



October 17th, 2019

Notice Of Meeting

You are invited to attend the Neighbourhood Services Committee Meeting to be held on **Wednesday, 23rd October 2019 at 6:00 pm** in **Boardroom, District Council Offices, Monaghan Row, Newry.**

Committee Membership:

- Councillor K Owen (Chair)
- Councillor G Stokes (Deputy Chair)
- Councillor T Andrews
- Councillor D Curran
- Councillor W Clarke
- Councillor V Harte
- Councillor T Hearty
- Councillor L Kimmins
- Councillor O Magennis
- Councillor G Malone
- Councillor C Mason
- Councillor H McKee
- Councillor K McKevitt
- Councillor D Taylor
- Councillor J Tinnelly


Agenda

1.0 Apologies and Chairperson's remarks.

2.0 Declarations of "Conflict of Interest".

Delegation: Alisa 44 852899

3.0 Action Sheet of the Neighbourhood Services Committee Meeting held on Tuesday 19 September 2019. (Attached).

 *NS Action Sheet - October 2019.pdf*

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For Consideration and/or Decision

4.0 To consider the following Notice of Motion in the name of Councillor Tinnelly re: Memory Gardens (Report attached).

“This Council recognises there is no greater heartbreak or tragedy to befall a family than the death of a child. We acknowledge the importance of small memory gardens where families can visit for reflection, remember their deceased children and find solace in a purpose build peaceful setting, other than a cemetery and to that end this council now proposed to provide 2 such facilities within our district. A memory garden is a simple construct, a small corner in one of our public spaces surrounded by a small hedge for privacy and containing nothing more than a couple of benches with a few symbolic flowers and plants. Our officers will now identify a potential host site on council land in each of our Health Trust areas to establish our first two highly symbolic memory gardens and then immediately proceed with their design and construction. “

The Chief Executive confirmed he had been in contact with Councillor Tinnelly and he was content that the issue be tabled at the Neighbourhood Services Committee.

Agreed: The Motion was referred to the Neighbourhood Services Committee in accordance with Standing Order 16.1.6.

(NB: This Motion was referred from the Council Meeting of 7 October 2019).

 *Report re. - Proposed Memorial Gardens Landscape Scheme.pdf*

Page 7

5.0 Report on Memorandum of Understanding Partnering Arrangements for the Removal of Snow and Ice from Town Centre Footways and Pedestrian Areas. (Attached).

 *Report - re. Memorandum of understanding partnering arrangements.pdf*

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Neighbourhood Services

6.0 Report on Neighbourhood Transformation Project. (Attached).

 *Report re. - NS Transformation Project.pdf*

Page 20

Facilities Management and Maintenance

7.0 Report on proposed Maintenance Policy and Strategy 2019 to 2023. (Attached).

 *Report re. - Proposed Property Maintenance Policy Strategy.pdf*

Page 26

8.0 Report on provision of new bus shelter in Jonesborough Village. (Attached).

 *Report re. Provision of new bus shelter in Jonesborough Village.pdf*

Page 28

Waste Management

9.0 Report on Household Recycling Centres (HRC) update. (Attached).

 *Report re. - Household Recycling Centres.pdf*

Page 31

10.0 Report on illegal tyre disposal. (Attached).

 *Report re. - Illegal Tyre Disposal.pdf*

Page 35

11.0 Report on Enforcement Improvement Plan Update. (Attached).

 *Report re. - Enforcement Improvement Plan Update.pdf*

Page 41

12.0 Report on Fly Tipping Revised Shared Protocol. (Attached).

 *Report re. - Fly Tipping Revised Shared Protocol.pdf*

Page 55

13.0 Report on Council Strategic Waste Management Arrangement Update. (Attached).

 *Report re. - Council Strategic Waste Management Arrangements Update.pdf*

Page 86

14.0 Action Sheet from Strategic Waste Working Group 20 March 2019. (Attached).

 *Action Sheet SWMG 20 March 2019.pdf*

Page 91

15.0 Arc21 Joint Committee Minutes 15 August 2019. (Attached).

 *arc21 JC 15 Aug Minutes.pdf*

Page 94

16.0 Arc21 Members Monthly Bulletin 26 September 2019. (Attached).

 *arc21 JC Sept Members Monthly Bulletin.pdf*

Page 99

Exempt Information Items

17.0 In Committee items from Arc21 Joint Committee Minutes 15 August 2019. (Attached).

This item is deemed to be restricted by virtue of Paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (NI) 2014 - information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

 *arc21 JC Aug Minutes In Committee.pdf*

Not included

18.0 Report on Mutual Granting of Easement for visibility splays at Daisy Hill, Newry. (Attached).

This item is deemed to be restricted by virtue of Paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (NI) 2014 - information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

 *Report re. Mutual Granting of Easement of Visibility Spalys at Daisy Hill Newry.pdf*

Not included

19.0 Business Case for development of car park at Strangford Road Depot, Downpatrick. (Attached).

This item is deemed to be restricted by virtue of Paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (NI) 2014 - information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

 *Report re. Business Case for development of car park at Strangford Road Depot Downpatrick.pdf*

Not included

ACTION SHEET ARISING FROM NS MEETING HELD ON TUESDAY 19 SEPTEMBER 2019

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
NS052/2019	Cllr. Harvey	A letter of congratulations be sent to Councillor Harvey on behalf of the Committee re: his recent appointment as MLA	R Moore/RTS RPA	Completed	Y
NS/054/2019	Monthly Action Sheet	Noted and actions removed as marked	R Moore/RTS- PA	Noted	
		FOR CONSIDERATION AND/OR DECISION			
NS/055/2019	Notice of Motion – Tree Strategy	Approve the Notice of Motion and that Officers develop an action plan for the development of a Tree Strategy and report back to the Neighbourhood Services Committee for approval, within three months.	R Moore	Ongoing	N
		FACILITIES MANAGEMENT AND MAINTENANCE			
NS/056/2019	Christmas Illuminations and Celebrations Group Meeting: 8 August 2019	Note the contents of this report and the report of the Christmas Illuminations Group Meeting held on 8 th August 2019. Agree to the additional costs, not currently included within the FM&M budget, for procurement of	K Scullion	Noted	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		14 Christmas trees and associated infrastructure works (estimated at £43,000.00) to be subsumed within the existing Grounds Maintenance and Building Maintenance Revenue budgets.	K Scullion	Trees being sourced by Grounds Maintenance Manager	N
		Agree to the fourteen groups referred to in the Action Sheet as being suitable for this programme, being written to advise that their application has been successful subject to relevant clarifications and final approval of costs.	J Hillen	Noted	Y
		Endorse other actions detailed in the report of the Christmas Illuminations Group Meeting held on 8th August 2019.	K Scullion	Noted	Y
		Agreed in relation to Item (c) to grant authority to Officers to issue the letters of confirmation to the fourteen groups in advance of final Council approval at the Council Meeting to be held on 7 October 2019, subject to the letter	J Hillen	Letters issued	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		stating that the offer was subject to final Council approval.			
		WASTE MANAGEMENT			
NS/057/2019	Re-Use Scheme: Household Recycling Centres	<p>Agreed to progress the Re-Use Scheme Pilot as part of the Review of Household Recycling Centres (Phase 1).</p> <p>Further agreed that if any other Charity, other than those listed in the report, expressed an interest in the Re-Use Scheme, that they would be considered, provided they formally contacted Joe Parkes/Liam Dinsmore.</p>	J Parkes	Collating additional interested groups	N
NS/058/2019	Mattress Recycle Pilot Scheme	<p>Agreed to progress with the trial HRC Mattress Recycle Scheme until end of March 2020 & review as part of Rates Estimates 20/21.</p> <p>Agreed Officials report to the October 2019 Neighbourhood Services Committee Meeting on the illicit dumping of tyres throughout the District, particularly in the Slieve Gullion area.</p>	J Parkes	<p>Pilot Ongoing</p> <p>Completed, item on October agenda</p>	<p>Y</p> <p>Y</p>

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
NS/059/2019	Downpatrick Household Recycling Centre	The official opening of Downpatrick Household Recycling Centre be held on Tuesday 29 October 2019	J Parkes	In Progress	N
IN CLOSED SESSION					
NS/062/2019	In Committee Items from Arc 21 Joint Committee Minutes 30 May 2019	Note the In-Committee Items from the Arc21Joint Committee Minutes of 27 June 2019.	R Moore	For Noting	Y
NS/063/2019	Business Case – Vehicle Tyre Replacement	Agreed to note the content of the report dated 17 September 2019 and associated Business Case and recommend the Council grants approval to progress a tender exercise for the Servicing and Supply Contract relating to Vehicle and Plant tyres, including related Services.	J Parkes	Noted. Collating Tender Documents	Y
NS/064/2019	Business Case – Arboriculture and Tree Surgery Service	Agreed to note the content of the report dated 17 September 2019 and associated Business Case and to accept the conclusion of the Business Case that Option 3 was chosen as the preferred Option. Option 3 would see the appointment, through a tender process, of a competent contractor to provide efficient,	K Scullion	In progress – lead Officer J Ellis	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		effective tree management service.			
NS/065/2019	Economic Appraisal – Metal Fabrication and Repair Contractor	Agreed to note the content of the report dated 17 September 2019 and associated Economic Appraisal and to accept the conclusion of the Economic Appraisal that Option 4 is chosen as the preferred option. Option 4 will see the appointment, through a tender process, of a competent contractor to provide metal fabrication and repair services. In addition to this an independent Metallurgical and Mechanical Engineering Consultancy Service will be appointed to provide advice to Council Officers on the procurement and management of this service.	K Scullion	In progress – lead Officer K Scullion	Y
NS/066/2019	Business Case – Vehicle Hire	Agreed to note the content of the report dated 17 September 2019 and associated Business Case and to recommend the Council grants approval to progress a tender exercise for the short and	J Parkes	Noted – Collating Tender Documents	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		medium term Vehicle Hire to support delivery of services.			

Report to:	Neighbourhood Services Committee
Date of Meeting:	23 rd October 2019
Subject:	Proposed Memorial Gardens Landscape Scheme
Reporting Officer	Kevin Scullion, Assistant Director Facilities Management & Maintenance
Contact Officer	Aidan Mallon, Head of Maintenance Jonathan Ellis, Grounds Maintenance Manager

Confirm how this Report should be treated by placing an x in either: -

For decision	x	For noting only	
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1.0	Purpose and Background
1.1	<p>The purpose of this paper is to consider the motion presented below.</p> <p>Notice of Motion received from Councillor Tinnelly:</p> <p>"This council recognises there is no greater heartbreak or tragedy to befall a family than the death of a child.</p> <p>We acknowledge the importance of small memory gardens where families can visit for reflection, remember their deceased children and find solace in a purpose built peaceful setting, other than a cemetery and to that end this Council now proposes to provide 2 such facilities within our district.</p> <p>A memory garden is a simple construct, a small corner in one of our public spaces surrounded by a small hedge for privacy and containing nothing more than a couple of benches with a few symbolic flowers and plants.</p> <p>Our officers will now identify a potential host site on council land in each of our Health Trust areas to establish our first two highly symbolic memory gardens and then immediately proceed with their design and construction".</p>
2.0	Key Issues
2.1	<p>The notice of motion and issues contained therein, will require officers to investigate and consider;</p> <ul style="list-style-type: none"> • Identify two prime locations suitable for landscaping within each Health Trust location. • Develop a suitable sustainable design for each. • Imbue the site with meaning via landscape architectural design concepts and associated meaning via utilising plants and materials with deep meaning. • Develop an efficient maintenance plan for each location moving forward.
3.0	Recommendations
3.1	<ul style="list-style-type: none"> • Officers to identify two locations for Memorial Gardens in the district, one in each Health Trust Area. • Officers to develop designs for such locations to include plants, materials requirements and costs to establish and maintain.

	<ul style="list-style-type: none"> Officers to report back to committee in December 2019 NS Committee meeting.
4.0	Resource implications
4.1	<ul style="list-style-type: none"> Officer Time. Cost to establish and maintain the sites (to be determined).
5.0	Equality and good relations implications
5.1	It is not anticipated that the proposal will have an adverse impact upon equality of opportunity and good relations.
6.0	Rural Proofing implications
6.1	Due regard to rural needs has been considered.
7.0	Appendices
7.1	None
8.0	Background Documents
	These are documents on which the report, or an important part of the report, is based upon and have been relied upon to a material extent in preparing the report.
8.1	None

Report to:	Neighbourhood Services Committee		
Subject:	Memorandum of understanding partnering arrangements for the removal of snow and ice from town centre footways and pedestrian areas		
Date:	23 October 2019		
Reporting Officer:	Roland Moore, Director Neighbourhood Services		
Contact Officer:	Roland Moore, Director Neighbourhood Services		
Decisions Required			
Confirm how this Report should be treated by placing an x in either:-			
For decision		x	For noting only
1.0	<u>Purpose & Background</u>		
1.1	Review agreement and schedule with the Department of Infrastructure for the clearance of snow and ice from footways during prolonged winter weather.		
2.0	<u>Key Issues</u>		
2.1	The partnering arrangements between Transport NI and Councils for treatment of snow and ice from busy town centre footways during prolonged periods of wintry weather.		
2.2	When the documents are reviewed and Council are satisfied, the agreement will be extended for a further 12 months in accordance with the 'Scope of the Agreement' Clause 3 and Appendix 1 as amended.		
2.3	As the process of clearing of snow and ice would be carried out by staff redeployed from normal duties subject to availability.		
2.4	The Council may consider clearing of key NMDCC Facilities in addition to those contained within the MOU.		
3.0	<u>Recommendations</u>		
3.1	It is recommended to approve the proposal and extend for a further 12 months.		
4.0	<u>Resource Implications</u>		
4.1	It is envisaged that staff costs will be from within existing budgets.		
5.0	<u>Equality and good relations implications:</u>		
5.1	It is not anticipated that the proposal will have an adverse impact upon equality of opportunity and good relations.		
6.0	<u>Rural Proofing implications</u>		
6.1	Due regard to rural needs has been considered.		
7.0	<u>Appendices</u>		
7.1	Communication from DFI.		

Southern Division



Department for

Infrastructure

An Roinn

Bonneagair

www.infrastructure-ni.gov.uk

Mr Roland Moore
Director of Neighbourhood Services
Newry, Mourne and Down District Council
O'Hagan House
Monaghan Row
Newry
BT35 8DJ

Marlborough House
Central Way
Craigavon
BT64 1AD
Tele : 0300 200 7899
E-mail :
DfIRoads.Southern@infrastructure-ni.gov.uk

Our Ref :

Date: 30 September 2019

Dear Mr Moore

MEMORANDUM OF UNDERSTANDING PARTNERING ARRANGEMENTS FOR THE REMOVAL OF SNOW & ICE FROM TOWN CENTRE FOOTWAYS AND PEDESTRIAN AREAS.

Please find attached a new memorandum and schedules for the clearance of snow and ice from footways during prolonged winter weather. The memorandum shall commence on 1 October 2019 and will remain in force for a maximum period of 3 years.

I would be grateful if you could review these documents and, if satisfied, sign and return the agreement.

Thank you for your assistance and should you have any queries please do not hesitate to contact me.

Yours sincerely

J A Hamilton

Network Maintenance Manager

**Memorandum of Understanding
Of
Partnering Arrangements
between
DfI Roads and Newry, Mourne & Down District Council
for
Clearing Busy Town Centre Footways and Pedestrian Areas of Snow and Ice.**

Introduction

1. The purpose of this Memorandum of Understanding (MOU) is to set out the basis of partnering arrangements between DfI Roads and Newry, Mourne and Down District Council for the treatment of snow and ice from busy town centre footways during prolonged periods of wintry weather. It is anticipated that footways will generally only be considered for treatment after significant snow or ice events although there may be occasions when footways could be pre-treated if freezing is forecast following heavy rain.
2. It is appreciated that neither DfI Roads nor Newry, Mourne and Down District Council have a statutory obligation to salt footways and are not resourced for this work but under this MOU footway clearance and salt/grit spreading may be undertaken by DfI Roads and/or Newry, Mourne and Down District Council staff, depending on resources available at the time.
3. This MOU sets out a broad framework of key principles agreed by the DfI Roads, the Northern Ireland Local Government Association (NILGA) and the Society of Local Authority Chief Executives (SOLACE) to be put forward for consideration and agreement by individual local councils.
4. It is anticipated that these key principles will be specifically tailored at local level, to take account of council preferences/restraints. For example should existing local arrangements between DfI Roads Section Offices and local councils be deemed appropriate by all parties, these arrangements can be retained, subject to agreement and to a schedule of work being agreed by all.

Objectives

5. The objectives of the Memorandum of Understanding are to:
 - Provide an agreed framework which local offices can build on to formalise the level of service to be provided by each organisation in those areas;
 - Define each organisation's duties and obligations in delivering this service;
 - Establish a schedule of footways to be treated in the event of prolonged periods of wintry weather;

- Promote an efficient and co-operative working relationship between both organisations.

The Role and Commitments of DfI Roads

6. DfI Roads shall lead consultation, ultimately to be agreed by individual councils, on a schedule of main village/ town/ city centre footways to be treated. This is attached as Appendix 1.
7. DfI Roads shall lead consultation, ultimately to be agreed by individual councils, when a salting operation should be carried out, on the basis of conditions, weather information and the availability of resources. The rationale supporting this decision making process should be developed locally.
8. DfI Roads will provide Newry, Mourne and Down District Council with salt, or a salt/grit mix, free of charge to treat those footways on the schedule, when required. DfI Roads shall confirm the availability of and determine the release of salt or salt/grit mix required; and such availability and its release will be subject to DfI Roads resources and it being required by Newry, Mourne and Down District Council.
9. DfI Roads will extend the indemnity being offered to Newry, Mourne and Down District Council and their authorised agents, as defined in paragraph 14 of this MOU.

The Role and Commitments of Councils

10. During extreme conditions following heavy snowfalls or prolonged freezing council staff may assist the Department with footway clearance and salt/grit spreading on an agreed schedule of footways depending on resource availability at the time.
11. Newry, Mourne and Down District Council will nominate a representative to be responsible for the council's contribution to the treatment of snow and ice from busy town centre footways during prolonged periods of wintry weather and to attempt to resolve any difficulties or problems that may arise.
12. Newry, Mourne and Down District Council will assist DfI Roads in developing a rationale for when a salting operation should be carried out, on the basis of conditions, weather information and the availability of resources etc.
13. Newry, Mourne and Down District Council may delegate their responsibilities under this Memorandum in whole or in part to businesses, trading organisations, and community groups ("authorised Council Agents") within their council areas, which are willing to undertake this work. Newry, Mourne and Down District Council shall be responsible for coordinating and supervising the work of their authorised Council Agents.

14. Newry, Mourne and Down District Council will work in close liaison with the DfI Roads Section Engineer's staff in order to maximise efforts and co-ordinate the deployment of the DfI Roads and the Council's workforce, which may comprise both the employees and contractors of the Council, their Trading Organisation Agents and community groups.
15. Newry, Mourne and Down District Council shall provide sufficient supervisory staff for the personnel employed to carry out the work. Personnel employed to carry include the servants and employees and contractors of the Council and the authorised Council Agents.

Legislation

16. Article 8 of the Roads (Northern Ireland) Order 1993 ("the Roads Order") of the Roads Order imposes a statutory duty to maintain roads (including footways) adopted for maintenance by the Department. While DfI Roads has no statutory obligation to salt roads Article 9 of the Roads Order provides the Department with the legal right to exercise a discretionary power to take such steps as it considers reasonable and practicable to prevent snow and ice interfering with the safe passage of persons or vehicles using a road.
17. For that purpose it may also enter into agency arrangements with any persons for the treatment of roads affected by snow and ice.
18. Newry, Mourne and Down District Council is empowered by Sections 104 and 105 of the Local Government Act (NI) 1972 to exercise functions on behalf of and to enter into arrangements with a government department for the supply of services.
19. Under these arrangements DfI Roads is prepared to offer Newry, Mourne and Down District Council the same range of defences that are available to the Department. This indemnity will include groups of traders or community groups operating on the Councils behalf.
20. This means that Councils that enjoy discretionary delegated powers can run the same defences as are available to DfI Roads. Newry, Mourne and Down District Council shall indemnify DfI Roads against any claims made against DfI Roads arising from allegations of negligence or fault on the part of the Council, their staff, contractors or authorised Council Agents in carrying out work under this MOU.

Terms and Conditions of the Memorandum.

21. The Memorandum shall commence on 1st October 2019 and will remain in force for a maximum period of 3 years. It replaces any previous winter service agreements between DfI Roads and Newry, Mourne and Down District Council.
22. Either DfI Roads or the Newry, Mourne and Down District Council may seek amendments to the Memorandum at any time.

- 23. Subject to the consent of both DfI Roads and Newry & Mourne District Council the Memorandum may be extended at one year intervals.
- 24. The Memorandum may be terminated by either party with 6 months written notice.
- 25. The effectiveness of these arrangements will be reviewed in April of each year. Further analysis of actual costs to carry out this work in order to advocate the finances necessary to undertake this work will also be undertaken in April of each year.

The Signatories

Both organisations signify below their acceptance of the Memorandum on the terms and conditions set out

Signed on behalf of Newry Mourne & Down District Council.

Date:

Signed on behalf of DfI Roads,

Date:

Newry, Mourne & Down District Council

APPENDIX ONE

FOOTWAYS AND PEDESTRIAN AREA

ICE AND SNOW CLEARANCE – PRIORITY 1 / PRIORITY 2

ROAD	EXTENT	OTHER COMMENTS
		Refer to attached schedules and/or maps identifying locations previously agreed with Councils.

Appendix One lists the footways to be treated in priority order

APPENDIX ONE

FOOTWAYS AND PEDESTRIAN AREAS

ICE AND SNOW CLEARANCE – PRIORITY 1 / PRIORITY 2

ROAD	EXTENT	OTHER COMMENTS
<u>PRIORITY ONE</u>		
<u>DOWNPATRICK</u>		
Market Street	Irish Street to Entrance to Leisure Centre	
Irish Street	From Scotch Street to Entrance to Irish Street car park	
English Street	From Church Street junction for a distance of 50 m.	
Church Street	From Scotch Street to entrance to Church Street car park.	
Scotch Street	From Church Street junction for a distance of 50 m.	
<u>NEWCASTLE</u>		
Main Street.	From Railway Street to Central Promenade.	
Central Promenade.	From Main Street to Bryansford Road.	
Railway Street	From Entrance to car park at Percy French to Junction with Donard Street	
Donard Street	From Railway Street to Bryansford Avenue.	
Bryansford Avenue	From junction with main Street for a distance of 50 m.	

<u>BALLYNAHINCH</u>	
Main Street and High Street.	From Harmony Road to Drogheda Road roundabout
<u>PRIORITY TWO</u>	
<u>BALLYNAHINCH</u>	
Harmony Road, Windmill Street.	From Main Street Junction to High Street junction.
<u>CASTLEWELLAN</u>	
Main Street.	From Clarendon Place to Bann Road roundabout
Upper Square	From Main Street to Main Street.
Newcastle Road	From Main Street to petrol filling station.
<u>PRIORITY TWO</u>	
Lower Square Castlewella	
<u>KILLYLEAGH</u>	
Catherine Street, Cross Street.	From Plantation Street to Frederick Street
High Street	From Castle to Catherine Street.

Appendix One lists the footways to be treated in priority order.

APPENDIX ONE

FOOTWAYS AND PEDESTRIAN AREA

ICE AND SNOW CLEARANCE – PRIORITY 1 / PRIORITY 2

ROAD	EXTENT	OTHER COMMENTS
NEWRY		
Priority 1 Hill Street and John Mitchell Place, Newry	Kildare Street to William Street	Including Marcus St and Mall to Bus Centre Pedestrian Entrance
Priority 2 Monaghan Street, Newry	Merchants Quay to Patrick Street	Including Patrick Street to SRC
Other Areas		
Mill Street, Buttercrane Quay and Bridge Street	Hill Street to Francis Street to Dublin Bridge to jct Bridge Street car park access road	

Appendix One lists the footways to be treated in priority order

FOOTWAYS AND PEDESTRIAN AREA

ICE AND SNOW CLEARANCE – PRIORITY 1 / PRIORITY 2

ROAD	EXTENT	OTHER COMMENTS
KILKEEL	Priority 2	
Bridge Street, Kilkeel		
Greencastle Street, Kilkeel	From Bridge Street To Hotel	
Newry Street, Kilkeel	From Bridge Street To Town Hall	
Newcastle Street, Kilkeel	From Bridge Street To ASDA	
WARRENPOINT	Priority 2	
The Square / Main shopping area, Warrenpoint	The Square Church Street Duke Street Dock Street	

Appendix One lists the footways to be treated in priority order

Report to:	Neighbourhood Services Committee
Date of Meeting:	23 rd October 2019
Subject:	Neighbourhood Services Transformation Project
Reporting Officer	Roland Moore, Director of Neighbourhood Services
Contact Officer	Roland Moore, Director of Neighbourhood Services

Confirm how this Report should be treated by placing an x in either: -			
	For decision	x	For noting only
1.0	Purpose and Background		
1.1	The purpose of this report is to seek the approval of Members to the Neighbourhood Services Working Group action sheet.		
2.0	Key Issues		
2.1	A copy of the action sheet from the meeting of the Neighbourhood Services Working Group, held on the 17 September 2019, is attached at Appendix 1.		
3.0	Resource implications		
3.1	There are no resource implications contained within this report.		
4.0	Equality and good relations implications		
4.1	There are no equality and good relations implications arising from this specific report.		
5.0	Rural Proofing implications		
5.1	There are no rural proofing implications arising from this report, however due regard will need to be given to the potential rural implications of the service, once detailed design has been completed.		
6.0	Appendices		
6.1	Appendix 1 – action sheet from the meeting of the Neighbourhood Services Working Group, held on the 17 September 2019.		

NEIGHBOURHOOD SERVICES WORKING GROUP**17 SEPTEMBER 2019, 3.30PM, BOARDROOM, MONAGHAN ROW****In attendance: (Councillors)**

Councillor G Hanna (Chair)
 Councillor W Clarke
 Councillor H McKee
 Councillor K McKeivitt
 Councillor G Stokes

In attendance: (Officials)

Mr. R Moore (Director, Neighbourhood Services)
 Mr. J Parkes (Assistant Director, Waste Management)
 Mr. K Scullion (Assistant Director, Facilities Management & Maintenance)
 Mr. J McBride (Assistant Director: Community Planning & Performance)
 Mr. G Kerr (Programme Co-Ordinator)

Apologies:

Councillor M Ruane
 Councillor P Brown

Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
1. Introductions and Apologies	<p>Mr. R Moore welcomed everyone to the meeting.</p> <p>Mr. R Moore explained that Councillor Hanna was attending in place of Councillor Harvey, who has been co-opted as an MLA. Councillor Hanna stated he expected another member of his party would attend future meetings.</p> <p>Mr. R Moore explained that Councillor Brown had erroneously been included in a circulated list of Working Group Members, but this had now been corrected by Democratic Services.</p>	R Moore	For noting only	Y

2. Background to Neighbourhood Services Working Group	<p>PowerPoint Presentation</p> <p>Mr. R Moore delivered a presentation outlining the background to the Neighbourhood Services Working Group (NSWG).</p> <p>In discussion during the presentation, Councillor McKeivitt highlighted that while SP&R committee would oversee negotiations with Trade Unions, there was no mechanism for members off the NSWG to hear from Trade Union Side. Mr. R Moore to consider a mechanism to address this.</p>	R Moore	<p>Action: RM to consider a mechanism for NSWG to be aware of union discussions in consultation with HR/Corporate services.</p>	N
3. Terms of Reference	Read: Terms of Reference	R Moore	For noting only	Y
4. Neighbourhood Services Working Group Action Sheet, 20 March 2019.	<p>Read: NSWG Action Sheet 20 March 2019</p> <p>Members noted the Action Sheet from the previous meeting.</p>	J McBride	For noting only	Y

5. NS Transformation Project Action Sheet, 10 June 2019.	<p>Read: NSTP Project Board 10 June 2019</p> <p>Members noted the Action Sheet from the previous meeting.</p>	J McBride	For noting only	Y
6. Review of Refuse Collection	<p>Read: Project Brief – Refuse Collection</p> <p>Mr. J McBride introduced a draft Project Brief for Refuse Collection further to discussion about Routes Optimisation at the previous Working Group meeting.</p> <p>Mr. J McBride requested Member's approval to broaden scope to understanding the complexity of legacy refuse provision and generating change proposals. It was envisaged this piece of work would take 12-18 months.</p> <p>Members were asked to agree that the circulated draft Project Brief be submitted to the IT Programme Board.</p> <p>Councillor Clarke stated that a review of cleansing could also be prioritised. In response to a question from Councillor McKevitt, Mr. J McBride confirmed that money was available within the IT Programme, should a proposal be approved.</p> <p>Proposed: Councillor McKevitt Seconded: Councillor McKee</p>	J McBride	<p>Action: JMcB to complete Project Brief and submit to ITPG.</p>	N

7. Cleansing Issues	<p>Read: Cleansing Issues – Executive Summary</p> <p>Mr. J Parkes highlighted differences in the provision of cleansing services in legacy Newry and Mourne and legacy Down.</p> <p>Councillor Clarke requested that the sweeping schedule be circulated to members.</p> <p>Mr. R Moore agreed to bring options for the improvement of cleansing services to a future meeting.</p>	R Moore / J Parkes	<p>Action: JP to circulate sweeping schedule to NSWG members.</p> <p>Action: JP to bring options for cleansing improvements to NSWG.</p>	N
8. Benchmarking	<p>Mr. J McBride explained that officers had visited other local authorities to learn from examples of best practice. To date this had focused on refuse. Further to discussion at NSTP Project Board in June, there were now proposals to visit authorities recognised as exemplars of best practice regarding cleansing and 'Streetscene' activities. The first of these is likely to be Conwy in North Wales.</p> <p>Members agreed benchmarking visits should be organised.</p>	R Moore	<p>For noting only</p> <p>Action: GK to arrange visits.</p>	N

<p>9. Project Risk Register</p>	<p>Read: Project Risk Register</p> <p>Mr. J McBride drew members attention to the project risk register. Work had commenced to produce an Outline Business Case for the Neighbourhood Services Transformation Project and this along with good project governance, will contribute to the mitigation of project risks.</p>	<p>R Moore</p>	<p>For noting only</p>	<p>N</p>
<p>10. Meeting Dates</p>	<p>Mr. R Moore drew members attention to the Terms of Reference which stated that, "a schedule of meetings shall be agreed by the Working Group".</p> <p>Mr. R Moore proposed that Working Group would meet bi-monthly but that due to the requirements to approve the outline business case he suggested meetings in November and December.</p> <p>Members agreed with this proposal.</p>	<p>R Moore</p>	<p>Action: GK to ensure meetings are scheduled.</p>	

Report to:	Neighbourhood Services Committee
Date of Meeting:	23 rd October 2019
Subject:	Proposed Property Maintenance Policy & Strategy 2019 to 2023
Reporting Officer	Kevin Scullion: Assistant Director Facilities Management & Maintenance
Contact Officer	Aidan Mallon: Head of Maintenance

Confirm how this Report should be treated by placing an x in either: -

For decision

X

For noting only

1.0 Purpose and Background

1.1

The Council does not currently have a strategy for how it will undertake maintenance of its buildings during this term of the Council 2019 to 2023. The developmental and implementation of a coherent strategy would seek to ensure that:

- We have comprehensive records of all our building and land assets,
- Our buildings and land assets are fit for purpose, meet operational needs and statutory requirements,
- Our maintenance projects are coordinated with other projects to minimise impact on users of the facilities and maximise synergies,
- Our maintenance works necessary to maintain the value of property assets is undertaken in a planned economic and effective manner,
- We have the necessary information for monitoring the maintenance, condition and performance of building assets at an organisation level,
- There are adequate information and resources at the operational level, for undertaking maintenance,
- Works to improve the energy performance of our buildings are carried out.

The Council's Facility Management and Maintenance Department have the primary role in delivering the Council's building maintenance service.

The absence of a strategy results in decisions being taken which do not have a long-term vision and results in a high level of reactive works being undertaken with a correspondingly lower level of planned maintenance. Reversing this trend will help the Council reduce breakdowns which can negatively impact on service delivery and provide better custodianship of our buildings and land assets.

2.0 Key Issues

2.1

- The Council does not have a strategy for how it will maintain its building and land assets.
- Annual Maintenance Budget for maintenance excluding internal staff costs is £683,000 which covers building maintenance, grounds maintenance and CCTV costs.
- Developing and implementing an agreed Maintenance Strategy will ensure a consistent approach to the maintenance of the Council's assets for effective delivery of services.

	<ul style="list-style-type: none"> To develop this strategy external support may be required and such this be necessary the funding of this will be through the Council's maintenance budget in accordance with Council Procurement Procedures.
3.0	Recommendations
3.1	<ul style="list-style-type: none"> Councils Facilities Management and Maintenance Department develop for agreement with the NS Committee a Property Maintenance Policy & Strategy for the Council to cover the term of this Council 2019 to 2023. If required to assist officers in the development of this strategy, external support to be procured in accordance with Council Procurement Procedures.
4.0	Resource implications
4.1	<ul style="list-style-type: none"> Officer time. Consultancy support funded through the Council's Maintenance Budget and procured in accordance with Council Procurement Procedures
5.0	Equality and good relations implications
5.1	It is not anticipated that the proposal will have an adverse impact upon equality of opportunity and good relations.
6.0	Rural Proofing implications
6.1	Due regard to rural needs has been considered.
7.0	Appendices
7.1	None
8.0	Background Documents
	These are documents on which the report, or an important part of the report, is based upon and have been relied upon to a material extent in preparing the report.
8.1	None

Report to:	Neighbourhood Services Committee
Date of Meeting:	23 rd October 2019
Subject:	Provision of new bus shelter in Jonesborough Village
Reporting Officer	Kevin Scullion, Assistant Director Facilities Management & Maintenance
Contact Officer	Ciaran Og Mussen, Facilities Coordinator (West)

Confirm how this Report should be treated by placing an x in either: -

For decision

x

For noting only

1.0 Purpose and Background

1.1 The purpose of this report is to seek Council permission to replace a bus shelter located in Jonesborough village.

The bus shelter is located at the junction of Finnegan's Road and Edenappa Road, Jonesborough, which serves the No 43A Translink bus service. There is a level of doubt over who initially installed this bus shelter with Council Officials being unable to confirm if it was installed by Council. In the vicinity of the bus shelter there are two seats and the shelter is located on an area of brick paving. The seats are of a similar nature to seats placed in other areas by the Council. This could indicate that it is part of a Council EI type scheme completed in the past.

The shelter has fallen into disrepair and Council has been requested to repair or replace it. Council has undertaken repairs in the past to remove safety risks. A photograph of the shelter is provided at Appendix 1. It is Officers view that the shelter cannot be repaired to bring it to an acceptable aesthetic standard for the centre of a village location which this is. Officers have been in contact with Translink who indicate that this is a well-used bus stop.

Officers have sought permission from the Department of Infrastructure – Road Service, to remove the shelter and this has been granted. Officers now request Council permission to replace this shelter with a Council shelter and maintain thereafter. There are three cantilever type bus shelters in Council stores and it would be proposed to use one of these. In addition, as there is sufficient pavement capacity it would be Officers recommendation to supplement the cantilever type structure with two end panels and to also provide a seat within the shelter.

2.0 Key Issues

- 2.1**
- The Council is empowered under the Local Government Miscellaneous Provisions (NI) Order 1985, with the consent of the Department of Infrastructure, to erect and maintain on any road within the district, shelters for the protection from weather of persons waiting to enter public service vehicles.
 - At its Monthly Meeting held on 7th September 2015 the Council agreed a policy and set of procedures to be used to address requests for the erection and removal of bus shelters in the Council area.
 - The policy permits Council to determine requests of this nature on a case by case basis.

	<ul style="list-style-type: none"> There is one bus shelter in the village of Jonesborough which is in disrepair and Officers are of the view it should be removed and replaced. The bus stop where the bus shelter is located is well used. Whilst Officers have been unable to obtain records to show that Council installed this bus shelter it is presumed that this is a Council bus shelter given its location and the nature of the surrounding street furniture and finishing's.
3.0	Recommendations
3.1	<ul style="list-style-type: none"> Council remove the bus shelter located at the junction of Finnegans Road and Edenappa Road, Jonesborough, and replace it with a Council cantilever type bus shelter with the addition of two side panels and a seat.
4.0	Resource implications
4.1	<ul style="list-style-type: none"> Use of existing cantilever type bus shelter from Council stores plus purchase of two side panels and a seat (Estimated value £4350). Additional costs for side panels and seat to be from Bus Shelter Capital Budget. Work to remove and install new shelter to be undertaken by Council's Maintenance Team.
5.0	Equality and good relations implications
5.1	It is not anticipated that the proposal will have an adverse impact upon equality of opportunity and good relations.
6.0	Rural Proofing implications
6.1	Due regard to rural needs has been considered.
7.0	Appendices
7.1	Appendix 1: Photograph of bus shelter located in Jonesborough Village
8.0	Background Documents
	These are documents on which the report, or an important part of the report, is based upon and have been relied upon to a material extent in preparing the report.
8.1	Newry, Mourne and Down District Council <i>Bus Shelter Policy</i> - Bus Shelter Policy 2015 Version 1.3

Appendix 1: Existing Jonesborough Bus Shelter



Report to:	Neighbourhood Services Committee
Date of Meeting:	23 rd October 2019
Subject:	Household Recycling Centres (HRC) Update
Reporting Officer (Including Job Title):	Mr Joe Parkes, Assistant Director – Waste Management
Contact Officer (Including Job Title):	Mr Liam Dinsmore, Head of Waste Processing, Enforcement & Business Support.

Confirm how this Report should be treated by placing an x in either:-

For decision	<input type="checkbox"/>	For noting only	<input checked="" type="checkbox"/>
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1.0	Purpose and Background
1.1	<p>Council has agreed to the implementation of revised procedures to govern the access and receiving of waste at the HRC sites.</p> <p>The revised procedures have been progressively implemented at the new HRC site at Downpatrick. Users are cooperating to a good degree on the changes with a good response to the new facilities.</p>
1.2	<p>A major KPI is the amount of general residual waste received. This had been 150 tonnes per month on average, however in September it was recorded at the new site as 93.3 tonnes. This is a positive start with the likely difference due to:</p> <p>(a) waste redistributed to cardboard, hard plastic, green, paper, mattress and wood containers.</p> <p>(b) site capacity issues having been addressed, with respect to provision for improved additional recycling.</p>
1.3	<p>The primary rationale for changes at the sites is to secure a standardised approach across all the sites while reducing the amount of non-recyclable wastes processed through the sites.</p>
1.4	<p>The purpose of this Report is to update Council with respect to changes in the operational procedures at the HRCs, as per the June report 'Review of operations at Household Recycling Centres (HRCs)'. This is Phase 1 of the review, with Phase 2, which covers items such as standard opening hours being reported back at a later date.</p>
2.0	Key issues
2.1	Operational changes at HRC Sites
2.1.1	<p>Best practice (and using example of Downpatrick HRC) indicates that householders will participate with changed procedures where they are explained to them and where changes are reasonably enforced.</p> <p>Communications relating to the changes at the HRC sites have been targeted at all Householders, with site specific targeting at sites in the Downpatrick Legacy area, where changes are most pronounced at this stage.</p>

	<p>Communications to date have been undertaken:</p> <ul style="list-style-type: none"> • Recycle right leaflet distributed to all Householders • Updated Council web-site with site relating to use at HRC sites • Production of 'Your guide to the Household Recycling Centres' available and distributed at sites. Banner displayed at site. • Information days held at all the sites by the education team. • Press launches relating to changes at HRC sites • Social media targeting to inform recipients as to changes at HRC sites • Refreshed in-house signage available at the new HRC site at Downpatrick.
2.1.2	It is the view of Officers that site specific communications have the greatest impact on the behaviour of our site users.
2.1.3	The HRC implementation is now to be commenced at the sites at Castlewellan and at Ballynahinch. This will be a similar approach to the Downpatrick HRC, e.g. meet and greet customers and inform them of the changes. Site staff will be supported during the implementation process.
2.1.4	The Newry Legacy HRCs, will next be implemented, including all internal site signage refreshed.
2.2	<p>Site Permit System</p> <p>A Site Permit System has been developed, with proposed implementation during December 2019.</p> <p>The Permit System will;</p> <ul style="list-style-type: none"> • Require all domestic property owners who access the HRC sites with large trailers (larger than single axle) or vans to acquire a suitable permit for their preferred site. Note: height restriction applies. • Require Charities and caravan site operators to acquire a permit to access their preferred site. • Require Commercial grass-cutters to acquire a suitable permit • Require Commercial Premises seeking to enter the HRC site in a van, to dispose of small quantities of cardboard only, to acquire permit to enter their preferred site. • Require Commercial Operator wishing to dispose of wastes to acquire a single-entry permit for their specified wastes. Permit to be purchased in advance. (A permit cannot be purchased for disposal of industrial wastes e.g. wastes from demolition and repair and garages. Such wastes must be disposed of through an appropriately licensed operator and such Commercial Operator will be advised to engage an appropriate licensed skip firm.). <p>Communications</p>
2.3	<p>As stated above, Communications is key to engagement in HRC activities, as Householders move from perception of sites as 'Dumps' to 'Household Recycling Centres'.</p> <p>Future Communications will also include:</p>

	<ol style="list-style-type: none"> 1. Launch of new HRC site at Downpatrick, with Official Opening scheduled for Tuesday 29 October. 2., Implementation of changes at sites at Ballynahinch and Castlewellan, with photocalls with Press Releases to be undertaken at each. 3.Launch of Permit System during December 2019 4.Consideration to be given to translation of 'Your Guide to Household Recycling Centres', to be available in <ul style="list-style-type: none"> • Romanian • Polish • Lithuanian • Bulgarian • Arabic An Irish Language version is currently being devised.
3.0	Recommendations
3.1	<p>Members to note the following:</p> <ol style="list-style-type: none"> 1.Implementation of HRC sites continue as planned: <ul style="list-style-type: none"> • Official opening for new site • Extension of entrance procedures to sites at Castlewellan and Ballynahinch • Introduction of Permit system • Refreshment of site signage • To further illustrate changes at the new HRC site at Downpatrick, an HRC competition to be promoted at all primary schools at Downpatrick. • The success of the competition to be reviewed with proposal to run similar at both Castlewellan and Ballynahinch if deemed worthwhile. 2.Photocalls to be arranged to further publicise initiatives e.g. Official Opening, changes in procedures of sites at Castlewellan and at Ballynahinch and commencement of Permit System. 3 Reference FAQ'S to be drawn up relating to Permit System and placed on Web-site. 4.Translations to be sought for recommended languages relating to communities recommended by Projects Co-Ordinator (Diversity and Inclusion). 5.Investigation to be made through WRAP Capital Fund for grant-aid toward additional container capacity at selected sites.
4.0	Resource implications
4.1	<p>Resource Implications arising are:</p> <ol style="list-style-type: none"> 1.Printing costs for Permits (Est; £1500) 2.Printing and translation costs. No details available yet. 3.Administration costs relating to Permits to be absorbed with service. 4.Prizes in relation to HRC Competition £600. <p>Above will be from existing Council's recycling budget.</p>
5.0	Equality and good relations implications
5.1	Completed. No Further equality and good relations implications arise from this Report.
6.0	Rural Proofing implications

6.1	Completed. No further rural proofing implications arise from this Report
7.0	Appendices
	None
8.0	Background Documents
	Guiding principles and summary workflow for Permit System, previously approved.

Report to:	Neighbourhood Services Committee
Date of Meeting:	23 rd October 2019
Subject:	Illegal Tyre Disposal
Reporting Officer (Including Job Title):	Mr Joe Parkes, Assistant Director – Waste Management
Contact Officer (Including Job Title):	Mr Liam Dinsmore, Head of Waste Processing, Enforcement & Business Support

Confirm how this Report should be treated by placing an x in either:-

For decision	<input type="checkbox"/>	For noting only	<input checked="" type="checkbox"/>
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1.0	Purpose and Background
1.1	<p>Councillors have raised concern as to reports of tyres being deposited illegally and as to burning of tyres on bonfires.</p> <p>Council have requested that Officials report to the October 2019 Neighbourhood Services Committee Meeting on the illicit dumping of tyres throughout the District, particularly in the Slieve Gullion area.</p> <p>Council Enforcement staff responded to 28 occasions, where quantities of tyres had been fly-tipped, in the period January - September 2019. (Appendix 1).</p> <p>Additional quantities of tyres were dumped in the vicinity of bonfire sites, where bonfires took place during July and August. Recovery of tyres from these were minimal.</p> <p>Costs associated with tyre removal are estimated at £16,000 annually to the Council.</p>
2.0	Key issues
2.1	<p>The disposal of tyres is legislated. It is illegal to dispose of tyres as fly-tipping. Tyres must be disposed of by a company registered for the recovery and recycling of waste tyres. Tyres are not permitted to be disposed of to Landfill.</p> <p>Currently all vehicle owners who replace tyres on their vehicles may incur a levy for the disposal of the tyre. The Council's HRC sites at Camlough, Kilkeel and Downpatrick may also accept tyres at a charge, with a maximum of 4 car tyres. This is a last resort service, as the public should dispose of their tyres through a registered collection company. The HRC sites do not have capacity or licence to receive larger quantities of tyres.</p> <p>Businesses receiving tyres must keep a record of all waste tyres received at their premises and retain the required documentation, for inspection by the NIEA on request.</p>

	<p>Businesses have a legal responsibility to store tyres securely and to only pass them to a registered waste carrier.</p> <p>Businesses passing tyres to a registered carrier must get a waste transfer note from the carrier, which details must be kept for two years.</p> <p>Failure to comply with these duties is a criminal offence and is likely to result in prosecution by NIEA.</p>
2.2	<p>The majority of instances where tyres have been dumped in the district have occurred in the South Armagh Area. Information has been provided to the Council regarding sites at which tyres have been dumped. No evidence has been secured to identify the persons undertaking the dumping.</p>
2.3	<p>Meetings have been held both with colleagues from Louth County Council and the NIEA, to discuss preventative measures. A compliance scheme for recovery of tyres is in operation in the Republic of Ireland, with approximately 95% compliance reported. No similar system is in operation in Northern Ireland except for the Duty of Care legislation, where tyre retailers have a duty to store tyres securely and to only pass them to a registered waste carrier. It is suggested that a 'producer responsibility scheme' is required with respect to the recovery of tyres. However, there is currently no mechanism in NI or RoI to trace individual tyres.</p>
2.4	<p>It is clear that there is a potentially higher level of illegal dumping of tyres along the border, with both Co Louth and Newry, Mourne and Down experiencing similar difficulties relating to the disposal of hazardous wastes and tyres due to the legality of cross border enforcement.</p> <p>Arising from discussions with Co Louth Officers and NIEA, Officials did note similar issues, with discussion held as to how shared problems could be addressed.</p> <p>The following aspects were proposed/noted:</p> <ol style="list-style-type: none"> 1. A joint Cross Border initiative to be developed between County Louth Council and NMDDC, in an attempt to combat illegal dumping and littering in the border area. This has been considered by NMDDC/LLC Joint Committee and officers are developing the project. 2. Following discussions between Local Councils and NIEA, a Fly-Tipping 'Shared Protocol' is due to be launched, providing clarification in terms of responsibility and consequent action by Councils and NIEA relating to Illicit Dumping. See separate report. 3. In preparation for the Halloween Period, NIEA has advised they have been calling with local tyre retailers in the Newry, Mourne and Down area, advising them of their legal duties relating to the disposal of tyres. A leaflet giving advice to Businesses on the disposal of tyres is used (Appendix 2).
3.0	Recommendations
3.1	<p>To endorse and support the interagency groups in addressing illegal fly tipping of tyres and the use of them on bonfires.</p>
4.0	Resource implications
4.1	<p>There are no identified Resource implications, excepting any budgetary issues arising from joint working.</p>
5.0	Equality and good relations implications

5.1	No Equality or Good Relations implications arise.
6.0	Rural Proofing implications
6.1	No Rural Proofing implications.
7.0	Appendices
	Appendix 1 : Dumping of tyres, including costs Jan – Sept incl.
	Appendix 2 : Advice for Businesses :How to dispose of tyres.
8.0	Background Documents
	<p>1.Revised Fly-Tipping shared protocol</p> <p>2.Louth County Council and Newry, Mourne and Down District Council: Cross Border initiative to combat Illegal Dumping.</p> <p>3.Waste and Contaminated Land (Northern Ireland) Order 1997(with amendments).</p>

APPENDIX 1

Dumping of Tyres

Jan – Sept 2019

Date	Location	Estimated Tyres
21 st Jan	Slievegullion	125
31 st Jan -	Lislea	3
1 st March	Ferryhill RD	30
5 th March	Slievegullion	50
8 th March	Crossmaglen	65
12 th March	Slievegullion	9
22 nd March	Slievegullion	70
28 th March	Slatemill Rd	122
2 nd April	Old Rathfriland Rd	98
3 rd April	Spelga Layby	102
10 th April	Mulagarrieff Rd	38
11 th April	Slievegullion	55
19 th April	Slievegullion	75
30 th April	Whitecross	1
30 th April	Slievegullion	80
13 th May	Crossmaglen	100
3 rd June	Slievegullion	70
17 th June	Buskhill Rd	79
11 th July	A1 Dual Carriageway	35
1 st August	Carnagat Park	25

7 th August	Parkhead Crescent	50
8 th August	Drumgullion Avenue	30
21 st August	Cullyhanna	95
28 th August	Cullyhanna	20
29 th August	Silverbridge	55
13 th September	Culloville	200+
13 th September	Creggan	10
17 th September	Whitecross	15

Summary recorded tyres collected January-September 2019

1.Total tyres collected 1717

2.Number of occasions 28

3.Collection costs £9,000

4.Disposal Costs 1717x£1.50 =£2,575

Total costs of collection and disposal in 9 month period = £11,575 or approx £16,000 annually

ADVICE FOR BUSINESSES

HOW TO DISPOSE OF TYRES

Agencies including Northern Ireland Environment Agency, PSNI, Northern Ireland Housing Executive (NIHE), Northern Ireland Fire & Rescue Service and local councils are working together to reduce the use of tyres at bonfire sites.

This summer we will monitor the use of tyres at bonfire sites and the source of those tyres and we need the help of local businesses to stop tyres being burned.

The Northern Ireland Environment Agency advises that *"under waste regulations all businesses have a legal duty to store waste tyres securely and to only pass them on to a registered waste carrier."*

"Businesses must get a waste transfer note from the carrier and keep this for two years. Failure to comply with these duties is a criminal offence and is likely to result in prosecution."

YOU CAN HELP US IN A NUMBER OF WAYS:

- Make sure that tyres on your property are secured.
- Reduce the amount of tyres held on your property in the run up to traditional bonfire periods: 11 July, the beginning of August and Halloween.
- Notify us if you are approached for tyres.

FOR MORE INFORMATION PLEASE CONTACT:

Northern Ireland Environment Agency
Klondyke Building
Cromac Avenue
Gasworks Business Park
Belfast BT7 2JA
Tel: **028 9056 9453**

TO REPORT INFORMATION PLEASE CONTACT:

Email: environmentalcrime@daera-ni.gov.uk or 02890 569453



Housing
Executive

NI EA Northern Ireland
Environment
Agency
www.daera-ni.gov.uk



Northern Ireland
Fire & Rescue Service

Report to:	Neighbourhood Services (NS) Committee
Date of Meeting:	23 rd October 2019
Subject:	Enforcement Improvement Plan Update
Reporting Officer:	Joe Parkes, Assistant Director - Waste Management
Contact Officers:	Liam Dinsmore, Head of Waste Processing, Enforcement & Business Support

<table border="1"><tr><td>For Decision</td><td>X</td><td>For Noting Only</td><td></td></tr></table>		For Decision	X	For Noting Only	
For Decision	X	For Noting Only			
1.0	Purpose & Background				
1.1	<p>The purpose of this report is to further update Members regarding implementation of The Enforcement Improvement Plan, relating to Dog Fouling and Illicit Dumping. The Plan and timetable has been developed:</p> <ul style="list-style-type: none">• following previous Notices of Motion (February 2019),• a subsequent Elected Member workshop on the issue on the 22 March 2019• An Enforcement Improvement Plan that was agreed at NS Committee in June. <p>It is proposed to further implement The Enforcement Action Plan during November 2019, to provide sufficient time for the finalisation and implementation of the Communications Plan.</p> <p>It is also proposed The Council considers taking part in the Dogs Trust Partnership Award Scheme to help promote responsible dog ownership and reduce dog fouling (Appendix 2) in consultation with other Council departments.</p>				
2.0	Key Issues				
2.1	<p>The primary purpose of the Plan, is to secure a more strategic and co-ordinated response to the enforcement of illicit dumping (fly-tipping), littering and dog fouling in the District. Subsequently, it is underpinned by the desire to secure greater collaboration across a range of internal and external partners, including other Council Departments, as well as external agencies such as the Northern Ireland Environment Agency (NIEA). See separate paper on revised fly- tipping protocol.</p>				
2.2	<p>The approved Plan, is broken down into what are considered short-term (0-6 months), medium-term (6-12 months) and longer-term (12 months+) actions. An executive summary of the approved Plan, with update October 2019 is provided (Appendix 1). Members are asked to note the development of the Action Plan which will be an ongoing process. Further development of the plan will take place as additional information and best practice is taken into account.</p>				
2.3	<p>The Dogs Trust has requested the Council to take part in their Partnership Awards 19/20 in consultation with other Council departments.</p>				

3.0	Recommendations
3.1	<p>To note and endorse the Enforcement Action Plan Update.</p> <p>To agree to the Council taking part in the Dogs Trust Partnership Award 19/20.</p>
4.0	Resource Implications
4.1	It is considered present resources will be used to further implement the Enforcement Action Plan. Any cost implications will be addressed at Rates Estimates for 20/21.
5.0	Equality & Good Relations Implications
5.1	There are no equality and good relations arising from this report, however specific plans may be subject to an equality impact assessment. Members are asked to note the Plan will likely have a positive impact upon the Council's relations with its local community given the importance placed on these issues by the public.
6.0	Rural Proofing Implications
6.1	There are no rural proofing implications arising from this specific report, however due regard will be required to be given to the potential rural implications arising from the implementation of specific actions. These cannot be identified at this stage.
7.0	Appendices
	<ul style="list-style-type: none"> ▪ Appendix 1: Enforcement Improvement Plan, updated October 2019. ▪ Appendix 2: Dog Trust invite letter & booklet.

APPENDIX 1 – ENFORCEMENT PLAN UPDATED

Theme	Supporting Action	Timeframe	Comments	Update October 2019
Management Information	Recording, categorisation & mapping of fly-tipping incidents and removal / processing costs	S/T	Analysis of this information will support the identification of "hot-spots" & the corresponding targeting of resources. Enabled by access to Tascomi system.	Ongoing. Update currently underway for occurrences in 2019.
	Mapping & analysis of Dog Licences	S/T	This will potentially identify specific parts of our District where take-up is under-performing. Subsequent analysis can also be used to identify high-volume areas & corresponding targeting of resources.	Ongoing. Commence partnering with Dogs Trust.
	Analysis of LEAMS (Local Environmental Audit & Management System) scoring for litter pollution & dog fouling.	S/T	Our on-going participation in this scheme (via Keep NI Beautiful) will enable our performance to be tracked over-time. Analysis of scores will identify areas for improvement.	Ongoing. Report produced annually.
	Collection & analysis of benchmarking information with other (NI) Councils	S/T	Continual performance & process (activity) benchmarking with other Councils, specifically in relation to LEAMS scoring & the issuing of Fixed Penalty Notices (FPNs) will inform the development of new actions.	Ongoing. Officers attend relevant meetings to share experience with other Councils
Legal Provisions & Policy	Extend the number of Dog Control Orders to other locations	S/T	Enabled by The Clean Neighbourhoods & Environment (NI) Act 2011. Current	No further action at this point but review in conjunction with other

APPENDIX 1 – ENFORCEMENT PLAN UPDATED

Theme	Supporting Action	Timeframe	Comments	Update October 2019
			geographical scope is limited. Opportunity to extend to other Council land assets. Partly supported by the identification of hot-spots & extending enforcement powers to other Council Officers.	Directorates. It is considered that extension of enforcement powers to other Directorates/Officers will be required to enable this action.
	Explore increased use of powers to require the removal of waste unlawfully deposited (fly-tipping)	M/T	Enabled by Article 28 of The Waste & Contaminated Land (NI) Order 1997. Will require legal clarification & (potentially) supporting protocols.	This matter currently receiving attention, with joint review by Waste Management and Environmental Health
	Extend powers to issue Fixed Penalty Notices (FPNs) to other Council Officers	M/T	This has the potential to supplement existing Enforcement Officer resources. Potential human resource implications.	Currently 8 Officers are authorised within Waste Management . Training need identified with respect to assigned duties.
	Litter Bin provision policy	M/T	Development of a litter bin provision policy (based on an assessment of need) governing kerbside and other Council land asset provision, as well as bin-type and frequency of emptying.	Ongoing. Policy to NS Committee in November.
Awareness Raising & Education	Dog Fouling Strategy (Phases I & II)	S/T	Continue with the promotion of responsible dog ownership (Phase I) but officially launch Phase II (greater focus on	Enforcement 18/19 46 FPN 2 Dog Fouling, Enforcement April '19 – Article 20 request offender information.

APPENDIX 1 – ENFORCEMENT PLAN UPDATED

Theme	Supporting Action	Timeframe	Comments	Update October 2019
			enforcement). Supporting publicity campaign.	
	Cleaner, Greener Communities pilot	S/T	Review the effectiveness of the recent pilot & prepare a business case to roll-out in future years.	Year 1 completed. Business case for future years to be reviewed in conjunction with AHC Directorate. Awards have taken place September.
	Temporary suspension of cleansing regimes	S/T	Consider the feasibility of suspending local cleansing regimes to highlight the scale of the problem in local hot-spots.	Ongoing
	Signage	S/T	Consider the erection of suitable signage at all Council land assets (i.e. play parks etc.). Possible financial implications.	Matter to be addressed at Rates Estimates Continue to develop Brand and ensure is included prominently to all relevant Council publications.
	Community Ambassadors	M/T	Opportunity to appoint local ambassadors to supplement Council enforcement activities to approach offenders in local areas. Will require legal clarification & risk assessment.	Ongoing
	Public reporting of performance information	M/T	Opportunity to highlight the scale of the problem in local areas by periodically reporting the number of recorded incidences and FPNs	FPNs issued will normally be higher in more populated and tourist locations.

APPENDIX 1 – ENFORCEMENT PLAN UPDATED

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Theme	Supporting Action	Timeframe	Comments	Update October 2019
			issued (District-wide & DEA). Enabled by short-term management information actions.	
	Local Schools Education Programme	M/T	Develop an education programme for local schools highlighting the health and environmental hazards of dog fouling, littering & fly-tipping. Links with Environmental Health.	To be addressed with AHC.
	Local Community Reporting (including naming & shaming of offenders)	M/T	Will require legal clarification & an assessment of data protection implications etc.	Remains position that offenders may not be named and shamed in the event that FPN is paid.
	Establishment of a Community Fund	M/T	Opportunity to explore the potential of a community fund (secured from grant-aid funding or from other income sources) to support anti-dog fouling, littering & fly-tipping activities.	Ongoing
Technology	CCTV	M/T	Explore the feasibility of using temporary / mobile CCTV to support enforcement activities.	Ongoing - Check Policy
	Bodycams & Hand-held Devices	M/T	Explore the potential use of Bodycams to collate evidence & hand-held devices to process FPNs.	Ongoing – Check Policy

APPENDIX 1 – ENFORCEMENT PLAN UPDATED

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Theme	Supporting Action	Timeframe	Comments	Update October 2019
	Mechanised Cleansing Equipment	M/T	Explore the potential for the increased use of mechanised cleansing equipment (i.e. small scrubber sweepers & quad-type vehicles) to assist with cleansing activities. Enabled by Cleansing review.	Requirement to be explored at Cleansing review.
Partnership Working	Louth County Council Joint Working	S/T	Prepare action plan with Louth County Council to address shared fly-tipping issues.	Ongoing. Meeting held 4 October 2019.
	NIEA / Neighbouring Councils	S/T	Explore the potential for collaboration with the NIEA and neighbouring Councils specifically in relation to support for the improvement plan.	Ongoing. Meeting held with NIEA on 4 October with further meetings anticipated in the near future following release of Fly-Tipping Protocol.
	Dogs Trust	S/T	Working with Building Control & Licensing and Environmental Health to develop a partnership agreement with The Dog's Trust (promotion of responsible dog ownership)	Contact made to Dogs Trust with partnering arrangement under discussion.
	Keep NI Beautiful	S/T	Work with Keep NI Beautiful to review improvement plan & support improvement initiatives.	Ongoing
Resources	Recruitment	S/T	Complete recruitment to seasonal & permanent posts.	Ongoing

APPENDIX 1 – ENFORCEMENT PLAN UPDATED

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Theme	Supporting Action	Timeframe	Comments	Update October 2019
	Enforcement Workforce Plan	M/T	Identify future workforce requirements to support improved enforcement performance. Enabled by Neighbourhood Services Transformation Project (NSTP).	Ongoing
Performance Management	Performance Indicators	S/T	Develop a suite of performance indicators to support enforcement improvement plan.	Ongoing

Offig an Iúir
Newry Office
Monaghan Row
Newry
BT35 8DJ



9th September 2019

Dear Marie

I am writing to you on behalf of Dogs Trust to inform you of our Dogs Trust Partnership Award and importantly, to invite you to take part in the 2019/2020 award! Through the Partnership Award, Dogs Trust works with local authorities throughout the UK to improve dog welfare through proactive measures to promote responsible dog ownership.

Background

In 2017, Dogs Trust commissioned a piece of exploratory research into the different approaches taken by local authorities in relation to dog welfare. An important part of this research was to dispel some common misconceptions about the cost implications of more proactive approaches to tackling irresponsible dog ownership. This then developed into the DTPA Awards and collaborative working with local authorities to increase proactive dog welfare approaches. Participants last year were able to effectively use proactive measures to promote responsible dog ownership with some local authorities reporting a **60%** decrease in the number of strays.

2019/2020

This year, we would like to invite you to take part and to find out from **you** first-hand the most prevalent dog welfare issues your local authority experiences. The information you provide will help us to develop the 2019/2020 scheme so that it is tailored to the local authorities who are taking part allowing you to tackle your welfare issues in a proactive way.

Dogs Trust

Clarissa Baldwin House
17 Wakley Street
London EC1V 7RQ

T 020 7837 0006

F 020 7833 2701

www.dogstrust.org.uk

Patron: Her Majesty The Queen

Registered Charity Numbers: 227523 & 5037843

Benefits of joining the DTPA scheme:

- Promotion of your council – Dogs Trust will help promote your achievements. For example, through press releases and social media posts to highlight the important work you are doing
- Dogs Trust guidance on how to tackle your dog welfare concerns through proactive approaches
- Dogs Trust training day at the beginning of the year
- Relevant Dogs Trust campaign materials to assist your activities
- Knowledge sharing with other local authorities throughout the UK – find out what has worked from fellow local authorities and how they implemented their proactive approaches

Next steps

To register your interest in the 2019/2020 Partnership Award or for more information, please email laura.davis@dogstrust.org.uk. We will then arrange a time for a telephone call to help us understand the dog welfare issues in your local area.

I look forward to hearing from you.

Yours sincerely

Laura Davis
Campaigns Officer





Tick list for responsible dog owners

- ☐ My dog has a dog bed
- ☐ My dog has regular daily walks
- ☐ My dog has regular meals of a balanced diet
- ☐ My dog knows the 5 basic commands
- ☐ My dog is up to date with vaccinations and regularly treated against fleas, ticks and worms
- ☐ My dog is insured
- ☐ My dog is neutered
- ☐ My dog wears a collar and ID tag
- ☐ My dog is microchipped



Dogs Trust
17 Wakley Street
London EC1V 7RQ

020 7837 0006
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www.dogstrust.org.uk

Registered charity numbers: 227523 and SC037843

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A DOG OWNER'S GUIDE

Dog's name

Microchip number

Date of most recent vaccination

Date of treatment against fleas, ticks and worms

What dogs need



A suitable environment

All dogs need a safe and suitable environment; a comfortable bed in a quiet area that is secure and free from hazards. Their bed should be somewhere undisturbed, warm, out of direct sunlight and free from draughts. Dogs need to be given the opportunity to go to the toilet at regular intervals throughout the day.



A daily routine

A daily routine is vital for your dog's wellbeing. You must be prepared to provide your dog with regular exercise with playtime in-between. Dogs are sociable animals that need company so shouldn't be left alone for long periods of time as they may become bored or destructive. If you need to leave them, make sure someone you know can come and check on them, let them out to toilet and play with them.



A balanced diet

It is important that dogs have a balanced diet. Most dog foods are designed to supply the health needs of any dog but you can buy food that is more suited to your particular dog's breed, size or age. Feed your dog at least once a day and ensure fresh water is available at all times. Puppies will need more frequent feeding. Human food is not recommended for dogs. Some foods can be harmful for dogs, for example, chocolate, raisins and onion. Keep a check on your dog's weight and if you think they are under or overweight contact your vet for advice.

Socialising and training

Dogs need to be well socialised and trained from an early age, making sure they are safe and well behaved with people and other animals. Attending a training class and being consistent with training will help you raise a polite pooch. If your dog would benefit from training please contact your vet or Dogs Trust about training classes.

To keep your dog safe, here are 5 basic commands they should know:

- 🐾 Sit
- 🐾 Down
- 🐾 Stay
- 🐾 Come
- 🐾 Heel



- 🐾 Always carry poo bags with you on your walks. It is every dog owner's duty to clean up after their dog. There are no excuses for leaving it behind.
- 🐾 Avoid leaving your dog unattended in a public place. Tying them outside a shop leaves them at risk of being stolen. If you plan on going somewhere where you can't take your dog with you, consider leaving them at home, or take someone with you who can stay with the dog.
- 🐾 Never leave your dog in a car – particularly in warm weather when they are at risk of overheating.

Grooming



Grooming your dog regularly keeps their coat clean and healthy and is a great way to bond. Getting them used to being handled also allows you to check for anything unusual. Long-haired dogs may need clipping in the summer to keep them cool. Remember to keep a check on their claws and get them clipped should they become overgrown.



Vet care



Vaccinations, Flea, tick and Worm treatment

- Vet care is essential for your dog and every dog should be registered with a local vet. Dogs must be kept up to date with vaccinations, worming, flea and tick treatments, and have regular check-ups. For dog owners on a low income the PDSA, Blue Cross and RSPCA may operate subsidised vet care in your area.
- Puppies are normally vaccinated at 6-9 weeks old and then again at around 10-12 weeks old. This should be checked with your vet. Vaccinations cover dogs from distemper, parvovirus, hepatitis and leptospirosis, all of which can be highly infectious to other dogs, costly to treat and fatal. For some diseases, an annual booster injection will be needed to maintain immunity. Contact your veterinary surgeon to discuss vaccination timings and protocols for your dog.
- Your vet may also recommend a kennel cough vaccination depending on your dog's lifestyle. Contact your veterinary surgeon for further information.
- Dogs need regular flea, tick and worming treatment. Lungworm is particularly dangerous and can be caught from eating snails and slugs that can carry the parasite. Contact your veterinary surgeon for advice on what treatment is needed and how often.

Pet insurance

- Pet insurance is extremely important for all dog owners. It will help manage unexpected veterinary fees whilst ensuring the best care for your dog.
- Many vets offer payment plans where the cost of all preventative health care for your dog is split into monthly payments, so check with your vet about the payment options available to you.



Neutering – why neuter?



- Neutering is the most responsible way to prevent unwanted puppies.
- It improves the overall health and behaviour of your dog.
- Dogs can be neutered from an early age. Speak to your vet for advice on when to neuter your pet.



Female dogs

- Female dogs usually come into season for about 3 weeks, twice a year. Around this time they can get pregnant and normally will produce a bloody discharge. Whilst in season they may act strangely – trying to run away in search for a mate and will need to be kept away from male dogs. Neutering avoids the inconvenience and mess of having seasons.
- Pregnancy and giving birth can be a health risk and put your dog at risk of complications.
- Dogs can suffer from phantom pregnancies which can cause both behavioural and health problems.
- Neutering can prevent some cancers and womb infections (pyometra) which can be very expensive to treat and potentially fatal.

Male dogs

- Neutering can prevent behavioural issues such as scent marking and straying.
- Neutered males may be less likely to show aggression towards other dogs or be the target of aggression from other dogs.
- Neutering reduces the risk of prostatic disease and certain cancers that can be costly to treat at a vets and in some cases fatal.



Are you obeying the law?

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Collar and tag

- When in a public place all dogs must wear a collar with the name and address of the owner inscribed on it, or a plate or badge attached to it. It is an offence not to comply and you could be liable for a fine. A collar and tag will ensure that any member of the public or local dog warden can return your dog straight away and avoid your dog being impounded.
- Additionally, in Northern Ireland, The Dogs Order 1983 requires that all dogs are licenced.



Microchipping

- It is a legal requirement for all dogs to be microchipped, with the keeper's details kept up to date. This guarantees that an owner can be traced quickly and the dog returned should they go missing. To update your details contact your microchip database. If your dog is lost or stolen, inform the database and your local dog warden immediately.



Car safety

- Dogs need to be suitably restrained in a car so that they cannot distract or injure you or themselves whilst you are driving. You can use a dog guard, crate or a properly fitted car harness to secure them.

Report to:	Neighbourhood Services Committee
Date of Meeting:	23 October 2019
Subject:	Fly Tipping Revised Shared Protocol
Reporting Officer (Including Job Title):	Mr Joe Parkes, Assistant Director – Waste Management
Contact Officer (Including Job Title):	Mr Liam Dinsmore, Head of Waste Processing, Enforcement & Business Support

Confirm how this Report should be treated by placing an x in either:-

For decision	<input type="checkbox"/>	For noting only	<input checked="" type="checkbox"/>
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1.0	Purpose and Background
1.1	The Waste Contaminated Land (Northern Ireland) Order 1997, has undergone a number of amendments .The amendments were brought forward to enable District Councils to prosecute offenders in respect of the illegal disposal of waste (Article 4 and 5 of the 1997 Order) and to provide the Department with powers to require removal of waste unlawfully deposited, similar to those already in place for Councils (Article 28 etc.). Note: Article 28 only provided limited powers to Councils, while Articles 4 & 5 of the amendment 2011 provides greater powers relating to fines. (Appendix 3)
1.2	<p>Commencement of the above powers was deferred to await updates to a shared protocol which identified the respective roles and responsibilities between local and central government.</p> <p>This Protocol, known as the 'Fly-Tipping' Protocol, was the previously agreed operational practice between Central Government (NIEA) and the majority of the 26 District Councils. (Appendix 2)</p> <p>A need to update the Protocol was recognised, with respect to the new 11 district councils. The proposed revised Protocol has now been updated following discussion between NIEA, Technical Advisory Group (TAG) and Environmental Health Northern Ireland.</p>
1.3	<p>The purpose of the revised Protocol is to provide clarification as to interpretation, responsibilities and consequent action by the appropriate authority, in short to define responsibility for NIEA and Council with respect to incidence of fly-tipping and illegal dumping.</p> <p>A copy of the revised shared Protocol is attached Appendix 1, with NIEA seeking to agree the Fly-Tipping Protocol with each District Council.</p>
1.4	The NIEA have written to the Council on 25 September 2019, requesting any comments from the Council regarding the Revised Shared Protocol, by 20 November 2019. Thereafter it is intended that the Protocol Agreement between

	the NIEA and this Council, with respect to operational arrangements on Fly-Tipping would commence, effective 20 February 2020.
2.0	Key issues
2.1	<p>The Operational arrangements as currently apply are as follows:</p> <ul style="list-style-type: none"> Both the Council and the NIEA have powers and responsibilities to deal with fly-tipping. The criteria for the determination of responsibility for removal of illegal dumping shall be as follows: <ul style="list-style-type: none"> -local councils to have responsibility for all non-hazardous wastes under 20 cubic metres. -the NIEA to have responsibility for deposits over 20 cubic metres. -Local Authorities to have responsibility for all hazardous waste of a type as could be accepted at a HRC e.g. fridges. -NIEA to have responsibility for removal of all hazardous waste, of a type not accepted at a Council HRC site e.g. asbestos and laundered diesel. -an Incident Referral Form to be completed on each occasion that Illegal Dumping/Fly-tipping is removed. This is for the management and recording of incidents. -In the event of any dispute, the matter to be resolved at operational level, to foster an appropriate and collaborative working arrangement.
3.0	Recommendations
3.1	<p>The Proposed Fly Tipping Protocol is agreed between the Council and the NIEA subject to the following:</p> <ul style="list-style-type: none"> The Technical Advisory Group (TAG) is consulted to ensure a uniform approach and reply from the 11 Councils. The Agreement to be reviewed at the end of a 12-month period as provided for in the Agreement. <p>The Protocol will also commence amendments to the Waste Contaminated Land (Amendment) Act (Northern Ireland) 2011, with a Commencement Order scheduled to be implemented end-February 2020 therefore:</p> <ul style="list-style-type: none"> Officers from relevant Departments meet to review the operational arrangements and responsibilities arising from the commencement of the Order. This will involve a number of Directorates across the Council.
4.0	Resource implications
4.1	<p>The Commencement Order, which will bring into operation Sections 4 and 5 of the 2011 Amendment Act, gives Council additional powers to address illegal waste disposal.</p> <p>It is anticipated that whilst the value of potential Fixed Penalty Notices may be retained by the Council, it is also likely that Council may incur additional legal costs, arising from the Enforcement Process.</p>
5.0	Equality and good relations implications
5.1	<p>It is not anticipated that any Equality or good relations implications will arise but will be considered by officers group</p>

6.0	Rural Proofing implications
6.1	No Rural Proofing issues, but further consideration will be given as appropriate in this area.
7.0	Appendices
	<p>Appendix 1: Letter from NIEA, dated 25 September 2019 ,with copy of proposed Protocol Agreement between NIEA and Newry Mourne and Down District Council.</p> <p>Appendix 2: Present Protocol Agreement.</p> <p>Appendix 3: Waste and Contaminated Land (amendment) Act (NI) 2011 Articles 4 & 5.</p>
8.0	Background Documents
	<p>1.Waste and Contaminated Land Order (NI) 1997</p> <p>2.The Waste (Amendment) (NI) Order 2007</p> <p>3. Waste and Contaminated Land (amendment) Act (NI) 2011</p>



Marie Ward
Chief Executive
Newry Mourne and Down District Council
Monaghan Row
Newry
BT35 8DJ

25 September 2019

Dear Ms Ward

RE: FLY-TIPPING REVISED SHARED PROTOCOL

As you may be aware, the Waste and Contaminated Land (Northern Ireland) Order 1997 (the 1997 Order) was amended by way of the Waste (Amendment)(Northern Ireland) Order 2007 and the Waste and Contaminated Land (Amendment) Act (Northern Ireland) 2011 (the 2011 Amendment Act). The amendments were brought forward to enable district councils to prosecute offenders in respect of the illegal disposal of waste (Articles 4 and 5 of the 1997 Order) and to provide the Department with powers to require removal of waste unlawfully deposited, similar to those already in place for councils (Articles 28, etc.). However, these amendments have yet to be commenced.

Commencement of the above powers was deferred to await updates to a joint shared protocol which identified the respective roles and responsibilities between local and central government. This protocol, known as 'The Fly-tipping Protocol', upon development was the previously agreed operational practice between the NIEA and a majority of the then 26 Local District Councils.

However, it was recognised through the Joint Central and Local Government Waste Working Group that, following local government reform, it was timely to refresh the arrangements between the NIEA and the new 11 district councils. A working group including representatives of central and local government was subsequently formed (the Fly-tipping Sub-Group) to complete this work.

Following consultation with the local council professional groups (Environmental Health Northern Ireland and the Technical Advisory Group) the Sub Group has finalised a refreshed protocol for consideration. While in essence regularising current operating arrangements, the Fly-tipping Revised Shared Protocol also provides clarification in terms of interpretation, responsibilities and consequent action by the appropriate authority.

It is in the interest of all of the citizens of Northern Ireland for central and local government to operate in a co-operative way, under pragmatic, agreed procedures, which obviate any procedural difficulties surrounding the operational response to illegal dumping. It is important, therefore, to emphasise that the overarching purpose of the

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protocol is to ensure a seamless response to issues of illegal waste disposal between central and local government and that issues of illegal dumping/fly-tipping do not attract adverse attention from the public or in the media.

Accordingly, the purpose of this letter is to provide a copy of the revised shared protocol and to seek your commitment to agree this operational practice between Newry Mourne and Down District Council and the NIEA.

The Fly-tipping Sub-Group looks forward to receiving your response which should be forwarded via Mr Mark Cherry at the address below. The closing date for your response is 30 November 2019.

It is intended that agreements with local councils would commence on 20 February 2020 and around the same time the Department of Agriculture, Environment and Rural Affairs (DAERA) intend to introduce a Commencement Order, which would bring into operation Sections 4 and 5 of the 2011 Amendment Act, which essentially provides the NIEA and local councils with identical powers to address illegal waste disposal. The presence of an agreed protocol is therefore beneficial in delineating the roles and responsibilities of the NIEA and local councils in the application of these powers.

Please send responses to:

Fly-tipping Sub-Group
C/O Mark Cherry
Klondyke Building
Gasworks Business Park
Cromac Avenue
Belfast
BT7 2JA

Yours sincerely



DAVID SMALL
Chief Executive

emailed 1-10-19.

Enc: Fly-tipping Revised Shared Protocol

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OPERATIONAL ARRANGEMENTS ON FLY-TIPPING -

PROTOCOL AGREEMENT BETWEEN

NORTHERN IRELAND ENVIRONMENT AGENCY

AND

_____ COUNCIL

Contents

1. Background
2. Definition and roles
3. Remit
4. Incident management and reporting methods
5. Hazardous Waste
6. Resolution of disputes
7. Joint working
8. Information Sharing
9. Data Collection
10. Management and Review

1. Background

The fly-tipping of waste remains a high profile environmental issue. It is a criminal activity that can blight communities and reduces the quality of life for residents. It can often begin a spiral of decline and has the potential to cause serious pollution to the environment. In some cases, it may also be a risk to human health as well as causing harm to the environment. The incidence of fly-tipping is a further demand on the revenue budgets of Local Councils and the NIEA which needs to be addressed collaboratively across the region

Fly-tipping primarily arises from household and or commercial sources and both are controlled under a specific legal duties known as the waste '*Duty of Care*'. This duty applies to anyone, including householders who dispose or transfer their waste (except household waste transferred to the local Council). It applies at all times throughout the year and includes the transfer of waste, for example, to:

- Private companies or individuals (e.g. skip hire operators);
- Private individuals who may offer to take waste for profit (i.e. on payment); and
- Private individuals who offer to take or dispose of waste.

In addition, the legal '*duty of care*' means that everyone must:

- Only transfer waste to a person authorised to receive it.
- Take all reasonable steps to ensure responsible disposal and prevent fly-tipping/illegal disposal by someone else; and
- Prevent the escape of waste or it causing pollution or harm.

Whatever the source, fly-tipping constitutes illegal waste disposal. It is a criminal offence attracting significant penalties. Unscrupulous individuals use fly-tipping as a way of avoiding costs of the proper management of waste. It also undermines the legitimate waste industry.

Both the NIEA and local Councils have powers and responsibilities to deal with fly-tipping. However clarity of working arrangements is vital to efficient and effective services for the public. This agreement defines the agreed roles and responsibilities of the NIEA and Local Councils in dealing with fly-tipping and illegal waste disposal.

2. Definition and roles

Fly-tipping *"is the illegal disposal of household, industrial, commercial or other controlled waste without a waste management licence. The waste can be liquid or solid. Fly tipping is not the same as littering ⁽¹⁾"* Unlike litter – which is often dropped habitually, sometimes accidentally, and usually involves only single, small waste items – fly tipping is larger in scale and usually considered a premeditated, wilful act.

Fly-tipping poses a threat to humans and wildlife, it has a negative impact on our environment, and spoils our enjoyment of our towns and countryside. It also undermines legitimate waste businesses where illegal operators undercut those operating within the law. At the same time, the reputation of legal operators is undermined by rogue traders.

The motivation of the perpetrators is largely driven by financial gain or financial saving although other factors such as laziness, proximity to local amenities and simple disregard for the environment play a part.

Both the Local Councils and the NIEA have powers to deal with fly-tipped waste. Accordingly fly tipping incidents need to be treated on a case-by-case basis in determining the most appropriate authority to deal with the incident.

Within this agreement the general approach taken will see the NIEA deal with waste disposal incidents concerning larger quantities of waste, which have a greater environmental risk and may have commercial involvement and/or involve organised criminality. Local Councils will deal with smaller scale incidents in terms of quantity, environmental risk and commercial involvement.

⁽¹⁾ *House of Commons Briefing Paper (CBP05672) dated 25th June 2018*

3. Remit

The criteria for the determination of responsibility for waste crime incidents between the NIEA and Local Councils are as follows:

(i) Volume of waste deposited

- Local Councils will have responsibility for all non-hazardous waste deposits under 20 cubic metres in volume or accumulations of several small-scale fly-tipping incidents.
- The NIEA will have responsibility for all waste deposits over 20 cubic metres in volume regardless of the waste classification.

In summary, 20 cubic metres generally relates to less than a single small lorry load.

(See Appendix 1 regarding estimation of waste volumes)

(ii) Classification of the waste deposited

- Local Councils will have responsibility for all hazardous waste of a type and volume that could be accepted at an appropriately authorised Council operated civic amenity or waste recycling centre.
- The NIEA will have responsibility of all other hazardous waste of a type and volume which would not be accepted at a Council operated Recycling Centre.

(See Appendix 2 regarding hazardous wastes which may be accepted at Council Recycling Centres)

4. Incident management and reporting methods

Reports on waste crime incidents are received from a range of sources by both the NIEA and the Local Councils and both have systems and procedures in place for incident recording, assessment and handling.

As part of that assessment and with regard to the criteria in Section 2, the receiving body may refer the incident to the partner agency for consideration and action. Any referrals between the NIEA/Local Council should be made using the 'Incident Referral Form' as shown in Appendix 3.

Completed referral forms should be forwarded to the following email address:

- (i) NIEA – EnvironmentalCrime@daera-ni.gov.uk
- (ii) [insert Name of Local Council] [insert Email address]

Upon receipt the NIEA/Local Council will assess the referral and if content will confirm receipt by return on the email address above. Responsibility for the incident management will rest with the accepting Local Council/NIEA who may engage with relevant third parties.

5. Hazardous waste

It is agreed that hazardous waste would normally be identified by simple checks at the site (form, colour, smell) and a precautionary principle would apply. Waste sampling and testing will not normally be employed but may be considered in exceptional circumstances.

Mixtures of waste containing hazardous material that cannot be safely removed will be treated as hazardous in their entirety. However, if possible any hazardous waste from the waste pile (e.g. fridge) should be safely removed to reduce potential removal costs.

6. Resolution of disputes

The Local Council and the NIEA will take a pragmatic approach in applying the criteria for determining thresholds and responsibilities as part of this agreement and it is envisaged that most disputes may be resolved through joint on-site visits attended by operational staff from the Local Council and NIEA.

However, if agreement cannot be reached at an operational level then the persons nominated below will jointly agree whether the Local Council or NIEA will accept responsibility for any disputed incidents

NIEA nominee: [insert name and/or position]

Local Council nominee: [insert name and/or position]

7. Joint working

It is recognised that in dealing with the problem of fly-tipping and illegal waste disposal a collaborative approach may be prove more resource efficient and effective in combating such criminal activity.

Therefore, when appropriate Local Councils may request that the NIEA consider the provision of support and assistance in providing a more robust response to matters such as repeat and persistent offenders, waste crime hotspots and incidents involving commercial operators. Each such case will be considered on its own merits on a case by case basis and any disputes resolved in accordance with paragraph 6.

8. Information sharing

The routine sharing of data and information between parties to this agreement does not engage the Data Protection Act 2018 insofar as 'personal' data¹ is not processed. Otherwise, any personal data sharing will comply with the requirements of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. A Data Protection Act (DPA) request should be made in each individual case between the parties to this agreement when it is considered necessary to share personal data.

9. Data collection

_____ [INSERT] Council shall provide the NIEA with a quarterly report on 'fly-tipping' INCIDENTS to include the following information:

- (i) Location of clear-up (postal address including postcode)
- (ii) Type of waste (e.g. describe the main type of waste – by EWC Code)
- (iii) Describe the volume of waste
- (iv) Cost of clean-up and (collection and disposal costs only)

This information will be collated and used by NIEA for the purposes of:

- (a) Informing and educating the public about the incidence of fly tipping and the costs associated
- (b) Assessment of fly tipping hotspots
- (c) Assessment of fly tipping waste streams
- (d) Assessment of fly tipping volumes

10. Management and review

¹ Section 3 (2) of the data protection Act 2018 defines personal data as, "Personal data means any information relating to an identified or identifiable living individual (subject to subsection (14 (c))).

This operational agreement should be reviewed by the Fly-tipping sub group of the Joint Central & Local Government Waste Working Group 12 months after implementation.

Signed on behalf of
Northern Ireland Environment Agency

Date:

Signed on behalf of
[Insert relevant Council]

Date:

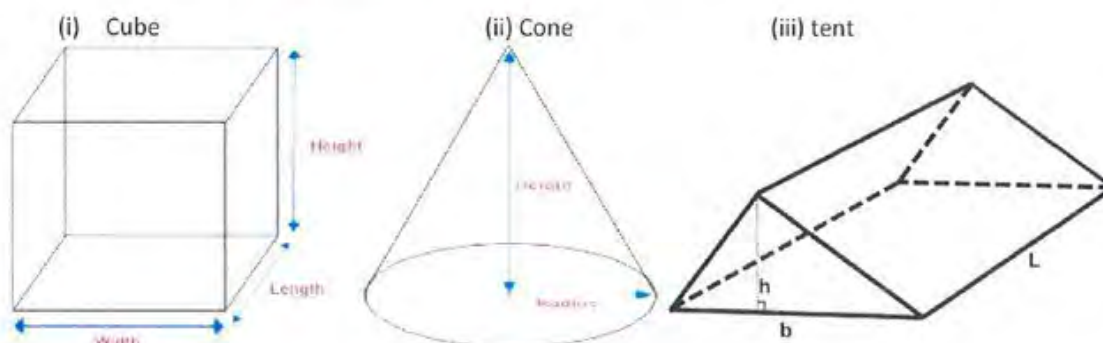
Appendix 1

Information to assist NIEA and Council officers in estimating waste volumes

E.g. photo of waste emptied from bin lorry = 18.5 m³



How to estimate volumes of waste:



(i) Calculating a cube shape deposit – length x breadth x height

(ii) Calculating a cone shape deposit – $\frac{1}{3} \times \pi \times \text{radius}^2 \times \text{height}$

(iii) Calculating a tent shape deposit – $\frac{1}{2} \times \text{base} \times \text{length} \times \text{height}$

Annex B

**FRAMEWORK TO ADDRESS FLYTIPPING
(ROLES AND RESPONSIBILITIES OF KEY
STAKEHOLDERS)**

JUNE 2011

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THE FRAMEWORK

1. INTRODUCTION

Under existing legislation (The Waste and Contaminated Land (Northern Ireland) Order 1997¹ – “the 1997 Order”) the Department of the Environment (“the Department”) is responsible for dealing with illegally deposited waste in Northern Ireland, and has powers to prosecute offenders. However, the Department’s clean-up powers are confined to instances where there is imminent danger of serious pollution.

On the other hand, district councils can require an owner or occupier of land to take remedial action in relation to illegally dumped waste. In the event of failure to do so, councils themselves can take remedial action, and seek cost recovery through the courts. Unlike the Department however, councils do not have specific powers to prosecute offenders.

The new Waste and Contaminated Land (Amendment) Act (Northern Ireland) 2011² (“the Waste Act”) legislates for a **partnership** approach in dealing with illegal waste activity in Northern Ireland.

Thus, once the relevant provisions of the Waste Act are commenced, district councils and the Department will have largely

¹ 1997 No. 2778 (NI 19)

² 2011 C5 (NI)

the same investigative and enforcement powers to deal with illegally deposited waste.

However it has always been clear that legislative change alone will not resolve the problem. Both district councils and the Northern Ireland Environment Agency (NIEA) – the Department's enforcement body - have limited resources available for tackling flytipping. Clarity of roles and responsibilities is therefore vital to ensure effective working arrangements and to provide best value for money. A formal Framework and, subsequently, detailed operational arrangements are required which clearly establish the respective roles and responsibilities of NIEA and councils 'on the ground' in dealing with flytipped waste.

2. PURPOSE

The purpose of this Framework is to establish roles and responsibilities of all key players with regards to flytipping; in particular NIEA and local government. Clearly the operational arrangements for tackling flytipping will need to be addressed. However, this document clarifies **who** is responsible and **what** they are responsible for delivering.

3. GENERAL PRINCIPLES

The following principles should underpin the development of detailed operational arrangements to deal with flytipping:

- i. There is a need for **all interested parties** to work together to address flytipping. NIEA and local government will need to coordinate this.
- ii. **The “Polluter pays” principle should apply.** This means that, as far as possible, a person responsible for flytipping should pay for any environmental damage created by their illegal waste activity. Therefore, where appropriate, both NIEA and district councils will seek to recover any costs associated with tackling illegal waste activities and flytipping, including any costs associated with the clean up of illegally deposited waste. While, ideally, costs will be recovered from the polluter it may be necessary to recover from the landowner or occupier of the affected land. This is likely to depend on the specific circumstances of each case, including the extent to which the landowner or occupier has taken reasonable measures to prevent fly tipping on their land.
- iii. Both district councils and NIEA recognise the limits of each other’s resources, statutory powers, duties and responsibilities and their respective ability to act in the event of a flytipping incident. Both parties will use best endeavours at all times to mitigate the effects of flytipping through a **partnership approach**.
- iv. **District councils** will take the lead on investigating and taking appropriate enforcement action against smaller-scale dumping of waste and, for certain land categories, on clearing up smaller amounts of flytipped waste (see Sections 5 and 6 below).

District council activity will be prioritised by individual councils to take account of an actual or imminent threat to human health and/or the environment and subject to resource constraints.

- v. **NIEA** will focus its resources on investigating and taking appropriate enforcement action against larger-scale illegal dumping of waste, organised criminal involvement in waste crime, cross-border illegal waste activity and on clearing up larger amounts of flytipped waste (see Sections 5 and 6 below). NIEA activity will be prioritised to take account of an actual or imminent threat to human health and/or the environment and subject to resource constraints.

4. QUANTITATIVE THRESHOLDS – INVESTIGATION AND ENFORCEMENT ACTION

For non-hazardous waste the quantitative threshold to determine the respective responsibilities of the Department and councils in Northern Ireland should be set at **20 m³**.

Councils in Northern Ireland should have responsibility for investigating, and, where appropriate, for taking enforcement action with regard to illegally deposited waste of up to 20 m³.

NIEA should have responsibility for investigating, and, where appropriate, for taking enforcement action with regard to illegally deposited waste of more than 20 m³.

For hazardous waste, in recognition of its special nature, the quantitative threshold to determine the respective responsibilities of NIEA and the councils should be set at a level 10 times lower, that is 2 m³ or 2000 litres. Councils should have responsibility for hazardous waste below this threshold and NIEA should take responsibility for hazardous waste above this threshold.

5. CLEAN UP OF FLYTIPPED NON-HAZARDOUS WASTE

The “Polluter Pays” principle dictates that the person who has caused the flytipping should be responsible for its clean up. In practice however, there will be many instances where that person cannot readily be identified.

In these circumstances, and subject to the parameters outlined below, either the councils or the NIEA will often be required to undertake clean-up activity. Where practicable, the councils or the Agency may take action against the landowner or occupier of the affected land. This is most likely to occur in circumstances where the landowner/occupier is perceived to have wilfully contributed to the flytipping activity, or has not taken reasonable measures to prevent its occurrence.

The Department therefore acknowledges the need to establish the respective responsibilities of councils and NIEA in dealing with the clean up of non-hazardous flytipped waste. The following parameters should therefore apply:

Land in Council Ownership

Where waste is flytipped on land owned by a council, that council will be responsible for clean up, **regardless of volume**.

Land owned by NIEA

Where waste is flytipped on land owned by NIEA, the Agency should be responsible for clean up **regardless of volume**.

Land owned by a Public Sector body

Where waste is flytipped on land owned by, or which is the responsibility of, another Government Department or public sector body, that Department/public body should be responsible for clean up, **regardless of volume**.

Private Land

The 20m³ quantitative threshold should also apply in relation to private land - but with the crucial difference that **neither councils nor NIEA should be held responsible** for cleaning up illegally deposited waste on privately owned land.

However, where flytipping on private land has an adverse effect on the environment or public health, or has the potential to do so, the relevant enforcement body (i.e. either the relevant district council or NIEA in line with the quantitative threshold of 20 m³) should be **encouraged to use their powers** under Article 28 of the 1997

Order to effect the removal of the waste and/or the remediation of the area and to take appropriate enforcement action. The Article 28 notice could be served on the person who deposited the waste, the occupier of the land or the landowner, depending on the circumstances of the case.

In cases where flytipped waste on private land is giving rise to an actual or imminent threat to human health or of serious harm to the environment and the relevant enforcement body cannot effect its removal or remediation by any other party the relevant enforcement body should ensure that the waste is removed even if this means that they have to take the necessary action themselves. Responsibility should be apportioned in line with the quantitative threshold of 20 m³, provided that this does not delay early action in an emergency situation.

Publicly Accessible Land

Some areas will not fall into any of the above categories, or may consist of a patchwork of land with ownership in several of the above categories, but routinely accessible to members of the public (e.g. publicly accessible land consisting of adjacent public sector owned, council owned and privately owned sites). Clearly this can not be allowed to delay clean up, thereby encouraging further flytipping and potentially other anti-social behaviours. Therefore, where ownership or responsibility can not be immediately established, where there is a dispute about ownership or responsibility, or where there is any other complicating factor that could delay the clean up of flytipped waste:

- i. Councils should deal with the clean up of smaller volumes of flytipped waste – i.e. up to 20m³;
- ii. NIEA should deal with larger volumes of flytipped waste – i.e. more than 20m³.

Resolution of Disputes

In any instance where council and NIEA officials are unable to reach agreement over who should have clean-up responsibility, the case should be resolved by discussion between the Chief Executives of that council and NIEA.

6. HAZARDOUS WASTE

The quantitative threshold to determine the respective responsibilities of the Department and councils in Northern Ireland for hazardous waste should be set at 2 m³ (2000 litres) as described in Section 4.

Councils in Northern Ireland should have responsibility for investigating, and, where appropriate, for taking enforcement action with regard to illegally deposited hazardous waste of up to 2 m³ (2000 litres).

NIEA should have responsibility for investigating, and, where appropriate, for taking enforcement action with regard to illegally deposited hazardous waste of more than 2 m³ (2000 litres).

With regard to the clean up of hazardous waste, the overall approach should be similar to that for non-hazardous waste as set out in Section 5:

Land in Council Ownership

Where hazardous waste is flytipped on land owned by a council, that council should be responsible for clean up, **regardless of volume.**

Land owned by NIEA

Where hazardous waste is flytipped on land owned by NIEA, the Agency should be responsible for clean up **regardless of volume.**

Land owned by a Public Sector body

Where hazardous waste is flytipped on land owned by, or which is the responsibility of, another Government Department or public sector body, that Department/public body should be responsible for clean up, **regardless of volume.**

Private Land

As with other flytipped waste, neither the councils nor NIEA should be responsible for the clean up of hazardous flytipped waste on privately owned land. However, where flytipping of hazardous waste on private land has the potential to adversely affect the environment, the relevant enforcement body should use their enforcement powers to effect removal of the waste. Below 2 m³ this is the responsibility of councils, above this threshold it is the responsibility of NIEA.

Publicly Accessible Land

As discussed in Section 5, the ownership or responsibility for some publicly accessible land is uncertain. Where responsibility cannot be established, to enable clean up of flytipped hazardous waste without undue delay, councils should deal with the clean up of volumes less than 2 m³ and NIEA should deal with volumes above this threshold.

7. DATA COLLECTION AND MONITORING

NIEA and councils should be responsible for collecting accurate and reliable data on flytipping in Northern Ireland.

District councils and NIEA should be required to collate and submit data on illegal waste disposal in an agreed format to a central database. As a minimum, this will include the number, scale and type of flytipping incidents dealt with over a particular period and any enforcement action taken.

NIEA should take the lead in identifying and establishing a suitable database for the collection of flytipped waste. Both councils and NIEA will be required to input flytipping information to the database on a regular basis. All incidents must be entered on the database before clean-up activity can be commenced.

8. GENERAL

A national flytipping group for Northern Ireland should be established to facilitate the sharing of information and best practice between enforcement bodies.

It is anticipated that this group would initially include representatives from the councils along with representatives from NIEA involved in the enforcement of illegal waste disposal offences.

APPENDIX 3

Waste and Contaminated Land (Amendment) Act (NI) 2011

Article 4

Powers to require removal of waste unlawfully deposited

4 For Articles 28 and 28A of the 1997 Order substitute—

"Power to require removal of waste unlawfully deposited

28—(1) If any controlled waste is deposited in or on any land in contravention of Article 4(1), an enforcing authority may, by notice served on him, require the appropriate person to do either or both of the following, that is—

(a) to remove the waste from the land within a specified period not less than a period of 21 days from the service of the notice;

(b) to take within such a period specified steps with a view to eliminating or reducing the consequences of the deposit of the waste.

(2) A person on whom any requirements are imposed under paragraph (1) may, within the period of 21 days mentioned in that paragraph, appeal against the requirement to a court of summary jurisdiction.

(3) On any appeal under paragraph (2) the court shall quash the requirement if it is satisfied that—

(a) the appellant neither deposited nor knowingly caused nor knowingly permitted the deposit of the waste;

(b) there is a material defect in the notice; or

(c) in order to comply with the requirement the appellant would be required to enter the land unlawfully;

and in any other case shall either modify the requirement or dismiss the appeal.

(4) Where a person appeals against any requirement imposed under paragraph (1), the requirement shall be of no effect pending the determination of the appeal; and where the court modifies the requirement or dismisses the appeal it may extend the period specified in the notice.

(5) If a person on whom a requirement has been imposed under paragraph (1) fails, without reasonable excuse, to comply with the requirement he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(6) If in the case of a continuing offence under paragraph (5), the offender continues to fail to comply with the requirement he shall be guilty of a further offence and shall be liable on summary conviction to an additional fine not exceeding one-tenth of level 5 on the standard

scale for each day on which the offence is continued and before the enforcing authority has begun to exercise its powers under paragraph (7).

(7) Where a person on whom a requirement has been imposed under paragraph (1) by an enforcing authority fails to comply with the requirement, the enforcing authority may do what that person was required to do and may recover from him any expenses reasonably incurred by the enforcing authority in doing it.

(8) In this Article and Articles 28A and 28B “enforcing authority” means—

(a) the Department; and

(b) in relation to land in its district, a district council.

The “appropriate person”

28A—(1) Subject to the following provisions of this Article, the appropriate person in relation to any deposit of waste in or on any land is the person (“D”) who deposited the waste.

(2) Unless paragraph (3) applies, the appropriate person is the occupier of the land if—

(a) D cannot be identified or cannot be found without the enforcing authority incurring unreasonable expense; or

(b) the enforcing authority has served a notice under Article 28(1) imposing a requirement on D and—

(i) D has failed to comply with that requirement within the period specified in the notice; or

(ii) that requirement has been quashed on the ground specified in Article 28(3)(a).

(3) The appropriate person is the owner of the land if—

(a) there is no occupier of the land or the occupier cannot be found without the enforcing authority incurring unreasonable expense; or

(b) the enforcing authority has served a notice under Article 28(1) imposing a requirement on the occupier of the land and—

(i) the occupier has failed to comply with that requirement within the period specified in the notice; or

(ii) that requirement has been quashed on the ground specified in Article 28(3)(a).

(4) This Article applies for the purposes of Article 28.

(5) A notice under Article 28(1) which may be served—

(a) by virtue of paragraph (1) may not be served by virtue of paragraph (2) or (3);

(b) by virtue of paragraph (2) may not be served by virtue of paragraph (3).

Reserve powers of enforcing authority

28B—(1) If it appears to an enforcing authority that waste has been deposited in or on any land in contravention of Article 4(1) and that—

- (a) in order to remove or prevent pollution of land, water or air or harm to human health it is necessary that the waste be forthwith removed or other steps taken to eliminate or reduce the consequences of the deposit or both, or
- (b) there is no occupier of the land, or
- (c) the occupier neither made nor knowingly permitted the deposit of the waste,

the enforcing authority may remove the waste from the land or take other steps to eliminate or reduce the consequences of the deposit or, as the case may require, to remove the waste and take those steps.

(2) Where an enforcing authority exercises any of the powers conferred on it by paragraph (1) it may recover any costs necessarily incurred by it in removing the waste or taking the steps or both and in disposing of the waste—

- (a) from the person who deposited the waste; or
- (b) if that person cannot be identified or cannot be found without the enforcing authority incurring unreasonable expense—
 - (i) in a case falling within paragraph (1)(a), from the occupier of the land,
 - (ii) in a case falling within paragraph (1)(b) or (c), from the owner of the land, unless (in either case) he proves that he neither made nor knowingly caused nor knowingly permitted the deposit of the waste.

(3) Any waste removed by an enforcing authority under paragraph (1) shall belong to the enforcing authority and may be dealt with accordingly."

Article 5

Councils to enforce Articles 4 and 5 of 1997 Order

5—(1) In Article 72 of the 1997 Order (powers of enforcing authority), in paragraph (12)—

(a) in the definition of "enforcing authority" after paragraph (a) insert—

"(aa) a district council in relation to Articles 4 and 5;"

(b) in the definition of "pollution control statutory provisions" in paragraph (b) after sub-paragraph (i) insert—

"(ia) Articles 4 and 5;"

(2) In Article 5A of the 1997 Order (fixed penalty notices for certain offences under Article 5(8))—

(a) in paragraph (1) for "the Department" (where it first occurs) substitute "an authorised officer of an enforcing authority" and for "to the Department" substitute "to the enforcing authority";

(b) in paragraph (2) for "Department" substitute "authorised officer" and at the end add "to the enforcing authority";

(c) in paragraph (9) for "the Department" substitute "an enforcing authority";

(d) in paragraph (11) for "The Department may" substitute "An enforcing authority may" and for "by the Department" substitute "by the enforcing authority";

(e) for paragraph (13) substitute—

"(12A) Article 22C (use of fixed penalty receipts by a district council) applies in relation to amounts received by a council under this Article as it applies in relation to amounts received under Article 22A.

(13) In this Article—

"authorised officer" means an officer of the enforcing authority who is authorised in writing by the enforcing authority for the purposes of this Article;

"enforcing authority" means—

(a)

the Department; and

(b)

in relation to an offence committed within its district, a district council."

(3) In Article 5B of the 1997 Order (investigation and enforcement costs) for paragraph (2) substitute—

"(2) The court by or before which the offender is convicted may make an order requiring him to pay—

(a) to the Department or a district council a sum which appears to the court not to exceed the costs arising from investigations of the Department or the district council which resulted in the conviction; and

(b)to the Department a sum which appears to the court not to exceed the costs arising from the seizure by the Department under Article 5E of a vehicle involved in the offence."

(4) In Article 5C of the 1997 Order (clean up costs) after paragraph (2) insert—

"(2A) The reference to costs in paragraph (2) does not include any costs which the Department or the council has already recovered under Article 28B(2)."

Report to:	Neighbourhood Services Committee
Date of Meeting:	23 rd October 2019
Subject:	Council Strategic Waste Management Arrangements: Update
Reporting Officer	Roland Moore, Director of Neighbourhood Services
Contact Officer	Roland Moore, Director of Neighbourhood Services

Confirm how this Report should be treated by placing an x in either: -

For decision	x	For noting only	
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1.0	Purpose and Background
1.1	<p>To update Members on the progress being made in relation to Joint Working between Councils in relation to Waste Management.</p> <p>Prior to the RPA (Review of Public Administration) in 2015 the legacy 26 District Councils in Northern Ireland were organised into three voluntary Waste Management Groups;</p> <ol style="list-style-type: none"> 1. Arc 21 (11 Councils) 2. NWRWMG (North West Region Waste Management Group) (7 Councils) 3. SWaMP2008 (Southern Waste Management Partnership) (8 Councils)
1.2	<p>Each group operated through a Joint Committee of Councils albeit on a slightly different basis whereby arc21 and SWaMP 2008 were incorporated corporate bodies whilst the NWRWMG was unincorporated. SWaMP2008 was dissolved in 2015. Arc 21 has the ability to award contracts as a separate entity and hold assets whilst SWaMP2008 did not enter into direct contract award. Whilst the NWRWMG facilitated joint procurement across Councils (with Derry City Council as lead Council) any third-party contract awards were made through the individual Councils.</p> <p>The principle objective of the three Waste Management Groups was to work collectively through their partner Councils and others to enable the delivery of the three Waste Management Plans for Northern Ireland in order to achieve the various recycling and landfill diversion targets set out in European and Domestic legislation.</p> <p>Since RPA the picture has become more fragmented. Currently there are two Waste Management Groups:</p> <ul style="list-style-type: none"> ➤ Arc21 representing Belfast City, Ards & North Down, Mid & East Antrim, Antrim & Newtownabbey, Newry Mourne & Down and Lisburn & Castlereagh City ➤ NWRWMG representing Derry City & Strabane and Causeway & Glens <p>The three remaining Councils (Armagh City, Banbridge and Craigavon, Fermanagh & Omagh and Mid Ulster), sometimes referred to 'NI Other' do not form part of any Waste Management Group although they have worked together and produced a Joint Waste Management Plan.</p>
1.3	<p>These arrangements, however, are not seen as being sustainable in the longer term. As a consequence SoLACE NI requested, through the Technical Advisors Group NI structure, that the Councils review the current set up with a view to making proposals for the future arrangements. The timing is particularly apt as reviews of Councils' Waste Plans and DAERA's "Delivering Resource Efficiency - Northern Ireland Waste Management Strategy" are scheduled for the near</p>

	<p>future. Organisational changes within the waste management groups also reinforce the need for a strategic review of current arrangements.</p> <p>Given the increasing demands being made on Councils to continuously improve recycling both in terms of quantity and quality in order to reach and exceed government targets and reduce our dependency on landfill. These factors coupled with Council efforts to work towards the Circular Economy principles it is clear that achieving these goals would be enhanced through greater collaboration between Councils in terms of Waste Management.</p> <p>Members should be aware that NI Councils spend in the region of 30-35% of their revenue budgets on Waste Management and related environmental services.</p> <p>This report is therefore intended to update Members on the progress which has been made through SoLACE NI (Society of Local Authority Chief Executives) in conjunction with TAG NI (Local Government Technical Advisors Group) supported by NILGA in assessing the needs of Councils in terms of collaboration for Waste and related Services. Whilst this is very much a 'Work in Progress' it is important that Members are aware of this important collective approach being undertaken by the 11 District Councils in Northern Ireland.</p>
2.0	Key Issues
2.1	<p>Following on from a workshop session in October 2018 involving Chief Executives and senior officers from the eleven District Councils TAG NI were requested by SoLACE NI to take forward a Strategic Review of the current arrangements for collaboration between Councils for Waste Management and related Services.</p> <p>Following the establishment of the Council Waste Forum, which draws senior officer representation from all eleven Councils, by utilising existing structures an agreed Specification was developed for an independent organisation to conduct a review of the current arrangements and to develop options for potential future structures and governance arrangements.</p> <p>The Specification was subsequently signed off by SoLACE NI at its September 2019 meeting. Given the need to engage an experienced organisation to carry out the strategic review it was agreed that the Strategic Investment Board (SIB) had the necessary skills and experience given that they have worked both with many Councils and the Waste Management Groups and are public sector providers.</p>
2.2	<p>SIB's engagement is carried out in accordance with and for the purposes described in The Strategic Investment and Regeneration of Sites (Northern Ireland) Order 2003 – namely the exercise of strategic investment functions in relation to the Executive and bodies carrying out major investment projects.</p> <p>The following Section of the report provides Members with detail of the Specification developed for the review. As previously stated Members should be aware that the Review has commenced with the initial Workshop having taken place on 13 September. It is anticipated that the final report on the Strategic Review will be available in early 2020 and following approval by SoLACE NI the outcomes will subsequently be reported to Councils.</p>
2.3	<p>Outline Specification for a Strategic Review of NI Council Waste Management Arrangements</p> <p>Objective</p> <p>The Objective of this Review is to provide the Council Waste Forum with recommendations for SoLACE NI regarding improving collaboration of the current waste related services' management arrangements between the eleven Councils in Northern Ireland and how these could be structured to enable enhanced service delivery and efficiencies in the future.</p>

An important aspect of the Review will be to make proposals in relation to both the operational management arrangements across the eleven Councils, and the preferred Governance framework which could support these. In addition, the range of services that could fall within the scope of such arrangements. The following non-exclusive list provides an indication of what could be included within the scope of mutual collaboration between the Councils;

- Health and Safety
- Waste management planning
- Procurement facilitation
- Contract management services
- Awareness & Communications
- Representation/Consultation Responses
- Providing policy advice
- Operating waste facilities

As a consequence, and in line with the formal/informal structures that currently exist across the eleven Councils, a NI Council Waste Forum has been established with senior officer representatives from each Council to contribute to the review. There is consensus within the Waste Forum that increased collaboration is essential to deliver "joined up" waste management services across the Councils. The Forum has been considering the most appropriate mechanism to carry out such a review with the recommendation being that this is best performed objectively by a third party.

2.4

The Specification therefore represented the enabling document for a fee proposal to deliver the review from the Strategic Investment Board.

Input

The Key Inputs are embodied in the people currently involved in the management of waste related services for the eleven Councils, the current Waste Management Groups, the Council Chief Executives, through SoLACE NI, NILGA and the NIEA/DAERA as the regulator.

Processes

1. Following the project initiation meeting and desktop review of available literature, the following information should be included in the fee proposal:
2. A desktop review of the current governance arrangements across Councils and examples of successful alternative operational structures and governance arrangements.
3. An initial Workshop with the key Council Officers (Council Waste Forum) to develop SWOT and PESTEL analysis to inform both the current position and consider the benefits and areas for improvement of the existing arrangements from the Councils which will inform any preferred option.
4. Individual structured and confidential Interviews with the key stakeholders to ascertain their views both at a personal and organisational level.
5. Develop a range of Options with a preferred option based on the application of an objective scoring methodology across a range of selection criteria.
6. A further Workshop with the Council Waste Forum to consider the options and agree the list and weightings of the option selection criteria.

2.5	<p>7. Present the Draft Report to the Council Waste Forum and allow time for any final revisions in relation to the Final Report.</p> <p>Output</p> <p>1. The principle output will be a report identifying the most appropriate inter-Council working arrangements to deliver enhanced collaboration between the Councils. The options appraisal, including consideration of the status quo, should achieve the stated Objective as set out in 1.1 above.</p> <p>2. The report should also include proposals in relation to the scope of the services that could be included in any preferred option management arrangements.</p> <p>3. Furthermore, based on the preferred option, the report should recommend appropriate Governance models to enable delivery of increased/enhanced collaboration between Councils.</p>
	<p>Members should be further aware that Councils will be required to revise and review their Waste Management Plans in 2020. As noted above there are currently three Waste Management Plans covering the 11 NI District Councils. There are clearly benefits both in terms of procuring the necessary consultancy support and developing common approaches to achieving the future recycling and landfill diversion targets in producing a Joint Waste Management Plan between the 11 Councils. The Plan would contain both Common Sections and be tailored to the pre-requisites of individual Councils. The process of preparing the Joint Plan would in itself represent a high level of Council collaboration.</p> <p>In addition, there are ongoing opportunities involving groups of Councils on a project by project basis for further collaboration even in the short term. For example; in terms of education and awareness there exists an ideal opportunity to increase and improve the consistency and impact of the 'message' with the public.</p>
	3.0 Recommendations
	<p>3.1 Members are requested to note the contents of this report, to endorse the actions of Officers to date and to receive future reports in due course.</p>
	4.0 Resource implications
4.1	<p>Financial: The fee for the delivery of the SIB report is £24,000 in total or approximately £2,182 per Council</p> <p>Human: Officer time in supporting the process through the Council Waste forum.</p> <p>Risk Management: There are potentially significant environmental and reputational risks in Councils failings to deliver on their Waste Management Plans.</p>
	5.0 Equality and good relations implications
5.1	It is not anticipated that the proposal will have an adverse impact upon equality of opportunity and good relations.
	6.0 Rural Proofing implications
6.1	No implications have been identified at this juncture.
	7.0 Appendices
7.1	None

**Action Sheet arising from Strategic Waste Management Group
held on 20 March 2019, 1:30 pm, Boardroom, Monaghan Row.**

In attendance: (Councillors)

Cllr C Casey (Chair)
Cllr T Andrews
Cllr G Craig
Cllr G Stokes

In attendance: (Officials)

Mr Roland Moore, Director Neighbourhood Services
Mr Johnny McBride, Assistant. Director (Waste), (Acting).
Mr Liam Dinsmore, Head of Waste Processing and Enforcement

Apologies:

Cllr Enright,
Cllr Doran
Cllr McAuley

Subject	Decision	Lead Officer	Action Taken/Progress to date	Remove from Action Sheet Y/N
Action Sheet from meeting of the Strategic Waste Management Group as held on 20 November 2018.	Noted relevant issues to be updated in Meeting. Read SWMG Action Sheet, meeting 20 November 2018.		Noted relevant issues to be updated within meeting agenda	Y

To appraise Members as to Cross Border Anti-Dumping Project	Read: Report to RTS Committee dated 20 March 2019 Cross Border Anti-Dumping Project	J McBride	For noting only	Y
To appraise members as to scheduled Fly Tipping and Dog Fouling Enforcement Workshop.	Noted workshop arranged For 22 March 2019	J McBride	Agenda noted	Y
To appraise Members as to Community Clean-up Spring Clean Initiative.	Read: Report to RTS Committee 20 March 2019: Community Spring Clean-up Initiative.		For noting only	Y
To update Members with respect to Implementation Plan relating to Mixed Dry Recycle Collections.	Read: Implementation Plan dated March 2019 Members reviewed various aspects identified in the MDR Implementation Plan.	J McBride	Members noted the collection of MDR (glass-in), effective in Down Area, from 1 April 2019.	N
To update Members with respect to current Waste Management Contracts Register	Noted schedule attached	R Moore	Detail noted as commercially sensitive.	Y
Verbal update to Members with respect to Household Recycling Review (HRC)	Members reviewed various areas identified in the process.	J McBride	Noted Council had undertaken a workshop in January 2019, following which specific actions had been identified, to be reviewed June 2019. Noted potential grant-aid from DAERA, towards recycling projects.	N
Verbal update supporting the Circular Economy Agenda by Council.	Mr Moore provided detail regarding the Circular Economy, advising as to the	R Moore	Noted new initiative to be launched whereby countries would review how they could combine resources to	N

	main idea to redesign the consumption and production of products, so that sustainable materials are used, waste is minimised and end-of-life products are brought back into the economic cycle.		address/influence the debate regarding the Circular Economy.	
To appraise members as to the implications for the regulation of waste shipments in the event of:- <ul style="list-style-type: none"> • An agreed withdrawal of the UK from the EU • Exit from EU in a no-deal scenario 	Read: DAERA: Regulation Unit EU Exit Contingency Planning	R Moore	Noted detail of BASEL Convention and International Law with minimal operational change affecting businesses anticipated	N
Schedule for future meetings	Dates provided for next meetings	J Mc Bride	Schedule of meetings identified. All meetings to be held in the Boardroom, Monaghan Row. <ul style="list-style-type: none"> • 22nd April 2019, start 1:30p.m. • 20th August 2019, start 3:00p.m. • 23rd. October 2019, start 3:00p.m. • 17th December 2019, start 3:00 p.m. • 19th February 2020, start 3 :00 p.m. • 22nd March 2020, start 3;00 p.m. 	

Note: Strategic Waste matters now considered through Sustainability and Climate Change Forum as per Council decision.

ITEM 4
ARC21 JOINT COMMITTEE
Meeting No 043
Hosted by Lisburn & Castlereagh City Council
MINUTES
Thursday 15 August 2019

Members Present:

Councillor A Bennington
 Alderman R Gibson (*Chair*)
 Alderman A Carson
 Councillor G Walker
 Councillor JJ Magee
 Alderman D Drysdale
 Councillor S Lee
 Councillor M Burnside
 Councillor H Harvey
 Councillor H McKee

Antrim and Newtownabbey Borough Council
 Ards and North Down Borough Council
 Ards and North Down Borough Council
 Ards and North Down Borough Council
 Belfast City Council
 Lisburn & Castlereagh City Council
 Lisburn & Castlereagh City Council
 Mid and East Antrim Borough Council
 Newry, Mourne and Down District Council
 Newry, Mourne and Down District Council

Members' Apologies:

Councillor N Kelly
 Councillor T McGrann
 Councillor N Verner
 Councillor F Ferguson
 Councillor M Gregg
 Councillor I Friary
 Councillor M Armstrong
 Councillor W Clarke (*Deputy Chair*)

Antrim and Newtownabbey Borough Council
 Antrim and Newtownabbey Borough Council
 Belfast City Council
 Belfast City Council
 Lisburn & Castlereagh City Council
 Mid and East Antrim Borough Council
 Mid and East Antrim Borough Council
 Newry, Mourne and Down District Council

Officers Present:

G Craig (*Secretary*)
 H Campbell
 J Green
 M Lavery
 T Walker
 H Moore
 W Muldrew
 S Holgate
 J McBride

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 Antrim and Newtownabbey Borough Council
 Belfast City Council
 Lisburn and Castlereagh Borough Council
 Lisburn and Castlereagh Borough Council
 Mid and East Antrim Borough Council
 Newry, Mourne and Down District Council

Officers' Apologies:

R Burnett
 K Boal
 G Girvan
 D Lindsay
 N Grimshaw
 P Thompson
 R Moore

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 Ards and North Down Borough Council
 Belfast City Council
 Mid and East Antrim Borough Council
 Newry, Mourne and Down District Council

The Chair welcomed Councillors Alison Bennington and Muriel Burnside to their first Joint Committee meeting.

Item 1 - Conflicts of Interest Statement

The Chair read out the Conflicts of Interest Statement. There were no conflicts noted.

Action: Noted

Item 2 - Apologies

Apologies were noted.

Action: Noted

Item 3 - Minutes

The minutes of the Joint Committee meeting 042 held on 27 June 2019 were agreed.

Action: Agreed

Item 4 - Matters Arising

There were no matters arising from the minutes.

Action: Noted

The Chair advised Members that the meeting would now go In Committee, which was proposed and seconded accordingly.

In Committee

Matters of a confidential and commercially sensitive nature were discussed under these agenda items.

Following discussion on the commercially sensitive matters, the Chair advised Members that the briefing would now return to the main agenda but whilst 'in committee' there were four matters discussed as follows:

Item 5 - Minutes of Joint Committee Meeting 042 held on 27 June 2019 'in committee'
Action: Agreed

Item 6 - Matters Arising **Action: Noted**

Item 7 - Residual Waste Treatment Project **Action: Agreed**

Item 8 - Commercially Sensitive Procurement and Contracts Issues plus Tender Report for the Contract for the Receipt, Storage and Transfer of Mixed Dry Recyclable Material
Action: Agreed

Out of Committee

The Chair advised Members that the meeting would now return to the main agenda, which was agreed.

Item 9 - Contracts and Performance Update

Mr Craig presented a report to advise Members on the prevailing monthly situation pertinent to the operational performance of the service and supply contracts.

A summary of the key discussions is replicated as follows:

- *Organic waste tonnages for the first quarter are on a par when compared with the same quarter last year. Indications are that tonnages for July will be higher.*
- *The overall tonnage for the MRF tonnage has increased slightly when compared with the first quarter last year.*

Mr Craig also made reference to the unsuitable materials received by contractors including medical equipment with needles boxes and a Taser, which were recovered from deliveries.

Following discussion Members agreed to note the report.

Action: Noted

Item 10 - Audit Committee 2018-19 Annual Report

Mr Craig provided Members with the Annual Report of the Audit Committee for the year to March 2019 setting out the key issues considered and discussed by the Audit Committee during that period.

Following discussion Members agreed to note the report.

Action: Noted

Item 11 - NILAS 18/19

Mr Craig presented a report to advise the Joint Committee on the position regarding Council landfill allowances for 2018/19 year.

A copy of the draft reconciliation letter from NIEA, covering the 2018/19 position, was attached to the report for information.

Mr Craig reported that all arc21 Councils appear to have met their target this year and accordingly there is no immediate requirement to initiate the Transfer protocol. He informed Members that the next step for the NIEA was to finalise the data and then arc21 would receive confirmation of the final reconciled position, and would inform the Joint Committee accordingly.

Following discussion Members agreed to note the report.

Action: Noted

AGENDA

Item 12 - CIWM NI Conference

Mr Craig presented a report to advise the Joint Committee on the forthcoming major CIWM NI conference entitled "The Future for Plastics" organised for 24 October 2019 in the Titanic Centre Belfast.

Mr Craig recommended that the Joint Committee approve the attendance of the Chair at the conference, or nominate a substitute in the event that the Chair is unable to attend.

Following discussion Members agreed to approve the recommendation.

Action: Agreed

Item 13 - Nuclear Free Local Authorities

Mr Green presented the Nuclear Free Local Authorities (NFLA) network policy briefing entitled *Ireland and Climate Change – isn't it time for a local response?* He noted that this had been received by one of the Members who had asked for it to be circulated to the Committee for information.

He noted that the report had been published on 5th/6th August 2019 by the *All Ireland Sustainable Energy Forum* as part of its launch and the new forum is part of the Nuclear Free Local Authorities (NFLA) network.

This report has been developed by the NFLA for Irish Councils, environmental NGOs and the Irish Government and provides an analysis of the state of the climate change on the island of Ireland and the scale of the challenge. It also advocates that Local Government is given a far greater role in delivering policies, strategies and projects that can help the island mitigate the worst effects of climate change by reaching 'zero carbon' emissions over the next couple of decades.

In the context of Dublin City Council, and areas of interest for arc21, the report mentions the low grade heat being taken from the Poolbeg Waste-to-Energy Plant and delivered through insulated pipes to the buildings connected to the system, replacing fossil fuel heating systems and therefore reducing air pollution and GHG emissions. It also mentions the efforts to convert the Council fleet to low emission vehicles noting that transport accounts for 12% of DCC's overall energy use. (Members were asked to note that the collection of municipal waste in ROI is carried out by merchants, not Councils, so the comparable percentage of NI Councils fleets will be different.)

The Member concerned thanked Mr Green for circulating the information and presenting a complex issue in such a practical manner.

Following discussion Members agreed to note the report.

Action: Noted

Item 14 - AOB

There was no further business discussed.

Item 15 - Next Meeting

The Chair advised that the next scheduled meeting of the Joint Committee was due to be held on Thursday 26 September at 10.30am and hosted by Newry, Mourne and Down District Council.

Action: Noted

Date: _____ **Chairman:** _____



MEMBERS' MONTHLY BULLETIN

The purpose of this Bulletin is to provide Members with an executive summary of the various agenda items which will be considered by the Joint Committee at its forthcoming meeting.

The titles highlighted in blue relate to the various agenda items.

Item 1 – Presentation by Owen Lyttle, Head of Waste Policy, Environmental Policy Division, DAERA

Item 2 - Conflicts of Interest

The Joint Committee are reminded of their personal responsibilities and asked to declare any conflicts of interest that might arise during the meeting.

Item 3 - Apologies

Item 4 - Minutes of Joint Committee Meeting 043 held on 15 August 2019

For approval

The Joint Committee's approval is sought for the minutes of the meeting JC043 held on 15 August 2019.

Item 5 - Matters Arising

'IN COMMITTEE' ITEMS - COMMERCIALY CONFIDENTIAL

Item 6 - Minutes of Joint Committee Meeting 043 held on 15 August 2019 held 'in committee'

For approval

The Joint Committee's approval is sought for the minutes of the meeting JC043 held on 15 August 2019 'in committee'.

Item 7 - Matters Arising



Item 8 - Residual Waste Treatment Project

For approval

Planning Application - Final consultee responses to the voluntary further environmental information submissions awaited. Legislative developments in relation to vires for NI government departments' decision making continue to be monitored.

Community Liaison and Capacity Building - Dates for (i) presentation from deputation from objector group; and (ii) site visits to energy from waste facilities in Meath and Poolbeg have been proposed.

The Joint Committee is asked to agree the dates proposed for the presentation from deputation from the objector group; the site visits to operational energy from waste facilities; and to note the rest of the report.

Item 9 - Commercially Sensitive Procurement and Contract Issues

For noting

Legal action in relation to the MRF Contract, Lot 1 has been discontinued enabling the new contract to be awarded. arc21 are working towards a contract commencement date of 30 September 2019. Work continues with regard to the variation required to deal with changes being implemented to some of the Councils kerbside dry recycling schemes.

As previously reported the closing date for receipt of tenders for Municipal Waste Disposal was Monday 5 August 2019. A Writ preventing arc21 from taking steps to enter into a contract was served on Friday 2 August 2019. The tenders remain unlocked on the etenders-ni portal. arc21 continue to take legal advice on the matter. Consequently, the current Municipal Waste contract has been extended by 6 months giving a new Expiry Date of 31 March 2020.

A variation in respect of proposed changes to working hours for Lot 1 (Belfast City Council) of the Street Sweeping Contract has been requested for consideration by Irish Waste. Further clarification was requested by them and a response provided. A proposal from Irish Waste has been received and there are some final point of clarification required. **Subject to these being finalised it may be possible to circulate a report with a recommendation in advance of the meeting.**

The Joint Committee is asked to note the contents of this report and take appropriate actions as are necessary.



OUT OF COMMITTEE & RETURN TO MAIN AGENDA

Item 10 - Contracts and Performance Update

For noting

The organic waste tonnages for July 2019 were the second highest since the start of the contract and reflected a significant increase in Type 1 tonnages delivered.

In respect of the MRF contract the tonnages delivered to Bryson Recycling are broadly similar to the same period last year however there has been an increase in tonnage delivered into the ReGen facility largely due to the inclusion of glass into the dry material kerbside collection system across the whole of the Newry Mourne and Down District Council administrative area.

The contract for the receipt, storage and transfer of Mixed Dry Recyclables for material collected by Newry Mourne and Down District Council commenced on 10 September 2019.

The Joint Committee is asked to note the report.

Item 11 - Revenue Estimates 2020/21 to 2022/23

For approval

The Joint Committee is presented with the proposed Revenue Estimates of arc21 setting out the costs of the Joint Committee in terms of its Establishment, Procurement and Operational activities and Waste Contract Services, Waste Contract Supplies and the Education Vehicle Services.

The Steering Group has been provided with, separately, the waste contracts information to enable Councils to make budgetary provision specific to their own estimated tonnages and supplies requirements.

As before, the figures are presented for the medium term (three years from 2020/21) and represent an increase of 2.29% which is under the current rate of inflation year on year 2.8%.

In terms of the Residual Waste Treatment Project, the outcome of the Planning Application is back in the hands of the Civil Servants awaiting approval but, subject to a positive outcome on Planning, the Project would then progress to completing the procurement process, award the contract and also move to acquire the necessary land assembly including the acquisition of the Hightown Quarry site. Financial provision has been made for the progression of the Residual Waste Treatment Project.



With 2020 fast approaching the development of a new Waste Management Plan has commenced and will continue in 2020/21. Financial provision for the continuation of this work has been made.

Given the ongoing debate around Brexit, it would be appropriate for Councils to do some contingency planning around waste management budgets and an additional 5% to 10% provision being made by Councils is suggested.

The Educational Vehicle is approaching the end of its useful life, it was bought in 2006, and provision has been made for its replacement in 2020/21.

The Joint Committee is asked to approve the Revenue Estimates.

Item 12 - The Local Government Pension Scheme (Amendment) Regulations (Northern Ireland) 2019

For approval

The pension scheme for arc21 employees is managed by the Northern Ireland Local Government Superannuation Committee (NILGOSC) and the Department for Communities provides the legislative framework within which NILGOSC is regulated.

The Supreme Court handed down a judgment in relation to the decision not to award a survivors pension to the cohabiting partner, who was himself entitled to benefits under the pension scheme, following his death. The court concluded that the decision not to award a survivors pension had given rise to an unjustified difference in treatment and that she was **entitled to receive a survivor's pension under the Local Government Pensions Scheme (Northern Ireland)**.

The Department for Communities has taken the opportunity to amend the Regulations in accordance with the Supreme Court Judgment and also introduce a number of other amendments.

As a consultee, arc21 has received information regarding the proposed changes to the Regulations and have provided a draft response to the consultation for the Joint Committee to consider.

The deadline for responses to be received by the Department for Communities is 30 September 2019.

The Joint Committee is asked to approve the draft consultation response.



Item 13 - Audit Committee Update

For noting

At the first meeting of the new Joint Committee held on the 30th May Members agreed to continue with an Audit Committee as part of the overall governance regime of the organisation.

The members of the audit committee were nominated by the Joint Committee and the Joint Committee also agreed to invite Mr John Balmer, Head of Finance at Antrim and Newtownabbey Borough Council, to continue in the role of independent member.

The Members of the new Audit Committee are:

- Alderman Angus Carson
- Alderman David Drysdale
- Councillor Harry Harvey
- Councillor Taylor McGrann
- Mr John Balmer

Mr Balmer is an accountant with substantial experience in financial management in the Local Government Sector and has a key role to play in providing expert technical accounting support to the Committee.

The second meeting of the new Audit Committee was held on Thursday the 19th September 2019 and a copy of the Executive Summary of that meeting is presented to the Joint Committee outlining the business conducted by the Audit Committee.

The Joint Committee is asked to note the report.

Next Meeting: Thursday 31 October 2019, hosted by Antrim and Newtownabbey Borough Council

