

NEWRY, MOURNE AND DOWN DISTRICT COUNCIL

RTS/M

Minutes of the Regulatory and Technical Services Committee Meeting held on Wednesday 17 August 2016 at 5.00 pm in the Boardroom, District Council Offices, Monaghan Row, Newry

Chairperson: Councillor R Mulgrew

Vice Chairperson: Councillor T Andrews

Members:

Councillor S Burns	Councillor C Casey
Councillor G Craig	Councillor D Curran
Councillor G Fitzpatrick	Councillor V Harte
Councillor D Hyland	Councillor J Macauley
Councillor P O’Gribin	Councillor G Stokes
Councillor D Taylor	Councillor J Tinnelly
Councillor J Trainor	

Non Committee Members: Councillor P Clarke

Officials in Attendance: Mr C O’Rourke, Director of Regulatory and Technical Services
Mr J Parkes, Assistant Director of Waste Management
Mr K Scullion, Assistant Director Facilities Management and Maintenance
Mr C Jackson, Assistant Director of Building Control and Regulations
Mr A McKay, Chief Planning Officer
Mrs C Taylor, Democratic Services Officer

RTS/106/2016: APOLOGIES AND CHAIRPERSON’S REMARKS

The Chairperson commented that the start time of the Committee had been on Minute Pad as being 3pm instead of 5pm and she undertook to follow up on this query.

RTS/107/2016: DECLARATIONS OF CONFLICTS OF INTEREST

There were no declarations of interest.

RTS/108/2016: ACTION SHEET OF THE REGULATORY AND TECHNICAL SERVICES COMMITTEE MEETING – WEDNESDAY 22 JUNE 2016

Read: Action Sheet of the Regulatory and Technical Services Committee Meeting held on Wednesday 22 June 2016. (*Circulated*).

Agreed: It was unanimously agreed to note the Action Sheet.

RTS/109/2016: 2016/2017 BUSINESS PLAN

Noted: Mr O'Rourke explained that the 2016/17 Business Plan was similar to the previous years' apart from the key actions which had been set by the Chief Executive and which in turn had been set by the Chief Executive Appraisal Sub-Committee.

Mr O'Rourke also advised Members of the Performance Metrics spread sheet which detailed the activities the directorate would carry out in the year. This would be reported back to Committee on a quarterly basis using a traffic light system.

In response to a query from Councillor Craig, Mr O'Rourke advised that the Planning Task and Finish Group had now completed its business but a 6 monthly review of the changes implemented would be brought back in September. The first meeting of the Strategic Waste Working Group would take place next week, and there was no Facilities Management Working Group set up yet. He further advised that the tier 3 positions were in place and job matching was underway for Heads of Service positions, which he hoped would be completed by the end of September.

Agreed: On the proposal of Councillor Andrews, seconded by Councillor Craig, it was agreed to approve the 2016/17 Business Plan.

BUILDING CONTROL

RTS/110/2016: IMPLEMENTATION OF THE LICENSING OF PAVEMENT CAFES ACT (NI) 2014.

Read: Report from Mr Colum Jackson on the implementation of the Licensing of Pavement Cafes Act (NI) 2014. (*Circulated*)

Noted: Mr Jackson informed Members that the Licensing of Pavement Cafes Act (NI) 2014 would be implemented on 1 October 2016 and

business owners could apply to Council for a pavement café licence. He advised Members of the recommendation to leave a clear space of 1.5 metres clearance on the pavements for wheelchair/pram users and also a clear space at junctions.

Mr Jackson further advised the area should have demarcation from the rest of the footpath and a barrier to aid the public who were visually impaired or blind. He said sturdy furniture that could not blow away would be required and he advised that the licence would be for a 3 year period which would cost £280 plus £95 for 2 inspections over the 3 year period. He said the fee for renewal after 3 years would be £185 plus £95 for two inspections and a soft approach would be taken with any business owners who currently had tables and chairs outside their premises and officers would work with them over the first year.

Councillor Andrews expressed concerns, saying pubs and hotels already paid high rates and this was another tax on them. He said they should be able to have their say and be made aware of their obligations.

Councillors Hyland, Burns, Craig and Casey welcomed the implementation of the legislation.

Questions from Members were answered by Mr Jackson as follows:

- There would be a consultation process undertaken with the stakeholders including the PSNI, NI Tourist Board and Transport NI, whereby business owners would be invited in for a guidance session.
- All other councils in NI were setting similar fees with the exception of Belfast City Council, whose fees were much higher.
- Business owners who placed tables and chairs outside on the pavement for smokers would be guided by council officers as to alternatives.
- The barge restaurant outside the Buttercrane was being dealt with by officers in the Tourism section.
- The structures should be able to be removed within 20 minutes and if heavy, would fall outside of the legislation.
- Business owners with less than the 1.5m of clearance would be consulted with.
- There would be consultation with Planning. Branded signage outside the cafes would not be permitted, although the owners name on the awning/umbrella would be allowed.

Agreed: On the proposal of Councillor Burns, seconded by Councillor Craig, it was agreed:

- To approve a 3 year initial licence duration.
- To approve the Licence Fees.

PLANNING

RTS/111/2016: **JULY 2016 PLANNING COMMITTEE PERFORMANCE REPORT**

Read: Newry, Mourne and Down District Council Planning Committee Performance Report, July 2016. (*Circulated*)

Noted: In response to queries from Councillor Craig, Mr McKay advised there were still 180 legacy planning applications dating back to 2014 and earlier in the system, which were impacting on the planning performance targets and he hoped that by the end of the year the backlog would be cleared.

Mr McKay said decisions on recent applications which were straight forward were being produced in 6 – 8 weeks.

Agreed: It was unanimously agreed to note the July 2016 Planning Committee Performance Report.

RTS/112/2016: **APPEALS AND DECISIONS**

Read: Newry, Mourne and Down District Council Planning Committee appeals and decisions 2016. (*Circulated*)

Agreed: It was unanimously agreed to note the Appeals and Decisions.

RTS/113/2016: **RECORD OF MEETINGS BETWEEN PLANNING OFFICERS AND PUBLIC REPRESENTATIVES**

Read: Record of Meetings between Planning Officers and Public Representative. (*Circulated*)

Agreed: It was unanimously agreed to note the record of meetings between Planning Officers and Public Representatives.

RTS/114/2016: **MEETING WITH PUBLIC REPRESENTATIVES 1ST QUARTER – APRIL/JUNE 2016**

Read: Meeting with Public Representatives; 1st quarter; 1 April 2016 to 30 June 2016. (*Circulated*)

Agreed: It was unanimously agreed to note the Meeting with Public Representatives 1st Quarter – April/June 2016.

RTS/115/2016: **PUBLICATION OF NORTHERN IRELAND PLANNING STATISTICS: 2015/16 ANNUAL STATISTICAL BULLETIN.**

Read: Report dated 30 June 2016 on the Publication of Northern Ireland Planning Statistics: 2015/16 Annual Statistical Bulletin. (***Circulated***)

Agreed: It was unanimously agreed to note the Publication of Northern Ireland Statistics 2015/16 Annual Statistical Bulletin.

FACILITIES MANAGEMENT AND MAINTENANCE

RTS/116/2016: **REQUEST FOR COUNCIL TO IMPROVE ENTRANCE TO ARDGLASS THROUGH PROVISION OF PLANTING**

Read: Report from Kevin Scullion on request for Council to improve entrance to Ardglass through provision of planting. (***Circulated***).

Noted: Mr Scullion advised this request had been received from Councillor Curran, who wished the Council to improve the road verge at the entrance to Ardglass.

Mr Scullion said the verge was split into 3 sections of land which was owned by Transport NI, but which Council maintained. He also said the grass verge bordered a fish factory whose fence was broken. Contact had been made with the factory owner to advise them of Council's concerns and to ask if the fence could be improved, but the owner had not responded. He also said Transport NI had historically paid Council to maintain the verge but due to financial constraints, this was no longer the case.

Mr Scullion advised that 2 of the verges were small as a footpath had been put through them and so if improvements were undertaken, this would only make a very small visual impact. The opinion of a professional gardener had been sought regarding the larger area, but the advice received was also that any improvement would make little or no impact. Mr Scullion explained that the Council could cut the grass verge but could not extend beyond what it currently provided for the verges in question.

In response to Councillor Curran's disappointment, Mr Scullion advised that the number of grounds staff had been reduced over

the past few years and they were struggling to maintain their current schedule. If two further sites were taken on, it would only exacerbate the problem.

In response to Councillor O’Gribin’s query, Mr Scullion confirmed that the grass verges and roundabouts were owned by Transport NI but Council was maintaining them for no recompense.

In response to Councillor O’Gribin, Mr O’Rourke confirmed there had been no change of policy in the council regarding the maintenance of non-council lands, but if verges were not maintained, it would be detrimental to the picture of the District.

Councillor O’Gribin requested costings for the areas that council maintained for Transport NI and a map of each location. He also proposed council officers carry out a review on how much of rate payers money was being spent on the upkeep of upkeep of non-council lands. Councillor Curran seconded this proposal.

Councillor Fitzpatrick suggested the community take ownership of the maintenance of the 3 areas of verge and said grants were available for community groups for planting and maintenance. Councillors Taylor, Tinnelly, O’Gribin and Burns agreed with Councillor Fitzpatrick’s comments regarding giving a community group ownership of the area. Councillor Burns said the communities should be empowered to take on the ownership of areas like the grass verges, to enable them to show civic pride in their areas.

The Chairperson asked Councillor Curran identify an active Community Group which could take on this project and the DEA Co-ordinator could assist in drawing down funding.

Agreed: On the proposal of Councillor Burns, seconded by Councillor Curran, it was agreed that given the current financial restrictions and staff resource limitations the Council will maintain its current level of grounds maintenance works of the Transport NI owned grass verges on the entrance to Ardglass but not extend this at present.

Agreed: it was further agreed on the proposal of Councillor O’Gribin, seconded by Councillor Curran, that details of how much was being spent on the upkeep of non-council lands be provided along with a map of each location.

Agreed: It was unanimously agreed that an active community group would be identified to take ownership and civic pride in the areas of grass verges at the entrance to Ardglass and assistance be sought from the DEA Co-ordinator to draw down funding for planting.

RTS/117/2016: **REPORT ON OPTIONS FOR SECURING THE AMENITY SPACE AT CASTLEWELLAN SQUARE, CASTLEWELLAN**

Read: Report from Kevin Scullion on options for securing the amenity space at Castlewellan Square, Castlewellan. ((*Circulated*)).

Noted: Councillor Burns said Castlewellan Square had long been used as a kick about area for children and work was required to give the children a diversion to use one of the nearby pitches instead. He suggested putting in place dancing fountains which would be cheap to install, but would be attractive and would use recycled water. He advised there may be funds available through the PCSP.

Agreed: On the proposal of Councillor Burns seconded by Councillor Casey, it was agreed to provide removable bench seating and a planter in the amenity area between the Library and Public Toilets in Castlewellan Square, as a means of preventing the amenity space being used for ball sports.

Agreed: It was further agreed that the suggestion of providing dancing fountains in Castlewellan Square would be investigated.

RTS/118/2016: **REPORT ON BUS SHELTER REQUESTS**

Read: Report from Kevin Scullion on bus shelter requests. (*Circulated*).

Noted: Mr Scullion advised that a suitable site had been identified for a new bus shelter at Clanvaraghan Road, Castlewellan, but it was in private ownership and the owner was not willing to sell or rent the site to Council.

In response to a request from Councillor Burns, Mr Scullion undertook to review the site at Clanvaraghan Road, Castlewellan with Transport NI and the Slieve Croob DEA Councillors to see if an alternative site could be found.

In response to Councillor O’Gribin’s comments on the type of bus shelters used by Council, Mr Scullion undertook to bring a report back to Committee with the types of shelters required in the District.

He said if certain types of shelters were agreed, a select list of contractors could be drawn up which would save time each time a new bus shelter was required.

Agreed: On the proposal of Councillor Burns seconded by Councillor Craig, it was agreed to :

- Approve a canteliver type bus shelter to be installed at Castlewellan Road, Clough which would include the provision of a seat subject to meeting Transport NI site requirements.
- Undertake a review of the site at Clanvaraghan Road, Castlewellan with Transport NI and Slieve Croob DEA Councillors to see if an alternative site can be found.

Agreed: It was further agreed that a report be brought back to Committee with the types of shelters required in the District

RTS/119/2016: **REQUEST FROM LISLEA COMMUNITY ASSOCIATION**

Read: Report from Kevin Scullion on request from Lislea Community Association. (*Circulated*).

Noted: Councillor Burns referred to Council's Play Strategy, which would soon be out for consultation. He said it would identify gaps in provision of play parks, and as long as an area was identified in the Play Strategy as an area of need, then any community group could make a request to council for funding.

Agreed: On the proposal of Councillor Burns seconded by Councillor Andrews, it was agreed to:

- Agree in principle to the Lislea Community request for Council to take on the responsibility of routine inspection/maintenance and insurance of the Lislea Play Park following its development, subject to formal written agreement, format of which to be agreed, and confirmation that the Council Insurers would include the facility as part of the Council's insured facilities.
- That as long as an area was identified in the Play Strategy as an area of need, then any community group could make a request to council for funding.

RTS/120/2016: REPORT RE: COUNCIL REPRESENTATIVES' ATTENDANCE AT BRITAIN IN BLOOM RHS AWARDS PRESENTATION

Read: Report from Kevin Scullion on Council representatives' attendance at Britain in Bloom RHS Awards Presentation

Noted: Councillor Fitzpatrick suggested one of the Grounds Maintenance staff who carried out the work in Newcastle should attend the Britain in Bloom RHS Awards Presentation.

Councillor Hyland suggested 2 Officers and 1 Councillor should attend the awards presentation.

Councillor Taylor suggested, as Newcastle could win an award, it would be appropriate for either the Chair of Council (if available) or the Chair or Vice Chair of Committee to attend along with 2 officers.

Agreed: **On the proposal of Councillor Hyland seconded by Councillor Fitzpatrick, it was agreed that either the Chair of Council (pending diary commitments) or the Chair or Vice-Chair of RTS Committee along with 2 Council officers (one of which from Grounds Maintenance who carried out the works) attend the Britain in Bloom RHS Awards Presentation.**

WASTE MANAGEMENT

RTS/1210/2016: NILAS SHARING PROTOCOL

Read: Report from Joe Parkes on NILAS 2015/16 Sharing Protocol. (*Circulated*)

Agreed: **On the proposal of Councillor Craig seconded by Councillor Curran it was agreed to approve the transfer of 664 NILAS tonnes to Ards and North Down Council.**

RTS/122/2016: SUPPLY OF WHEELED REFUSE CONTAINERS, BOTTLE BANK TO THE SUPPLIERS CONTRACTS

Read: Report from Joe Parkes on the supply of wheeled refuse containers, bottle bank to the supplier's contracts. (*Circulated*)

Agreed: **On the proposal of Councillor Craig seconded by Councillor Curran, it was agreed to approve the recommendations contained within the Arc21 Joint Committee of 30 June 2016, relating to the supply and delivery of wheeled refuse collection containers, bottle banks and other supplies contract.**

RTS/123/2016: NILAS FINAL RECONCILIATION

Read: Correspondence dated 28 July 2016 from the Northern Ireland Environment Agency regarding the NILAS final reconciliation. (*Circulated*)

Agreed: It was agreed to note the correspondence received from the Northern Ireland Environment Agency regarding the NILAS final reconciliation.

RTS/124/2016: REPORT RE DRUMANAKELLY WIND TURBINE PROJECT

Read: Report from Joe Parkes on the Drumanakelly Wind Turbine Project. (*Circulated*)

Agreed: On the proposal of Councillor Craig, seconded by Councillor Hyland, it was agreed to grant permission to approve single tender action relating to B9 Energy and Drumnakelly Wind Turbine Project.

RTS/125/2016: REPORT RE FINAL CAPPING TENDER – AUGHNAGUN LANDFILL SITE

Read: Report from Joe Parkes on the Final Capping Tender – Aughnagun Landfill Site.

Noted: In response to a query from Councillor O’Gribin, Mr O’Rourke advised that it was Council policy not to name the tender submissions.

Agreed: On the proposal of Councillor Fitzpatrick, seconded by Councillor Hyland, it was agreed to grant permission to award Tender for final capping works at Aughnagun Landfill Site.

FOR NOTING

RTS/126/2016: ACTION TRACKING UPDATE

Read: Actions Tracking Update

Noted: Mr O’Rourke advised Members of the new Action Tracking system in place which would ensure all actions arising from the Committee were completed.

Agreed: On the proposal of Councillor Taylor, seconded by Councillor O’Gribin, it was agreed that any actions marked ‘completed’, could now be taken off the Actions Tracking Update.

RTS/127/2016: **MARINE CONSTRUCTION LICENCE – VARIATION 1**

Read: Marine Construction Licence – Variation 1.

Agreed: It was agreed to note the Marine Construction Licence – Variation 1.

RTS/128/2016: **ARC 21 STEERING GROUP MEETING – MINUTES OF THE MEETING HELD ON TUESDAY 10 MAY 2016.**

Read: Arc21 Steering Group Meeting – Minutes of the meeting held on Tuesday 10 May 2016. (*Circulated*)

Agreed: It was agreed to note the Arc 21 Steering Group Minutes of the Meeting held on 10 May 2016.

RTS/129/2016: **ARC21 JOINT COMMITTEE MEETING – MINUTES OF THE MEETING HELD ON THURSDAY 19 MAY 2016.**

Read: Arc21 joint committee meeting – minutes of the meeting held on Thursday 19 May 2016. (*Circulated*)

Agreed: It was agreed to note the Arc 21 Steering Group Minutes of the Meeting held on 19 May 2016.

RTS/130/2016: **ARC21 STEERING GROUP MEETING – MINUTES OF MEETING HELD ON TUESDAY 21 JUNE 2016.**

Read: Arc21 steering group meeting – minutes of meeting held on Tuesday 21 June 2016. (*Circulated*)

Agreed: It was agreed to note the Arc 21 Steering Group Minutes of the Meeting held on 21 June 2016.

RTS/131/2016: **ARC21 JOINT COMMITTEE MEETING – MINUTES OF THE MEETING HELD ON THURSDAY 30 JUNE 2016.**

Read: Arc21 joint committee meeting – minutes of the meeting held on Thursday 30 June 2016. (*Circulated*)

Agreed: It was agreed to note the Arc 21 Steering Group Minutes of the Meeting held on 30 June 2016.

RTS/132/2016: **ARC21 JOINT COMMITTEE MEMBERS' MONTHLY BULLETIN 30 JUNE 2016.**

Read: Arc21 joint committee members' monthly bulletin 30 June 2016. (*Circulated*)

Agreed: It was agreed to note the Arc 21 Joint Committee Members' Bulletin dated 30 June 2016.

RTS/133/2016: **ARC21 JOINT COMMITTEE MEMBERS' MONTHLY BULLETIN 28 JULY 2016.**

Read: Arc21 joint committee members' monthly bulletin 28 July 2016. (*Circulated*)

Agreed: It was agreed to note the Arc 21 Joint Committee Members' Bulletin dated 28 July 2016.

RTS/134/2016: **HISTORY OF DRUMANAKELLY WIND TURBINE**

Read: History of Drumanakelly Wind Turbine. (*Circulated*)

Agreed: It was agreed to note the history of the Drumnakelly Wind Turbine.

There being no further business the meeting ended at 6.38pm.

For consideration at the Council Meeting to be held on 5 September 2016.

Signed: Councillor Roisin Mulgrew
Chairperson of Regulatory & Technical Services Committee

Signed: Mr C O Rourke
Director Regulatory & Technical Services