

March 18th, 2020

Notice Of Meeting

You are invited to attend the Neighbourhood Services Committee Meeting to be held on **Wednesday, 18th March 2020 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 D Murphy
- 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.


Cllr W Clarke

Cllr C Mason

Cllr D Curran

2.0 Declarations of Conflicts of Interest.

3.0 Action sheet of the Neighbourhood Services Committee Meeting held on 19 February 2020. (Attached)

 *NS Action Sheet - 19 February 2020.pdf*

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For Consideration and/or Decision

4.0 ****THIS ITEM WILL NOT BE TABLED **** To consider the following Notice of Motion in the name of Councillor McMurray:-

“That this Council will proactively enable Changing Places (CP) toilets within our Council area by: committing to include CP toilets in all new Council buildings and leisure facilities; to review and resource retro fitting of CP toilets to all our public buildings over the next 10 years; require all applications for new buildings, open to the public, to install CP toilet instead of a basic disability toilet; to resource a fund for local businesses and charities to retro fit or install a CP toilet.”

(NB: This Motion was referred from the Council Meeting of 2 March 2020 to the Neighbourhood Services Committee in accordance with Standing Order 16.1.16)

Facilities Management and Maintenance

5.0 Report of Christmas Illuminations and Celebrations Group Meeting held on 13 February 2020. (Attached).

 *Report Christmas Illuminations and Celebrations Group Meeting February 2020.pdf*

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6.0 Verbal update on fire at amenity building at Struell Municipal Cemetery, Downpatrick.

Waste Management

7.0 ** THIS ITEM WILL NOT BE TABLED ** Green Fleet presentation by Head of Service.

8.0 Report on Compost Awareness Week. (Attached).

 *Report Compost Awareness Week.pdf*

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9.0 Report on Fly Tipping Revised Shared Protocol - update. (Attached).

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

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For Noting

10.0 ARC 21 Members' Monthly Bulletin of 27 February 2020. (Attached).

 *27Feb20-JC MembersBulletin.pdf*

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11.0 ARC 21 Joint Committee Meeting Minutes held on Thursday 30 January 2020. (Attached).

 *ARC21 JC 27Feb20-Item4-Minutes 30 Jan 20.pdf*

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12.0 Letter from DAERA requesting Council to nominate a senior official to an Afforestation Forum. (Attached).

 *Letter of invitation to nominate senior officials to an afforestation forum.pdf*

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13.0 Historic Action Sheet. (Attached).

 *NS Historic Actions Tracker Sheet.pdf*

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Exempt Information Items

14.0 ARC21 Joint Committee Meeting Minutes held on Thursday 30 January 2020. (Attached).

 *ARC21 27Feb20-Item6-In Comm Minutes 30 Jan 2020.pdf*

Not included

15.0 ARC21 NWP variation. (Attached).

 *ARC 21 - Organics Contract Variation Process - RESTRICTED.pdf*

Not included

16.0 Waste Management Business Cases. (Attached).

1. Business Case for the sampling, analysis and reporting services at closed Landfill sites.
2. Business Case for the provision of a mattress collection and reprocessing recycling service at the Council's HRCs.
3. Business Case for cleaning of public realm areas.

 *NS - Waste Management Business Cases.pdf*

Not included

17.0 Business Case for annual sports pitch renovations and end of season maintenance of Council sports pitches. (Attached).

 *Report Business Case for annual sports pitch renovations.pdf*

Not included

18.0 Business Case for the Council Christmas illuminations display across the District. (Attached).

 *Business Case - Christmas Illiminations.pdf*

Not included

Invitees

Cllr Terry Andrews

Mr Alan Beggs

Cllr Patrick Brown

Cllr Robert Burgess

Cllr Pete Byrne

Mr Gerard Byrne

Mrs Dorinnia Carville

Cllr charlie casey

Cllr William Clarke

Edel Cosgrove

Cllr Dermot Curran

Ms Alice Curran

Cllr Laura Devlin

Ms Louise Dillon

Cllr Sean Doran

Cllr Cadogan Enright

Cllr Hugh Gallagher

Cllr Mark Gibbons

Cllr Oonagh Hanlon

Cllr Glyn Hanna

Cllr Valerie Harte

Cllr Terry Hearty

Cllr Roisin Howell

Mrs Sheila Kieran

Cllr Mickey Larkin

Cllr Alan Lewis

Mr Michael Lipsett

Mrs Regina Mackin

Cllr Oonagh Magennis

Mr Conor Mallon

Cllr Gavin Malone

Cllr Cathy Mason

Mr Johnny Mc Bride

Colette McAteer

Cllr Declan McAteer

Aoife McCreesh

Cllr Leeanne McEvoy

Cllr Harold McKee

Cllr Karen McKevitt

Cllr Andrew McMurray

Mr Roland Moore

Cllr Roisin Mulgrew

Cllr Declan Murphy
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Cllr Barra Ó Muirí
.....
Linda O'Hare
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Cllr Gerry O'Hare
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Cllr Kathryn Owen
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Cllr Henry Reilly
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Cllr Michael Ruane
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Cllr Michael Savage
.....
Mr Kevin Scullion
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Cllr Gareth Sharvin
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Donna Starkey
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Cllr Gary Stokes
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Sarah Taggart
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Cllr David Taylor
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Cllr Jarlath Tinnelly
.....
Cllr John Trainor
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Central Support Unit
.....
Cllr William Walker
.....
Mrs Marie Ward
.....

ACTION SHEET ARISING FROM NS MEETING HELD ON WEDNESDAY 19 FEBRUARY 2020

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
NS/116/2020	Chair's Remarks	Agreed to send a letter of best wishes to Joe Parkes on behalf of the Committee	NS PA	Letter sent 9 March 2020	Y
NS/118/2020	Monthly Action Sheet	Noted and actions removed as marked.	R Moore/RTS-PA	Noted	Y
		FOR CONSIDERATION AND/OR DECISION			
NS/119/2020	Scheme of Delegation Report from 1 April to 31 December 2019	Note the Scheme of Delegation Report	R Moore	Noted	Y
		FACILITIES MANAGEMENT AND MAINTENANCE			
NS/120/2020	Sponsorship and Renovation of Planted Council Maintained Roundabouts	Note the content of the report. Agree to proceeding to offer a sponsorship scheme as detailed within Section 2 of the report. Council to retain the maintenance of the locations in-house to enable	K Scullion	In progress	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<p>a similar standard of landscape presentation with unified impact which can be improved upon.</p> <p>Approve the Roundabout Sponsorship Policy (circulated at Appendix 3), subject to final legal approval, and proposed Sponsorship fees (circulated at Appendix 1).</p> <p>Agree that sponsorship income to offset existing direct annual maintenance costs to Council.</p> <p>Approve the progression of the scheme and for Officers to commence process to seek and recruit Sponsors for the 8 identified roundabouts.</p> <p>It was also agreed Mr Scullion find out if the roundabout on the Ardglass Road, Downpatrick, coming out of the hospital, was in Council or Dfi ownership and that he would advise Councillor Curran</p>		Completed – Mr Scullion advised in Dfi ownership	Y
NS/121/2020	Draft Public Convenience Strategy	Agreed to note the content of the above report and recommend approval for the draft Public Toilet	K Scullion	In progress	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<p>Strategy as presented and approve the commencement of a 12-week public consultation on the recommendations from the draft Strategy.</p> <p>Also agreed a Rowallane DEA Councillors site visit be organised with relevant Council Officials to discuss public convenience provision in Saintfield and that a report be brought back to the Neighbourhood Services Committee for consideration.</p>			
NS/122/2020	Cemetery/Burial Charges 2020/2021	Agreed to note the content of the report dated 19 February 2020 and to recommend approval to adopt the Cemetery/Burial Scale of Charges 2020/2021 as set out in the Appendix 1 (circulated), to be effective from 1 April 2020.	K Scullion	To be actioned by 1 st April 2020	Y
NS/123/2020	Council invite to participate in Garden Show Ireland 2020	Agreed that Council write to Antrim & Newtownabbey Borough Council thanking them for their invitation, wishing them success with their event, but to regretfully decline their invitation to participate on this occasion due to restrictions on	K Scullion	In progress	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		resources available within the Grounds Maintenance Section in what is one of the Section's busiest time of year			
WASTE MANAGEMENT					
NS/124/2020	Waste Management Scale of Charges 2020/21	The adoption of the proposed Waste Service Scale of Charges 2020/21 as set out in Section 2.1 – Appendix 1.	J McBride	Charges to be implemented, effective 1 April 2020	Y
NS/125/2020	DAERA Capital Grant Programme	<p>The proposed projects to be submitted to the DAERA capital grant programme (as set-out in Appendix I); and</p> <p>Authorise Officials to develop additional projects for inclusion in any future capital grant programme from DAERA. A future report to be tabled at Committee, once detailed scoping has been completed.</p> <p>Also agreed Mr McBride advise Committee Members of the three existing Household Recycling Centres which were listed for refurbishment under the Project.</p>	J McBride	<p>DAERA currently being engaged on the proposed expenditure for 2019-20</p> <p>Completed – Newry, Camlough and Castlewellan</p>	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
NS/126/2020	DAERA Waste Prevention Programme 2019 – Stopping Waste In Its Tracks	Agreed arc21 would be responding on behalf of the 6 Councils who are members and also that if Councillors had any additional comments they should advise Mr Moore/Mr McBride.	J McBride	Awaiting finalisation of Arc21 response	N
NS/127/2020	Study visit to Dulkeek EFW Plant	Agreed to visit the Indaver Facility, Duleek, County Meath on Thursday 4 April 2020 and also agreed the proposed programme	J McBride	Contact made with Councillors to establish who can attend	N
FOR NOTING					
NS/129/2020	Historic Actions Tracking Sheet	Noted and actions removed as marked.	R Moore	Noted	Y
		Agreed an update report on proposed memory gardens would be brought back to the Neighbourhood Services Committee	K Scullion	In progress	N
EXEMPT INFORMATION ITEMS					
NS/130/2020	Fleet Replacement (Capital) – approval of business cases to replace chassis cab vehicles	Agreed to note the content of the report dated 19 February 2020 and that Council approves the recommendation that those vehicles, as listed in Appendix 1, be prioritised for replacement and also that the Council approves the individual business cases relating to vehicles listed in Appendix 2 with an amendment that Officers	J McBride	Item to be discussed at NS Committee 18 March 2020	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		bring a report back to the March Neighbourhood Services Committee Meeting detailing alternative options and costs.			
NS/131/2020	Removal of leachate from Drumanakelly landfill site for processing at NI Water Facility in Belfast	Agreed to approve the business case for the removal & transport of leachate from the Drumanakelly landfill site.	J McBride	Tender specification currently being prepared for issue	Y
NS/132/2020	Dog fouling – Lisssmore Park Crossmaglen	Ask the Enforcement Officer to visit Lisssmore Park Crossmaglen regarding problems with dog fouling and also to discuss getting signage and dog fouling bins provided in the area.	C Jackson/J McBride	Lisssmore Park, Crossmaglen visited by Enforcement Officers. Signage erected and leafleting completed	Y

Report to:	Neighbourhood Services Committee
Date of Meeting:	18 th March 2020
Subject:	Report of Christmas Illuminations and Celebrations Group Meeting 13 th February 2020
Reporting Officer	Kevin Scullion, Assistant Director, Facilities Management & Maintenance Department
Contact Officer	Kevin Scullion, Assistant Director, Facilities Management & Maintenance Department

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	The purpose of this report is to provide Councillors an opportunity to review the Actions Sheet (see Appendix 1) from the Councils Christmas Illuminations and Celebrations Group meeting which took place on the 13 th February 2020 and consider the recommendations from this meeting.
1.2	<p><u>Sustainable Christmas Tree Project</u></p> <p>At the Neighbourhood Services Committee's meeting in September 2019 it was agreed to proceed with procurement of fourteen sustainable Christmas trees which would be issued to local groups as part of an Expression of Interest, subject to each group agreeing to comply with the terms of reference for this project.</p> <p>The Expression of Interest exercise identified fourteen groups which were offered a sustainable Christmas Tree. An additional Christmas Tree was procured to replace the cut Christmas tree that Council has been supplying to Newry Hospice for several years.</p> <p>One of the groups which was to plant a Christmas Tree in Ardglass withdrew due to an inability to obtain permission from the landowner. The remaining fourteen trees were planted successfully before Christmas.</p> <p>Costs were as follows (excluding Starter Pack funding – see later):</p> <ol style="list-style-type: none"> 1. Sustainable trees £10,795.45 (15 number) 2. Excavator costs £1100 3. Consumables £200 4. Infrastructure costs (NIE plus minipillars) £16,600 5. Procure lights for sustainable trees £5544 <p style="text-align: right;"><u>Total cost £34,239.45.</u></p> <p>As agreed at this Committee the spare Christmas Tree from the pilot project in 2018/19 was planted at Drumaroad, Castlewellan, prior to Christmas 2019.</p>

The Christmas Tree recently purchased for Ardglass will be used to replace the Christmas tree planted in Castlewellan, which is not developing as expected. This tree will be replanted elsewhere on Council estate.

Feedback on this year's Christmas tree planting has been positive and there remains an appetite among local communities to participate in this project.

As will be noted in the Action Sheet attached at Appendix 1, the following is proposed. One of the main purposes in starting this project was to reduce the number of cut Christmas trees purchased by Council which is seen as not being environmentally sustainable. For this reason, it is recommended that this year a focus is on replacing the cut trees supplied by Council to the following towns and villages; Finnis, Lislea, Whitecross, Belleek, Ballymartin, Annalong, Dorsey, Crossmaglen and Gargory. Officers will seek to do this subject to there being local community support and agreement on future maintenance and dressing of the Christmas tree. This group would not be eligible for the Starter Pack funding referred to below.

In addition, it is proposed that the Expression of Interest be issued again to support a maximum of seven towns and villages. Whilst every effort will be made to have the Christmas trees planted prior to Christmas 2020 it should be recognised that this may not be possible and so this should be an eighteen-month programme of works.

Under the terms of this Expression of Interest Offer the Council will provide the following:

- Provision and planting of one Christmas tree of approximately 4.5 m high.
- Annual pruning/maintenance of tree (where necessary).
- Dressing the tree in Year 1.
- Insurance cover for the tree.
- Starter pack including: (£2,500) comprising:

One-off tree illuminations package	£1,250
Community planning event/meeting (s)	£150
One-off Christmas switch on event	£1,100

The Community partner(s) will be responsible for the following:

- Annual Dressing/lighting of tree (including insurance).
- Resourcing and organisation and delivery of Annual Switch on Event for the local community.
- Evaluation of local Christmas events.

The following criteria will be used to choose the seven applications to be provided with a tree.

1. Site ownership – preference for Council owned sites.
2. Site suitability including ready access to electricity supply.
3. The location is a shared space / central location.
4. Level of community buy in i.e. is there a partnership/consortium arrangement in place.
5. Preference will be given to those sites in DEAs which either have no other sustainable Christmas trees planted or the least number planted.

The Committee is asked to agree to the above proposal.

	The Committee is also asked to note the contents of the Action Sheet (Appendix 1) and endorse the actions agreed.
2.0	Key Issues
2.1	<ul style="list-style-type: none"> The Council Christmas Illuminations and Celebrations Group was set up to agree on how Council will help local communities across the district celebrate Christmas. It has no decision-making powers with all recommendations coming to the Neighbourhood Services Committee for consideration. In 2018 work arising from this Group led to rolling out of the Christmas Tree Pilot Project which saw the planting of 6 real Christmas trees for local groups who agreed to participate. This was generally considered successful and for Christmas 2019 the programme was extended to include the planting of a further 14 Christmas trees. This was successfully delivered for a lower average cost per site compared to 2018 (average cost per tree £2282.63 2019 compared to £5915 2018). In addition, the quality of the tree procured directly by Council staff in 2019 was a better quality. The Council Christmas Illuminations and Celebrations Group is proposing that the programme continue in 2020/21 with a focus on providing a sustainable Christmas tree in nine towns and villages to replace the cut Christmas tree Council provides to them. In addition to this it is proposed to issue an Expression of Interest to all groups in the council area in April 2020 to identify seven further sites which would be willing to accept and qualify to receive a planted sustainable Christmas tree.
3.0	Recommendations
3.1	<ul style="list-style-type: none"> Note the contents of this report and the Action Sheet of the Christmas Illuminations Group Meeting held on 13th February 2020. Officers to work with the local communities identified within the report who currently receive a cut Christmas Tree to move to having a planted Christmas Tree instead, subject to agreement on location of the tree, its future annual maintenance and dressing of the tree for Christmas. Officers proceed to issue an Expression of Interest to support a maximum of seven towns and villages to provide a recognised group with a planted sustainable Christmas Tree under the same terms as last year with the additional selection criteria referred to in Section 2 of this report, for the event that more than seven eligible applications are received. The programme to be delivered over a maximum eighteen-month period. Officers proceed to procure the required sustainable Christmas trees and supporting infrastructure to support this programme. Endorse other actions detailed in the report of the Christmas Illuminations Group Meeting held on 13th February 2020.

4.0	Resource implications
4.1	<p>Funding of this project will be through the joint revenue budgets held by the AHC and Neighbourhood Services Directorates.</p> <p>Estimated costs from AHC - £17,500 Estimated cost from NS - £36,500</p> <p>It is not expected that this spend will result in overspend of the respective Departmental budgets.</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	Due regard to rural needs are to be considered.
7.0	Appendices
	Appendix 1: Action Sheet - Christmas Illuminations and Celebrations Group Meeting - 13 th February 2020.
8.0	<p>Background Documents</p> <p><i>This relates to meeting requirements outlined in Part 8 of the Local Government Act (NI) 2014, Access to Meetings and Documents, wherein for four years after a meeting the following must be available at the Council Offices and on the website:</i></p> <p><i>Background papers which are defined as those documents relating to the subject matter of a report which:</i></p> <ul style="list-style-type: none"> <i>a) Disclose any facts or matters which in the opinion of the Chief Executive, the report or an important part of the report is based upon; and</i> <i>b) Have, in the Chief Executive's opinion, been relied upon to a material extent in preparing the report.</i> <p><i>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.</i></p>
8.1	None

Appendix 1: Action Sheet - Christmas Illuminations and Celebrations Group Meeting - 13th February 2020.

Action Sheet

Christmas Illuminations: Thursday 13 February 2020

Councillors in Attendance: C Casey – Chair, T Andrews, H McKee, J Tinnelly, M Ruane, W Walker

Officials in Attendance: Ms J Hillen, Ms A Rennick, Ms C Burns, K Scullion, A Sweeney, & J Ellis

Location: Council Boardroom, Monaghan Row Newry

Start Time: 2 pm

Apologies

Subject	Actions and Updates	Officer Responsible
Welcome, Introduction & Apologies	Cllr Casey welcomed everyone to the meeting.	
Declarations of Interest	There were no declarations of interest.	
Review of Action Sheet 5 November 2019	Drummaroad: Christmas Tree planted in village of Drummaroad, Castlewellan. It was not possible to provide an electricity supply to this site in time for the Christmas period but an electric generator was installed so lights could be lit over Christmas period. A permanent supply from NIE supply has now been provided.	A Sweeney
Agenda Item 4 Update on Local Agreements with Groups	All agreements were in place by switch on dates. Engagement and Development to follow up with community groups for evaluation purposes.	A Rennick C Burns/A Beggs
Agenda item 8 Council Christmas Trees & Illuminations Update	Detailed map to be presented at next Working Group meeting highlighting location of cut trees vs sustainable trees. Paper presented to NS Committee 20/11/19 and Full Council December 19.	K Scullion

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<p>Agenda Item 5 Sustainable Tree Planting Update</p>	<p>15 sustainable trees were procured including one at Newry Hospice. The average cost to the Council per tree was approximately £2200.</p> <p>Agreed to recommend for 2020/2021 the Council consider a Sustainable Christmas Tree programme consisting of a combination of replacement by planted trees, of the cut trees in the following areas:-</p> <p>Finnis Lislea Whitecross Belleek Ballymartin Annalong Dorsey Crossmaglen Gargory</p> <p>In addition, Expressions of Interest be sought from a maximum of 7 towns and villages on the condition that any suitable EOIs can be delivered over an 18-month period.</p> <p>Newcastle Artificial Christmas Tree: Agreed a report (including photographs) on the new Newcastle artificial tree be submitted to the next meeting of the working group.</p>	<p>K Scullion</p> <p>A Rennick</p> <p>K Scullion</p>
<p>Agenda Item 6 Financial Assistance Update & Legacy Payments</p>	<p>Agreed: to refer consideration regarding the future of the legacy Christmas Illuminations payment scheme to the AHC for discussion and decision.</p>	<p>C Burns/J Hillen</p>
<p>Agenda Item 8 Council Christmas Trees & Illuminations Update</p>	<p>Total cost of Christmas Illuminations programme for 2019/2020: £176,540.61</p> <p>Cost of Sustainable Tree project: £34,239.45 (average per tree £2282.63 – 2018/19 average cost was £5915)</p>	

Kevin Scullion
Assistant Director for Facilities Management & Maintenance

Report to:	Neighbourhood Services Committee
Date of Meeting:	18 March 2020
Subject:	Compost Awareness Week 2020
Reporting Officer (Including Job Title):	Mr Johnny McBride, Assistant Director – Waste Management (Acting)
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 Council take part in Compost Awareness Week (CAW) on an annual basis.
1.2	This involved promoting the benefits of recycling food and organic waste and giving out bagged compost free to our householders from our Household Recycling Centres (HRCs).
1.3	<p>Compost awareness week will be running from 3rd to the 9th of May. Officers plan to arrange for the issue of free compost to residents on the weekend of the 9th May.</p> <p>This will be advertised on social media and in the press in the week leading up to the giveaway.</p> <p>Compost bags will be limited to 1 per householder.</p>
2.0	Key issues
2.1	<ul style="list-style-type: none"> • The Council take part in Compost Awareness Week annually. • This will run from 3-9th May. • Householders will be offered a free bag on the weekend of the 9th May, limited to 1 per householder. • Communication will be undertaken to promote this to householders.
3.0	Recommendations
3.1	The Committee note the update regarding Compost Awareness Week.
4.0	Resource implications
4.1	All costs catered for within existing revenue budgets.
5.0	Equality and good relations implications
5.1	It is not anticipated that any Equality or good relations implications will arise but will be considered by officers group.

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
	N/A
8.0	Background Documents
	N/A

Report to:	Neighbourhood Services Committee
Date of Meeting:	18 March 2020
Subject:	Fly Tipping Revised Shared Protocol - Update
Reporting Officer (Including Job Title):	Mr Johnny McBride, Assistant Director – Waste Management (Acting)
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 Committee was previously advised on the Revised Fly Tipping Protocol in development between all 11 Councils and NIEA. Appendix 1 details the previous report on the matter.
1.2	The previous recommendation agreed that NMDDC would consult through the Technical Advisory Group (TAG) to ensure uniformity across the 11 Councils.
1.3	A number of meetings between TAG, Councils and NIEA have taken place, which has resulted in further clarification requested from NIEA by some Councils. NIEA have subsequently agreed to defer implementation until satisfactory to all Councils.
2.0	Key issues
2.1	<ul style="list-style-type: none"> Both the Council and the NIEA have powers and responsibilities to deal with fly-tipping. A revised protocol was developed and circulated. Clarification on matters was requested by some Councils including NMDDC. NIEA have agreed to further communication with Councils to address areas requiring further clarity and have deferred the previous implementation date of February 2020.
3.0	Recommendations
3.1	The Committee note the update in relation to the Revised Fly Tipping Protocol.
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	It is not anticipated that any Equality or good relations implications will arise but will be considered by officers group.
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: Report to NS Committee in October 2020 on Revised Fly Tipping Protocol.</p> <p>Appendix 2: Letter to NIEA from NMDDC.</p> <p>Appendix 3: Correspondence from NIEA confirming deferment of implementation date.</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>

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	It is not anticipated that any Equality or good relations implications will arise but will be considered by officers group

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
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 5. Hazardous Waste
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 9. Data Collection
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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' INCIDENCES 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:

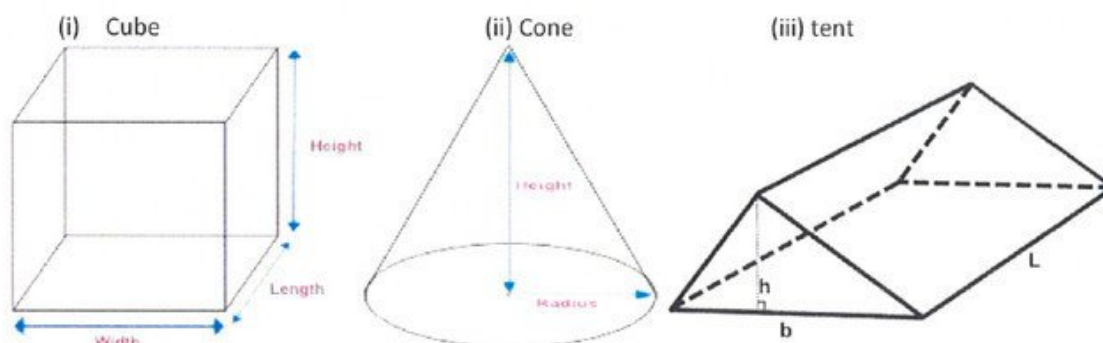
Appendix 1

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—

the Department; and

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).”.

Folks

At the GWWG meeting on Wednesday 26th Feb I had provided an update on progress with the Fly-tipping Protocol and commencement of associated legalisation. I had informed the group that 4 Councils had indicated they were content to commit to the current version of the Protocol and that 7 Councils were not content at present and sought further discussion regarding a number of issues.

Without going into detail the areas on which further discussion is sought in the main centre around:

- (i) Clarity on the roles and responsibilities in connected with Article
- (ii) Regulatory Impact Assessment (RIA) – should the previous decision not to conduct an RIA be reviewed?
- (iii) Costs likely to be incurred by Councils in relation to enforcement and clean-up
- (iv) Further clarity regarding Councils requirements to deal with some hazardous wastes
- (v) Resources required for the provision of statistical data regarding fly-tipping.

It was agreed to pause the process for a short period to enable the FT Sub- Group to further consider the above and with the aim of achieve broader consensus by the next meeting of the GWWG (May). We also agreed to strengthen the membership of the group in order gather as informative an input as possible (for instance a representative for TAG and EHNI).

Subsequently I had agreed to circulate this email seeking nominations for the additional members of the group. I would appreciate if you would kindly consider this request and provide a response by 11th March.

Many Thanks

Mark

Enforcement Branch

Resource Efficiency Division

Northern Ireland Environment Agency

Cromac Avenue

Belfast

BT7 2JA

Tel: 02890 569415



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 - 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 2 - Apologies

Item 3 - Presentation by Dorothy McKee on the arc21 Draft Corporate Plan 2020-2024

Item 4 - Minutes of Joint Committee Meeting JC046 held on 30 January 2020

For approval

The Joint Committee's approval is sought for the minutes of the meeting JC046 held on 30 January 2020.

Item 5 - Matters Arising

'IN COMMITTEE' ITEMS - COMMERCIALY CONFIDENTIAL

Item 6 - Minutes of Joint Committee Meeting JC046 held on 30 January 2020 held 'in committee'

For approval

The Joint Committee's approval is sought for the minutes of the meeting JC046 held on 30 January 2020 'in committee'.

Item 7 - Matters Arising

**Item 8 - Residual Waste Treatment Project****For noting**

The report will provide an update on the Residual Waste Treatment Project.

The Joint Committee is asked to note the report.

Item 9 - Commercially Sensitive Procurement and Contract Issues**For approval**

The report provides Members with an update on the evaluation of the tenders for the Municipal Waste Disposal Contract and recommends that delegated authority be given to the Acting Chief Executive to initiate the award process, should arc21 be in a position to do so, before the scheduled Joint Committee meeting at the end of March, subject to final ratification by the Joint Committee and those Councils participating in the procurement.

Furthermore it recommends that authority is also given to the Acting Chief Executive to extend the current contracts up until the end of June 2020, should such extensions be required to enable the full governance process to be completed.

The Joint Committee is asked to endorse the recommendations.

OUT OF COMMITTEE & RETURN TO MAIN AGENDA**Item 10 - Contracts and Performance Update****For noting**

The report provides Members with an update on the prevailing monthly situation pertinent to the operational performance of the service and supply contracts. Key issues to note are as follows:

- Organics tonnages slightly down on same month in comparison to January 2019, 1.2% overall.
- Overall MRF tonnages up 1.5% in comparison to January 2019.

The Joint Committee is asked to note the report and take action as appropriate.

**Item 11 - Annual Report for the Year to March 2019****For noting**

The current Corporate Plan covers the two-year period from April 2018 until March 2020. It sets out the Strategic Objectives, agreed by the Joint Committee, which we must achieve to meet the expectations of our Partner Councils.

The Corporate Plan centres on the core areas of delivering a strong partnership-based organisation that can make a positive contribution to the waste strategy, procuring infrastructure and services for Partner Councils, managing contracts for waste recovery and disposal and influencing waste management policies.

The organisation has identified 12 Strategic Objectives in the Corporate Plan to ensure that we have a balanced strategy with sufficient flexibility to continue supporting our Partner Councils with the implementation of the Waste Management Plan, covering the following areas:

1. Serving Community and Stakeholders
2. Improving Processes
3. Learning and Growth
4. Managing Resources

Action plans, with specific targeted outcomes, have been agreed and implemented in order to focus on delivering the Strategic Objectives and the Annual Report for the first year of the Corporate Plan, showing the progress made in that period, is attached at Appendix B.

Overall the year was a particularly challenging one for the organisation, however substantial progress was made with the majority of targeted outcomes being achieved, providing a solid basis to take forward.

The Joint Committee is asked to note the Annual Report for the year to March 2019.

Item 12 - AOB

Item 13 - Next Meeting: Thursday 26 March to be hosted by Mid and East Antrim Borough Council in the The Braid, 1-29 Bridge Street, Ballymena BT43 5EJ

ITEM 4
ARC21 JOINT COMMITTEE
Meeting No 046
Hosted by Mid and East Antrim Borough Council
MINUTES
Thursday 30 January 2020

Members Present:

Councillor A Bennington
 Councillor N Kelly
 Alderman R Gibson (*Chair*)
 Councillor JJ Magee
 Councillor M Gregg
 Councillor S Lee
 Councillor M Burnside
 Councillor I Friary
 Councillor H McKee
 Councillor K Owen

Antrim and Newtownabbey Borough Council
 Antrim and Newtownabbey 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
 Mid and East Antrim Borough Council
 Newry, Mourne and Down District Council
 Newry, Mourne and Down District Council

Members' Apologies:

Councillor T McGrann
 Alderman A Carson
 Councillor G Walker
 Councillor F Ferguson
 Alderman D Drysdale
 Councillor M Armstrong
 Councillor W Clarke (*Deputy Chair*)

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

Officers Present:

T Walker
 G Craig (*Secretary*)
 H Campbell
 J Green
 K Boal
 L Daly
 J McConnell
 H Moore
 P Thompson
 R Moore

arc21
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 arc21
 Antrim and Newtownabbey Borough Council
 Belfast City Council
 Lisburn and Castlereagh Borough Council
 Mid and East Antrim Borough Council
 Newry, Mourne and Down District Council

Officers' Apologies:

G Girvan
 D Lindsay
 N Grimshaw

Antrim and Newtownabbey Borough Council
 Ards and North Down Borough Council
 Belfast City Council

Mr Craig informed the Committee of the evacuation procedures in the event of the alarm sounding and asked for all mobile phones to be placed on "silent" mode or switched off.

The Chair welcomed all Members and Officers to Ballymena and thanked Mid and East Antrim Borough Council for hosting the meeting.

He reported that Alderman Carson was unable to attend the meeting as he had recently been in hospital and wished him good health and a speedy recovery.

He also advised of Councillor Walker's recent family bereavement and forwarded his condolences to the family.

Mr Craig pointed out that due to the meeting held in December 2019 not having a quorum, items which were presented at that meeting which required approval were now being re-presented at today's meeting for approval.

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 045 held on 31 October 2019 were agreed.

Action: Agreed

Item 4 - Matters Arising

There were no matters arising from the minutes.

Action: Noted

Item 5 - Minutes

As the meeting held on 5 December 2019 did not have a quorum there were no minutes for that meeting.

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 6 - Minutes of Joint Committee Meeting 045 held on 31 October 2019 'in committee' **Action: Agreed**

Item 7 - Matters Arising **Action: Noted**

Item 8 - Residual Waste Treatment Project **Action: Agreed**

Item 9 - Commercially Sensitive Procurement and Contracts Issues **Action: Agreed**

OUT OF COMMITTEE

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

Item 10 - Contracts and Performance Update

Ms Boal presented a report to advise Members on the prevailing monthly situation pertinent to the operational performance of the service and supply contracts. This included: Organic Waste; MRF; Landfill; Bring Sites; Street Sweepings; Haulage for Ards and North Down Borough Council and Mid and East Antrim Borough Council; Receipt, Storage and Transfer of Mixed Dry Recyclables for Newry, Mourne and Down District Council; and Supplies.

There were no major issues noted other than 2 rejected loads into the organic waste contract delivery sites in December due to vehicle misuse.

She also provided an update on the potential issues which may arise from Brexit and advised that these were being closely monitored, along with the implementation of contingency arrangements, should they be required.

She also informed Members that a review had been undertaken in relation to our contracts end destinations of materials and a series of graphical illustrations were provided.

Ms Boal advised Members that it was the intention to arrange a variety of site visits to some of our existing contract facilities as well as some end product facilities and that she would be preparing a timetable for the proposed visits for Members accordingly. She reported that this would be open to all Members and any other Councillors who may be interested in attending.

Action: Ms Boal

Mr Walker provided an update on the Education Service and advised that a review was underway in relation to plans to replace the existing vehicle, which is now at the end of its useful economic life having been purchased in 2006, and enhance the range of facilities and equipment currently being provided within the vehicle. In addition, he reported that the review would also look at better use of the range of marketing and promotional tools available to promote the service.

He also proposed that the Education Officer be office based for 1 day per fortnight to progress with marketing and promoting the service, gathering analyses, and using social media etc. to enhance the service. Members agreed to this approach.

Following discussion the Joint Committee agreed the contents of the report.

Action: Agreed

Item 11.1 - WEEE Compliance Fee Methodology 2019 Consultation

Mr Walker presented the Joint Committee with the arc21 response on the consultation document originating from DEFRA on the WEEE Compliance Fee Methodology 2019.

He reported that a report and draft response had been submitted to the December Joint Committee meeting but, due to it being inquorate, it had not been possible to have the response endorsed. Accordingly, the report and response were being presented again for retrospective approval.

Following discussion the Joint Committee agreed to endorse the response.

Action: Agreed

Item 11.2 - Industrial Energy Transformation Fund Consultation

Mr Green presented the Joint Committee with the arc21 response to the consultation originating from the UK Department for Business, Energy and Industrial Strategy (BEIS) on the Industrial Energy Transformation Fund.

Mr Green advised that arc21 had prepared a response on behalf of its six Constituent Councils in the context of the waste management plan (e.g. priority waste streams such as Northern Ireland Water residuals i.e. sewage sludge) and other stakeholders in the Northern Ireland waste sector (e.g. materials handling equipment suppliers selling into the circular economy market), highlighting the potential for decarbonisation initiatives and the need for commercial sustainability. He has also strongly argued for the inclusion of the waste and water, and wastewater sectors in the eligibility criteria.

Mr Green reported that a response had been submitted by the deadline of 21 November and a report and copy of the response had been submitted to the December Joint Committee meeting for approval, but due to it being inquorate, it had not been possible to have the response endorsed. Accordingly, the report and response were being presented again for retrospective approval.

Following discussion the Joint Committee agreed to endorse the response.

Action: Agreed

Item 11.3 - Environment Strategy for Northern Ireland Consultation

Mr Walker presented a report to advise the Joint Committee on the consultation originating from DAERA on the first Environment Strategy for NI which is open for consultation until 5 February, 2020.

He reported that DAERA had issued NI's first Environment Strategy for consultation using a series of questions to gather views from stakeholders on the potential scope, scale and ambition of the document. The initial deadline for responses was in December 2019 but, following review, this had been extended until 5 February 2020.

He further reported that an arc21 response had now been prepared and the Joint Committee was asked to consider the response for submission to DAERA by the deadline.

Following discussion the Joint Committee agreed to endorse the response.

Action: Agreed

Members suggested that it may be beneficial for Mr Walker to present to the DAERA Committee highlighting the many issues that Councils are facing including: climate change, the Circular Economy, the decarbonisation agenda, Brexit, reducing landfill, European targets etc., and it was agreed that he should progress with the relevant DAERA officials in relation to getting an invitation.

Action: Mr Walker

Item 12 - Waste Management Plan for Northern Ireland Consultation

Mr Walker provided a verbal update on the progress and steps being taken to refresh the Councils' Waste Management Plans.

He advised that discussions were ongoing with the Waste Forum, and with the arc21 Council Directors and Chief Executives, on how to progress with a potential collaborative Plan on an 11 Council basis, or otherwise, in order to meet the necessary timeframe.

He advised that he would provide regular updates to the Committee if and when there were suitable developments to present. Mr Walker also took the opportunity to enquire whether Members would appreciate fresh copies of the 2015 Waste Plan Executive Summary to enable them to have the opportunity to be informed of the various elements of that Plan and Members agreed.

Action: Mr Walker

Item 13 - Corporate Plan 2020-2024

Mr Craig presented a report to provide an update to the Joint Committee on the progress of the development of the new Corporate Plan that will set out the strategic objectives of the organisation for the four-year period from April 2020.

He reported that the next stage was to develop an initial draft document for consultation with Staff, Officers from the Steering Group and Members of the Joint Committee and the proposed timeline is replicated below.

- Friday 14 February - First draft of the Plan to be circulated to Staff, Steering Group and Joint Committee Members for a 2 week consultation period seeking feedback / comments etc. directly to Dorothy McKee Consulting;
- Friday 28 February - consultation period closed – Dorothy will update the draft Plan in preparation for a Staff workshop;
- Friday 6 March - Staff workshop - to enable staff to have further input, taking into account the responses from the consultation exercise (it is also the intention to invite the Chairs and Deputy Chairs of the Joint Committee and Steering Group to this workshop);
- Tuesday 10 March - Meeting with Dorothy, Tim and George to review the updated Plan incorporating comments/feedback from the workshop;
- Monday 16 March - Updated draft Corporate Plan to be circulated to Staff, Steering Group and Joint Committee Members for any final comments which are to be sent directly to Dorothy;
- Thursday 19 March - Final comments deadline;
- Friday 20 March - Cover report and Draft Corporate Plan to be issued to the Joint Committee;
- Thursday 26 March - Formal presentation of Draft Corporate Plan to the Joint Committee for consideration and approval;
- Wednesday 1 April - Corporate Plan 2020-2024 becomes effective.

Mr Craig discussed the workshop scheduled for 6 March and an invite was extended to all Members should they wish to attend. He requested that any Members wishing to do so should register their interest with heather.campbell@arc21.org.uk. He noted that the workshop would be held from 10am until 1pm in the Ashley Room, Belfast Castle.

Following discussion the Joint Committee agreed to note the report.

Action: Noted

Item 14 - AOB

arc21 Terms of Agreement – Mr Walker referred to the amount of consultations that had been responded to by arc21 over the past few months and the particular recent ones, on energy for example, which had been received as a consultee, which were beyond the remit of waste.

As previously discussed he noted that this was potentially an issue for arc21 if the organisation was responding on behalf of the 6 Councils and that if the Councils wanted arc21 to progress with these then it may be prudent to add an addendum to the existing Terms of Agreement accordingly.

He advised that he would however seek legal advice and provide an update to Members on the issue but, in the meantime, arc21 would continue to support Councils in these areas with the endorsement of the Joint Committee.

Following discussion Members also suggested that it may be beneficial for arc21 to be included in discussions with Councils when they are developing their Local Development Plans to include arc21 in order that waste management aspects of the LDP can be taken into account. Mr Walker said that he would write to the Directors of Planning in Councils to see if this was something they would consider.

Action: Mr Walker

Deposit Returns Schemes Meeting Group - Mr Walker advised that he had been approached by DAERA to attend these meetings on behalf of NI plc as the single representative from Local Government, which Mr Burnett had done formerly. He noted that the first meeting was due to be held in London on 4 February and he would update Members on this important Policy proposal at future meetings. Members endorsed this approach.

Action: Mr Walker

Item 15 - Next Meeting

The Chair advised that the next scheduled meeting of the Joint Committee was due to be held on Thursday 27 February at 10.30am and hosted by Belfast City Council in Malone House, Belfast.

Action: Noted

Date: _____

Chairman: _____

**From the Office of the
Minister of Agriculture,
Environment and Rural Affairs**



Department of
**Agriculture, Environment
and Rural Affairs**
www.daera-ni.gov.uk

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Marie Ward
Chief Executive
Newry, Mourne and Down District
Council
marie.ward@nmandd.org

Room 438
Dundonald House
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Belfast
BT4 3SB
Telephone: 028 9052 4140
Email: private.office@daera-ni.gov.uk

Our reference: SUB-1058-2020
Date: 28 February 2020

Dear Ms Ward

LETTER OF INVITATION TO NOMINATE SENIOR OFFICIALS TO AN AFFORESTATION FORUM – [date to be confirmed]

The scale of the climate change challenge we face is reflected in the 'New Decade New Approach' and an issue which affects not only all of our society but future generations.

There is clear evidence to support that tree planting removes carbon from the atmosphere and can help mitigate climate change and I am committed to significantly increasing the rate of tree planting in Northern Ireland. This will contribute to the capture and storage of residual carbon which cannot be mitigated through the necessary reductions of Green House Gas emissions alone and also the health and wellbeing of our society.

Land owned by Local councils could have significant potential for woodland planting. Therefore I am seeking your support and commitment to make suitable land in council ownership available for tree planting and to provide an initial assessment of the scale and extent of lands that may be available. I have also written to Executive Ministerial colleagues in relation to land that could be available for tree planting owned by Government departments.

Furthermore I invite you to nominate a senior official to participate in a cross-Governmental and Local Government Afforestation Forum to work with my officials on the delivery of this enhanced afforestation programme. The purpose of the forum is to coordinate the assessment of available public and council land and the development of plans for its afforestation.

I would appreciate if you would forward your nomination and contact details to ForestServiceCorporate@daera-ni.gov.uk by 18 March 2020.

A living, working, active landscape valued by everyone.

If you are deaf or have a hearing difficulty you can
contact the Department via the Next Generation Text
Relay Service by dialling 18001 + telephone number.



If senior officials require any additional information about the Afforestation Forum they should contact Forest Service at ForestServiceCorporate@daera-ni.gov.uk

Yours sincerely



EDWIN POOTS MLA
Minister of Agriculture, Environment and Rural Affairs

A living, working, active landscape valued by everyone.

If you are deaf or have a hearing difficulty you can contact the Department via the Next Generation Text Relay Service by dialling 18001 + telephone number.



NEIGHBOURHOOD SERVICES COMMITTEE**HISTORIC ACTIONS TRACKING SHEET**

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
NEIGHBOURHOOD SERVICES MEETING – 19 JUNE 2019					
NS/010/2019	Flood Alleviation of drain along Newry/Portadown Canal at Lock Gate 5	Approve the Council participating in the provision of improved drainage arrangements in the area of Lock Gate Number 5 at Carnbane Industrial Estate up to a maximum value of £15,000.	K Scullion	In progress	N
NS/011/2019	Defective wall at Shimna River, Newcastle	Note the contents of the above report and, depending on the outcome of the Structural Engineer's Report, if there were emergency issues, that authority be given to officers to proceed quickly with the necessary works.	K Scullion	In progress	N
NEIGHBOURHOOD SERVICES MEETING – 23 OCTOBER 2019					
NS/070/2019	Notice of Motion – Memory Gardens	Approve the Notice of Motion and that Officers identify two locations for Memorial Gardens in the district, one in each Health Trust area and Officers to develop designs for such locations to include plants, materials requirements and costs to establish and maintain	K Scullion	In Progress Currently seeking availability of sites within Heath Trust	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		Further report to be brought back to the December Meeting of the NS Committee			
NS/071/2019	Memorandum of Understanding Partnering Arrangements for the removal of snow and ice from Town Centre footways and pedestrian areas	<p>Agreed to review the Agreement and Schedule of the Memorandum of Understanding Partnering Arrangements for the Removal of Snow and Ice from Town Centre Footways and Pedestrian areas during prolonged winter weather and the Agreement would be extended for a further 12 months in accordance with the "Scope of the Agreement" Clause 3 and Appendix 1 as amended.</p> <p>Also agreed officials meet with representatives from Dfi to review the priority list of locations, with a view to adding towns/villages that had increased in population and other relevant factors and also to raise the provision of grit to local communities by Dfi, for spreading themselves, in extreme weather situations.</p>	R Moore	<p>Letter sent to DFI to meet with officials to review priority list.</p> <p>Meeting held and further correspondence with DFI to revert.</p>	N
NS/073/2019	Proposed Property Maintenance Policy and Strategy 2019 to 2023	Council's Facilities Management and Maintenance Department	K Scullion	In Progress	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		develop for agreement with the NS Committee a Property Maintenance Policy and 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.			
NS/074/2019	Provision of new bus shelter in Jonesborough Village	<p>Agreed Council remove the bus shelter located at the junction of Finnigans 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.</p> <p>At the request of Councillor Harte it was agreed Officials investigate the removal of the stone wall sides of the bus shelter on the Old Warrenpoint Road, Newry and their replacement with transparent side panels.</p>	K Scullion	Deliver of new unit expected February 2020 for installation February/March 2020	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
NS/075/2019	Household Recycling Centres (HRC) Update	To further illustrate changes at the new HRC site at Downpatrick, an HRC competition to be promoted at all primary schools at Downpatrick.	J Parkes/ JMcBride	Final recommendation concerning Phase 2 of HRC review to be presented to committee in April.	N
				Prizegiving scheduled for 6 December.	N
		The success of the competition to be reviewed with proposal to run similar at both Castlewellan and Ballynahinch if deemed worthwhile.		Intent to extend to both Castlewellan and Ballynahinch areas,	N
		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.		Meeting scheduled with Marketing Officers to agree Comms. Meeting scheduled for 15 Nov. Meeting complete further meeting required.	N
		Reference FAQ'S to be drawn up relating to Permit System and placed on Web-site.		Currently being developed to coincide with launch	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		Investigation to be made through WRAP Capital Fund for grant-aid toward additional container capacity at selected sites.		Currently underway/ Ongoing	
NS/078/2019	Fly Tipping Revised Shared Protocol	<p>Agreed to approve the proposed Fly Tipping Protocol between the Council and the NIEA subject to the following:-</p> <p>The Technical Advisory Group (TAG) be consulted to ensure a uniform approach and reply from the 11 Councils.</p> <p>The Agreement to be reviewed at the end of a 12-month period as provided for in the Agreement.</p> <p>The Protocol would 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>	J Parkes/ J McBride	Item on March Agenda	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		Officers from relevant Departments meet to review the operational arrangements and responsibilities arising from the commencement of the Order. This would involve a number of Directorates across the Council.		In Progress. Convening meeting with relevant AHC and NS Officers having received response from TAG, Further discussion held between all Councils and NIEA, see correspondence in agenda item.	N
NEIGHBOURHOOD SERVICES MEETING – 17 DECEMBER 2019					
NS/119/2019	Review of Bring Sites across the District	Note the content of the report dated 17 December 2019 and that the Council grant approval to Council to undertake a review regarding the current provision of the bring-sites currently provided by the Council. The review to examine: Current usage at bring-site locations Cost benefits associated with provision of bring-site locations	J Parkes/ J McBride	Will be brought to Committee in April	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<p>Options for repositioning of bring-banks</p> <p>Options for income-generation and licence considerations</p> <p>Maintenance costs</p> <p>Potential contractual issues</p> <p>Disposal options for any redundant stock</p> <p>The review would consider removal of the banks which were not at the designated household recycling centres.</p>		Updated March 2020	
NEIGHBOURHOOD SERVICES MEETING – 22 JANUARY 2020					
NS/005/2020	Notice of Motion – Food Waste Collection	<p>Agreed to adopt the Notice of Motion that “this Council will maximise food waste collection contributing to our recycling targets and reduction of our carbon footprint by simplifying it’s biodegradable bag delivery system to residents” and that officers undertake necessary</p>	J Parkes/ JMcBride	Will be brought to April Committee	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		research and report back to the NS Committee presenting options for consideration and approval.			
NS/112/2020	Evaluation of alternatives to use of Herbicides containing glyphosate for controlling weeds and invasive species on Council property	<p>Note the content of the report dated 22 January 2020 and to approve Option 4 – The Sustainable Herbicide Control Methodology as outlined in section 4 and Appendix 7 with amendments. The proposed methodology would operate within the remit of a: -</p> <p>Phased Pesticide Reduction Plan</p> <p>Liaising with APSE & Other Councils</p> <p>Current Achievable Council efficiencies of circa 25% reduction in glyphosate annual usage.</p> <p>Grounds Maintenance Section continue to research and trial all effective alternatives and provide feedback on results.</p>	K Scullion	Actioned	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<p>It was agreed the following proposed amendments to the Officer's report: -</p> <p>To undertake a 12-month review with a target to phase out completely the use of use of herbicides containing glyphosate for controlling weeds and invasive species on Council property within 3 years.</p> <p>Officers prevent the use of herbicides containing glyphosate at Council play areas and use alternative methods only for these areas.</p> <p>Council write to the relevant Stormont Minister stating the Council's position on this issue and seeking the position of all Government Bodies in Northern Ireland.</p>	<p>K Scullion</p> <p>K Scullion</p> <p>K Scullion</p>	<p>To be undertaken at 12 month review period January 2021</p> <p>Actioned</p> <p>In progress</p>	<p>N</p> <p>Y</p> <p>N</p>