocked i.e..	Squad to notify supervisor as to access

by vehicles	issue and will return to area to seek to gain access. If access is not possible and bins cannot be collected the supervisor will arrange a collection. Repeated offences will require a site meeting with actions to resolve, to be agreed.
Appendix 4a – Bulky Collection Service	Members have already agreed to standardise a Bulky Collection Definition and have approved fee at £10 per collection. Members to approve the definition of a “bulky collection” to be provided across the District as details of the types of items that will be allocated under this service.
Appendix 5 and 5a and 5b– Draft Fleet Renewal Policy and Draft Fleet Telemetry System Policy	<p>Fleet renewal</p> <ul style="list-style-type: none"> ▪ <i>The need to introduce a fleet renewal policy for the new council.</i> ▪ <i>The development of the procedure to ensure the council has one agreed method of renewing the fleet.</i> ▪ <i>Agree the renewal of refuse collection vehicles at seven years.</i> ▪ <i>The development of a fleet renewal programme.</i> <p>Fleet telemetry</p> <ul style="list-style-type: none"> • <i>The need to introduce a fleet telemetry system.</i> • <i>Management to progress the procurement of a fleet telemetry system during the 15/16 financial year</i> • <i>Management to implement the new system before the end of the 15/16 financial year</i> <p><i>Management to engage with staff and unions in the implementation of the new telemetry system</i></p>

<p>Appendix 6 – District Cleansing</p>	<p><i>2.1.1 Differences in the two services have been identified. Council should work towards the creation of a single Cleansing Service in due course. In the meantime it is recommended that both areas do continue to provide Street Cleansing Services as at present, whilst moving towards standard methodologies.</i></p> <p><i>2.1.2 Meeting to be convened with the Trade Union side in the near future, to advise that the Street Cleansing Service will continue to operate in each area as at present, until such time as the new Director and Head of Service recommend change, following consultation and negotiation with the Trade Union side.</i></p> <hr/> <p><i>2.2.1 Review to be held with the Trade Union side to seek to harmonise the following aspects, pre- 1 April 2015.</i></p> <ul style="list-style-type: none"> • <i>Risk Assessment</i> • <i>Induction Training</i> • <i>Methods of Working</i> • <i>PPE</i> • <i>Tool-Box Talks</i> <p><i>It is recommended that this task be completed and implemented urgently.</i></p> <hr/> <p><i>2.3.1 It is recommended that a Street Cleansing Service schedule for Ballyward be drawn up and implemented from the Down Area.</i></p> <p>The costs for this service to be added to the Revenue budgets for 2015/2016.</p>
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	<p><i>2.4.1 It is recommended that Service Management undertake a Tender Exercise in 2015, for the provision of</i></p> <ul style="list-style-type: none"> <i>-A suitable litter and dog bin for placement in the District</i> <i>- Street Cleansing equipment, items to be purchased as soon as practicable in the new financial year.</i>
Cleaning of footpaths	<p>It was agreed on the proposal of Councillor McAteer, seconded by Councillor Hyland, that a report with costings be prepared on the possibility of the Council having a dedicated resource to undertake pavement/footpath cleansing and that this report be tabled at a future Development Committee Meeting for consideration.</p>
<p><i>Appendix 7 – Trade Waste and Caravan Charging - There are several differences between the Operations of Trade Waste as currently exist between Down and Newry and Mourne District as requires to be identified and a standard protocol agreed and set down with a policy document for Trade Waste Service.</i></p>	<p><i>New contract to be agreed by two Councils ready for rollout in April</i></p> <p><i>Charities to pay for bin that is provided but receive free service for the 1 X240 black and blue. Anything over this usage to be charged on a pro rata basis.</i></p> <p>It was agreed officials look at this issue and carry out an exercise to see how many charities have more than one bin and if there would be merit in providing them with a blue bin as an alternative to encourage recycling. A paper with costings to be brought back to a future Development Committee Meeting.</p> <p>Council to move to higher rate of waste management charges as detailed in Appendix 7a (circulated).</p> <p>Both N&MDC and DDC are required to compile a more comprehensive breakdown in relation to the Caravan Park information.</p>
Appendix 8 – Waste Contracts	<p>Approval for the Waste Contracts as detailed in Appendix 8 circulated at the meeting</p>

AGREED: It was **AGREED** on the **PROPOSAL** of Councillor Andrews, **SECONDED** by Councillor Burgess, to approve the series of policy and operational changes within Waste Management which would come into force upon the merger of Newry and Mourne and Down District Council as outlined above.

NOTED: It was noted that during the debate Councillor Hyland said that there had been difficulties within Newry and Mourne District Council in agreeing to the implementation of vehicle telemetry. He said he would not like to see this issue pushed ahead until all outstanding issues had been resolved.

In response Mr O'Rourke advised that telemetry can lead to a very significant increase in the Council's ability to optimise refuse collection rounds. He also said that there was a requirement on the Council to have an "Operators Licence" and whilst telemetry was not an absolute requirement it would be an important aspect of it. It also provided a level of protection for the operatives of vehicles and was of benefit to lone workers.

Mr O'Rourke confirmed that Management would engage with staff and unions in the implementation of any new telemetry system.

NOTED: Members also raised the following issues during the discussion of the policy and operational changes within Waste Management and Mr O'Rourke responded to the queries-

- Refuse collectors should operate within an agreed guidance code in terms of replacing bins where they found them after the bins have been emptied.
- Will commercial businesses get the opportunity to pay on a quarterly basis for their bin collection (response – officers are recommending a single annual payment).
- Can glass be put in the blue bins in Down as is the case in Newry and Mourne (response – no change to current practices but will be working towards change).
- It is not planned to roll out the brown bin collection outside of those households within the 30mph areas of the District due to cost implications.
- The issue of uniform pay structures and grades across the new District is one which will be considered by H.R.
- The Council will continue to look at employment schemes for young people particularly in the area of grounds maintenance.
- Efforts should be made to collect missed bins on rural roads to prevent them being knocked over and rubbish scattered.
- Can commercial properties make specific collection arrangements outside of the 9.00 am collection time

which if implemented, will add to traffic congestion in towns (response – individual arrangements can be discussed with specific businesses on request).

- Blocked access to developments which prevent bin collection – a channel of communication should be put in place with Elected Members as they may be able to help resolve the issue.
- Bin collections on private laneways – (response – the Council will not do collections on private laneways, only on a public road unless there is exceptional circumstances and an assisted lift is required – under the new policy such lifts will be reviewed every 24 months).
- Information sought on Independent Waste Collectors and their ability to supply a reduced cost service (response – under legislation the Council is not allowed to make a profit in terms of the collection of commercial waste).

DC/63/2014: LEISURE FACILITY AND RECREATION GROUND CHARGES

Read: Report dated 25 November 2014 from Mr M Lipsett seeking approval for the charges for Leisure Facilities and Recreation Grounds as set out in the Appendix circulated at the meeting. **(Copy circulated).**

AGREED: It was **AGREED** on the **PROPOSAL** of Councillor Andrews, **SECONDED** by Councillor Murnin, to approve the above charges.

DC/64/2014: TRANSFER OF BALLYWARD (BANDBRIDGE DISTRICT COUNCIL)

Read: Report dated 25 November 2014 from Mr J McBride in relation to the transfer of Ballyward and asking Members to agree to:- **(Copy circulated)**

- The recommended Service Level Agreement (SLA) for the provision of a waste management collection service;
- The recommended “cut off” date for the transfer of Building Control fees (recommended “cut off” date is 1 January 2015).
- The update concerning arrangements for the transfer of Building Control and Environmental Health services, as well as for the transfer of land and property assets.

AGREED: It was **AGREED** on the **PROPOSAL** of Councillor Andrews, **SECONDED** by Councillor McAteer to approve the above report and recommendations.

NOTED: Mr Hannaway advised that approximately £507,000 would be received in income as a result of the transfer of Ballyward to the Newry, Mourne and Down District Council area.

TRANSFERRING FUNCTIONS

DC/65/2014: **TRANSFERRING FUNCTIONS – DELOITTE DUE DILIGENCE REPORT**

READ: Report dated 25 November 2014 from Mr L Hannaway detailing a summary of the significant issues which remain to be resolved and which are attached to the transfer of functions to Local Government. Attached to the report was a copy of the Deloitte final report on the outcome of their detailed review of the status (financial, staffing etc) of these functions in advance of their transfer to Councils on 1 April 2015. Also attached – the findings of the condition surveys for some of the car parks transferring to the new Council from DRD.

Mr Hannaway gave an update on the General Allocation; Accommodation; Planning Portal; Consultee Costs; Environmental Responsibilities (Habitat Regulation Assessment); Local Development Plans; Legal Costs; Department for Social Development and Department for Regional Development. (Copy circulated).

NOTED: A detailed discussion took place on the issues and the very significant resources implications for the Council.

Mr Hannaway confirmed he had made representations to the Minister and to the Permanent Secretary on the serious gaps in funding which will result with the transfer of functions to Local Government. However he was not optimistic that any extra funding will be provided.

AGREED: It was AGREED on the PROPOSAL of Councillor McAteer, SECONDED by Councillor Andrews, that the Chief Executive Designate write to OFM/DFM and to the Minister expressing the Council's concerns about the significant resource implications the transfer of functions will have on Councils.

NOTED: In response to a query from Councillor Mulgrew about the payment of legal fees, Mr Hannaway confirmed he would be bringing a report on the provision of legal services in the Council to the January/February Governance Committee Meeting for consideration.

**DC/66/2014: TRANSFER OF DSD FUNCTIONS –
(REGENERATION BILL)**

READ: Report dated 25 November 2014 from Mr G McGivern recommending that the Council writes to the Minister to seek his commitment to deliver on the programmes and funding detailed in the agreed Forward Work Plan and to seek confirmation that the Department will continue to work with the Council to effect the smooth transfer of functions on 1 April 2015. **(Copy circulated).**

AGREED: **It was AGREED on the proposal of Councillor Andrews, SECONDED by Councillor Burgess to approve the above report and recommendation.**

**DC/67/2014: TRANSFER OF DSD FUNCTIONS –
FORWARD WORK PLAN**

READ: Report dated 25 November 2014 from Mr G McGivern recommending that authority is given to officials is liaise with DSD to consider if the proposed application for ESF funding may be supported by the Department. This will be subject to the strategic fit of the proposal with the Council's Corporate, Community or Economic Regeneration Plans, with any recommended proposal being brought back to the Council for consideration in the first instance.

It is further recommended that authority is granted to officials to liaise with DSD to consider if/how ESF funding may be accessed to assist delivery of the Council's Corporate, Community, Economic Regeneration or relevant plans. Any proposal to be brought to the Council for consideration in the first instance.

AGREED: **It was AGREED on the proposal of Councillor Andrews, SECONDED by Councillor Burgess to approve the above report and recommendations.**

NEW INITIATIVES

**DC/68/2014: ORANGE COMMUNITY NETWORK –
STRATEGIC PLAN 2015 TO 2020**

READ: Letter dated 14 October 2014 from Drew Nelson, Chairman, Orange Community Network, enclosing their Strategic Plan for 2015 to 2020 and asking if the Council would consider financing the employment of a Community Development Officer for the term of the Council which would cost approximately £30,000 per year.

AGREED: It was **AGREED** to advise the Orange Community Network that they should make an application through the Council's Voluntary Contribution process, with the first call for applications issuing in early December 2014.

CORRESPONDENCE

DC/69/2014: **DARD RE: LEADER UNDER THE 2014-2020 RURAL DEVELOPMENT PROGRAMME AND ESTABLISHMENT OF INTERIM SUB COMMITTEE**

READ: Letter dated 19 November 2014 from DARD responding to issues raised in relation to the Appointment of Councillors to LAGs; the number of Board Members on the LAG Board; LEADER Local Development Strategy and the Council Community Plan; Administration and Communications. **(Copy circulated).**

NOTED: Mr Hannaway advised that it had been confirmed that Membership of the LAG Board would be a position of responsibility and as such appointments would be made at the Council's AGM on 31 March 2015. In the interim a Sub Committee of Councillors would be established to work with the Department and would be stood down at 31 March 2015.

AGREED: It was **AGREED** the Sub Committee be established via a local arrangement within the Membership of the Committee, to consist of:-

- 2 No. Sinn Fein representatives
- 2 No. SDLP representatives
- 1 No. UUP Representative (agreed Councillor Burgess)
- 1 No. DUP Representative (agreed Councillor G Hanna)
- Either Councillor P Clarke/or Councillor D Hyland (to agree between themselves)

The Party Representatives to confirm the names of their nominees on this Sub Committee.

DC/70/2014: **SPORT NI FUNDING**

READ: Letter dated 11 November 2014 from the Minister of Culture, Arts and Leisure responding to a request from Newry, Mourne and Down District Council that any schemes or projects funded through Sport NI should be fully funded by them in order that applicants do not have to seek additional funding from other bodies. The Minister expressed her disappointment with the Shadow Council's position on this matter. **(Copy circulated).**

AGREED: **It was AGREED to mark this correspondence `noted'.**

There being no further business the meeting ended at 8.30 pm.

For consideration at the Shadow Council Meeting to be held on Tuesday 2 December 2014.

Signed: **Councillor W Clarke**
 Chairperson

Signed: **Mr L Hannaway**
 Chief Executive Designate