

Chief Environment Health
Officers Report 809
October 2004

7.0 Travellers at Magherakeel/Aghalunny Rd

Members will be aware that there have been travellers parked at the above location. The Council took legal action against the travellers for creating nuisance conditions on 10.04.03. An order was granted by the court which obliged the travellers to keep the premises clean and tidy. On a recent monitoring visit to the site, which belongs to the Road Service, I offered Greenbrae as alternative accommodation to the travellers, but they declined. Their preferred option was housing. I arranged for the Traveller Unit of NIHE to call and process their request and informed Roads Services.

8.0 Draft Unauthorised Encampments (Northern Ireland) Order 2004

<http://www.dsdni.gov.uk/consultation-zone/Document.asp?ID=45>

Background

Unauthorised camping is widespread in Northern Ireland and has long been a complaint from both the public and elected representatives. At present there is no specific Northern Ireland to control unauthorised encampments.

This draft Order will give the police powers to remove trespassers who intend residing on land, together with their vehicles and other property.

Power to Remove Trespassers on Land

If the senior police officer present at the scene believes that two or more people are trespassing with the common purposes of residing there, the owner has asked them to leave and there has been damage caused to the property or used threatening or abusive or insulting words or behaviour to the owner and his family or employee or agent or they have six or more vehicles on the land then he may direct that they leave the land and take their property with them.

Chief Env. Health Report Nov 04

9.0 Greenbrae Travellers Site

At a meeting on 19 November 2004 with Mr Stewart Cuddy, Deputy Director of NIHE and Mr Philip Faithful, Clerk & Chief Executive, it was agreed that each of us would take the following proposals to our respective corporate bodies ie. the NIHE Board and Strabane District Council for ratification.

1. The site would be divided to accommodate the provision of a transit site to be operated by NIHE. The land-take would be on the southern end of the site up to units 4 & 5 and would accommodate the inclusion of a "hammerhead" turning area. (See enclosed map)
2. The Council would continue to have access to the northern end of the site initially through the transit site. If an alternative access was required this would be considered at the appropriate time by agreement of the Council and the NIHE.
3. The use of the site as a transit site would be reviewed after 3 years. If it was no longer required by NIHE for use as a transit site for travellers then it would be returned to Strabane District Council.
4. The NIHE would only use Greenbrae Transit site for Travellers that were illegally encamped in the Strabane District Council area.
5. The current facility of Greenbrae would be demolished and the cost would be met pro rata between Strabane District Council and the NIHE.
6. The Council can present to NIHE other sites for their consideration for use as transit traveller sites within the Strabane District Council area.
7. Strabane District Council will provide all available technical information to NIHE.

Cars 16/11/04

Travellers at Magherakeel/Aghalunny Road

The CEHO advised Members that he had visited the travellers at this site and they had expressed a desire to move to permanent housing. He added that the Housing Executive

(HE) had also visited them and completed an application form for housing, however shots had apparently been fired through their windows and they had since moved on.

In response to Councillor McNulty, the CEHO advised that this incident had been reported on Highland Radio.

In response to Councillor Barr, the CEHO confirmed that there was currently no demand for the use of Greenbrae, either as a temporary site or as a permanent site. He added that the Housing Council would request that part of Greenbrae should be allocated as a transit site and that if there was no demand for the site in future, then it would come back to Council. He further added that the CE and himself would meet the Housing Executive at Greenbrae on 19th November 2004 and that hopefully there would be more news regarding this issue in the future.

In response to Councillor Emery, the CEHO stated that in its current state, the site would not be suitable. He added that Council would provide water, electricity, toilet facilities and a refuse collection service. He further added that these would be provided on a hard standing basis and that no units would be opened.

Draft Unauthorised Encampments (Northern Ireland) Order 2004

The CEHO outlined the draft order, which would give the PSNI powers to remove trespassers who intend residing on land, together with their vehicles and other property. It was agreed to give a united response to this legislation via the Local Government Partnership on Traveller Issues.

On the proposal of Councillor McMEnamin, seconded by Councillor Emery the meeting went "into committee".

LARS 15/12/04

On the proposal of Councillor Bell, seconded by Councillor McMahan the meeting went "out of committee".

Greenbrae Travellers Site

On the proposal of Councillor Barr, seconded by Councillor Bresland, it was agreed to follow the proposals outlined in the CEHO's report.

Councillor Kerrigan commended the CEHO for his work regarding this issue.

On the proposal of Councillor McBride, seconded by Councillor McMEnamin the meeting went 'out of committee'

Environment Committee. 22/2/05.

Travellers

Councillor Barr referred to recent press coverage of travellers extorting money in order to leave particular areas of land. He referred to discussions with the Housing Executive regarding Greenbrae and felt strongly that the district area should not be inundated with traveller sites. He noted that Greenbrae had originally been provided for the indigenous travellers of the area but noted that the majority of them had now been housed in Housing Executive properties or private housing.

Councillor Hussey believed that Greenbrae had been allocated for transient travellers as well as those indigenous to the area.

On the proposal of Councillor Barr, seconded by Councillor McMahon it was agreed to arrange a meeting with senior representatives of the Housing Executive as a matter of urgency. A vote was taken as follows: For: 10, Against: 1, Abstentions: 2

Chief Environment Health Officer
Report March 2005. 1030

7.0 Demolition of Greenbrae

At the last CARS Meeting of 15 March 2005, members requested that legal advice be sought on whether Council can re-advertise the tenders for the demolition of Greenbrae. A legal opinion has been obtained from Mr Raymond Nash BL which confirms that the Council may re-tender on the basis that the opinion of the Council that the lowest tender was too expensive is not perverse; and no other tendering criteria is applicable.

He has further suggested that the contractors who have already tendered should be written to and advised that a limited number of tender contracts met the criteria and due to a change of the specification in relation to the disposal of waste material arising the Council has elected not to accept any tenders but in the interests of equity to re-invite tenders for the works.

He suggests that it should be pointed out that a tender received which does not satisfy the criteria set out in the tender documents will not be considered.

Special Council Mtg.
1/3/05.

Tenders – Demolition of Greenbrae

On the proposal of Councillor Hussey seconded by Councillor Bresland it was agreed to open the above tenders.

Minutes of the Meeting of Strabane District Council held in the Council Chamber, Council Offices, 47 Derry Road, Strabane on Tuesday 8 March 2005 at 7.30 p.m.

Page 10 - Travellers

Councillor Barr referred to the forthcoming meeting with the Housing Executive on 23 March 2005. He noted that the Chamber of Commerce had outlined their position through the press. On the proposal of Councillor Barr, seconded by Councillor Bell it was agreed to invite a representative from the Chamber of Commerce to the meeting. It

was further felt that Mr Martin McBrearty, being the Manager of a large supermarket in Strabane would have first hand knowledge and experience to contribute to the meeting.

The Chief Executive advised Members that the Chief Environmental Health Officer (CEHO) had been informed that there were travellers on site at Greenbrae and had been in touch with the Housing Executive on this issue. He said that Members would be updated on the situation.

Tender Report – Demolition of Greenbrae

A report from the Chief Environmental Health Officer had been circulated to Members as an addendum to the agenda.

The Chief Executive noted that the tender report had omitted one contractor's name in error. He clarified that this tender had been considered together with the other tenders but had not met the necessary criteria. He advised that out of the 8 tenders received, only 2 were eligible for consideration as per the criteria.

The Chief Executive advised Members that Milltown, Burdennett would not be available for the disposal of the material given that planning permission was now required under the Waste Management Licensing Regulations (NI) 2003. Therefore it was recommended to contact the lowest tenderer to establish if they could dispose of the material at a properly licensed site and if so, what the difference in the tender price would be. He added that Council would reserve the right to contact the second tenderer on the same issue.

Councillor Bresland noted that the Roads Service was currently undertaking work at Hamiltons Corner, Sion Mills and material was being disposed of in a neighbouring field.

Councillor Hussey noted that landfill tax could be avoided if the material was disposed of on Council owned land.

In response to Councillor McGill, the Chief Executive said that if there was any way that the material could be disposed of at Milltown, they would endeavour to do so.

On the proposal of Councillor Barr, seconded by Councillor Bresland the report and recommendation was agreed.

In Committee
Corporate & Regulatory Services Committee
15th March 2005

Tender Report – Demolition of Greenbrae

The CEHO requested approval from Members to award the above tender to Brickkiln at a cost of £21,685.

In response to a query from Councillor Barr, the CE advised that the other tenderers were not suitable candidates as they had failed to produce the relevant documentation.

Councillor Donnell queried if Council could re-tender for the above works. The CE advised that this move could be challenged by those contractors who had supplied the necessary documentation.

Councillor Kerrigan said the quotation from Brickkiln was double the price of the lowest tenderer. The CE advised that as Brickkiln's tender documents had met the criteria that Council would be obliged to accept the quotation from the contractor.

Councillor Barr felt that Council should advise the contractor that the quotation was not suitable as it was too expensive and noted that 4 contractors had quoted a price lower than his. He was of the opinion Council should re-tender for the work.

In response to a query from Councillor McBride, the CEHO advised that the relevant documents such as tax forms and insurance cover should have been included with the tender documents when the tender was submitted.

The CEHO advised that a set cost had not been stipulated on the work and was concerned that the 2 contractors who had met the criteria would query why Council were re-tendering. He also pointed out that the contract was planned to be completed in this financial year.

The CEHO advised Members that the criteria included 6 specifications which the tenderers had to complete.

Councillor Kerrigan was concerned how Council could justify utilising a further £10,785 of rate payers money for such a small job.

On the proposal of Councillor Barr, seconded by Councillor McBride, it was agreed to seek clarification if Council could legally re-tender for the above work.

The CE advised that the CEHO would investigate this and bring it back for further consideration at the Environment meeting on 22nd March 2005.

Councillor McGill requested that planning permission for Milltown Park be investigated.

Councillor McMahon left the meeting at this point.

CEHO advised that it would take a considerable length of time to obtain planning permission for Milltown Park and was not confident that this would be obtained before 31st 2005. He added that he had hoped to utilise the capital from within this financial budget to demolish Greenbrae.

Councillor Hussey was of the opinion that planning permission was not required to transport material from one site to another. The CEHO said that it was his information that planning permission must be obtained.

The proposal of Councillor Bresland, seconded by Councillor Barr, the CEHO's report was adopted.

Environment Committee - 22 March 2005.

On the proposal of Councillor McNulty, seconded by Councillor Bell the meeting went 'out of committee'.

Tenders - Demolition of Greenbrae

The Chief Environmental Health Officer (CEHO) reported that Council had requested that legal opinion be sought on the above. He confirmed that he had spoken with Mr Crawford but the legal opinion was not yet available.

In response to Councillor Barr, the CEHO clarified that insurance for Greenbrae only currently covered the removal of the demolition material.

Travellers

The CEHO reported that the proposed strike action on 23 March had been suspended and therefore the meeting the Housing Executive would proceed as planned. He noted that Aidan Brannigan from the Travellers Policy Unit of the Housing Executive would be in attendance.

Full Council 12 / April / 2005.

Page 15 – Demolition of Greenbrae

The Chief Executive reported that the legal advice was that Council could seek tenders based on the wording of the original tender document and not simply on price and the disposal of hardcore. He added that a full report on the matter would be provided by the Chief Environmental Health Officer.

CEHO REPORT - ~~APRIL~~ APRIL + MAY 2005 (1984)

7.0 Demolition of Greenbrae

At the last CARS Meeting of 15 April and May 2005, members requested that legal advice be sought on whether Council can re-advertise the tenders for the demolition of Greenbrae. A legal opinion has been obtained from Mr Raymond Nash BL which confirms that the Council may re-tender on the basis that the opinion of the Council that the lowest tender was too expensive is not perverse; and no other tendering criteria is applicable.

He has further suggested that the contractors who have already tendered should be written to and advised that a limited number of tender contracts met the criteria and due to a change of the specification in relation to the disposal of waste material arising the Council has elected not to accept any tenders but in the interests of equity to re-invite tenders for the works.

He suggests that it should be pointed out that a tender received which does not satisfy the criteria set out in the tender documents will not be considered.

CARS JUNE 2005

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Demolition of Greenbrae

The CEHO stated that as agreed at the last CARS meeting of 15 April 2005 and following legal advice, Council re-advertised tenders for the demolition of Greenbrae. Upon receipt of the 7 returned tenders, in every case each had omissions from the stipulated requirements.

The CEHO further stated that as agreed at a previous meeting of the Audit and Staff Committee on 08 June 2005 and after consultation with the Local Government Auditor, the lowest tenderer was approached in an attempt to address the omissions and assess if this might affect the price. Following this assessment the CEHO could report to the meeting that all the outstanding issues had been satisfactorily addressed and sought permission from Council to accept the lowest tender submitted by Cummings Bros. as they have now complied with all the necessary requirements.

On the proposal of Councillor Bresland, seconded by Concillor O'Kane this was agreed.

JUNE 2005 - AUDIT + STAFF

Demolition of Greenbrae

The CEHO advised Members that the tenders for the demolition of Greenbrae had now been opened and in all seven returns there were omissions from the requirements of the tender.

The CEHO stated that having consulted with the Local Government Auditor he was seeking approval to approach the lowest tenderer in an attempt to satisfactorily address the omissions and assess how this might effect the price. He further added that in the event of a higher price, the next tenderer be approached and so on until a tender can be accepted.

JUNE 2005
STAFF
ALS GM

SEPTEMBER 2005

CHIEF ENVIRONMENTAL HEALTH OFFICER'S REPORT

Mr Chairman, Members, I hereby submit my report for the months of July and August 2005.

6.0 Greenbrae

The Travellers facility has now been demolished and gates and a fence erected across the site. The cost of the demolition was £14070. There were two additional items of expenditure which were not included in the original contract:

On the proposal of Councillor McMenamin, seconded by Councillor McMahon the meeting went 'out of committee'

CHIEF ENVIRONMENTAL HEALTH OFFICER'S REPORT

Greenbrae

As detailed in his report the CEHO advised Members that the above Traveller's facility has now been demolished and gates and a fence have been erected across the site. He further stated that it was agreed that the front end of this site was to be a transit site for travellers on the move, however to date the NIHE has been unable to carry the necessary work due to caravans remaining on the site. The CEHO also cautioned that at present there is not insurance cover and sought permission to keep the barriers locked until such times as work was completed and the site is brought up to standard by the NIHE.

AGREED

On the proposal of Councillor Barr, seconded by Councillor McMenamin this was agreed.

Formal Cautions

The CEHO advised Members that Mr Daly of GEM Construction has accepted formal cautions in relation to burning trade waste at his premises and was issued a further two cautions for creating a nuisance and black smoke.

Councillor Breslin stated that Mr Daly had taken responsibility for his actions and noted that children have been observed lighting fires in the area.

In response to Councillor Breslin the CEHO stated that this was discussed with Mr Daly and taken on board prior to the issue of the cautions.

Councillor McMahon left the meeting at this point.

NOVEMBER 2006

Local Government Partnership On Traveller Issues

AGREED

It was agreed on the proposal of Councillor McMenamin, seconded by Councillor Kerrigan that a Minute Clerk is provided to service the Meeting of the Partnership when it is hosted by Strabane District Council once yearly.

CARS MTG - 16 OCTOBER 2007

Travellers

Councillor O'Kane stated that several members of the public had contacted him in relation to the presence of two mobile homes belonging to members of the travelling community in the Dublin Road Industrial Estate. He further stated that residents of Laurel Drive expressed concerns that their children were being subjected to verbal abuse while returning from school via this area. Councillor O'Kane advised that he had visited the site, which appeared very unkempt with litter everywhere and a fire had also been lit.

The CEHO advised that new procedures were in place and it was now the responsibility of the landowner to contact the travellers and request that they move. Failing that, the landowner could then contact the PSNI who would move them to a designated site.

The CEHO stated that he had spoken with the landowner in relation to the issue and he advised that he had been in touch with the PSNI and Northern Ireland Housing Executive (NIHE) in the hope that they would be relocated to the Greenbrae site. He further advised that the Housing Executive had stated that they were not able to accommodate them at Greenbrae and hoped to make arrangements for them to be moved to a site in Derry.

AGREED

On the proposal of Councillor O'Kane, seconded by Councillor Barr it was agreed that the CEHO write to the NIHE to get written confirmation, that the Travellers were moved to more appropriate accommodation as quickly as possible

Cars Mtg - 16 October 2007

Councillor Barr stated that if NIHE indicated that they could not accommodate the travellers in Greenbrae, it strengthened the point made at a previous meeting whereby, he felt that the Greenbrae site should be considered for social housing.

CARS - 26 Nov. 2007 . 681

14.0 Unauthorised Encampment, Strabane Industrial Estate

Members will have received a response from NIHE. I have spoken to the PSNI and at the time of writing this report, it was their intention to serve a notice for the illegal occupants to move to the Daisyfield Park, Derry City Council.

CARS - JUNE 2008 .

RAILWAY LINE ADJOINING BRICKFIELD FARM

Over recent years the owner of Brickfield Farm has provided a number of field gates onto the old Railway Line at Greenbrae.

The Council's Solicitor and a member of staff met with the adjoining land owner regarding recent provision of additional gates to discuss the issues but the land owner indicated that there was always a right of access and has indicated that Council is failing to address their responsibilities regarding litter in the area rather than pursuing frivolous and unmeritorious issues.

As Council will be aware the railway line has been used by the general public as a walkway over the years and whilst Council do not carry out a maintenance programme of the area I would seek members views on whether we should consider retaining this line or challenge the owner in the courts regarding the continued encroachments.

A map is attached showing the area of the railway line involved.

CARS - 17 JUNE 2008

Railway Line Adjoining Brickfield Farm

The CBCO informed Members that over recent years, the owner of Brickfield Farm had provided a number of field gates onto the old Railway Line at Greenbrae. He stated that the Council's solicitor and a member of staff met with the adjoining land owner regarding the recent provision of additional gates however, the land owner indicated that there had always been a right of access.

The CBCO stated that the railway line had been used by the general public as a walkway over the years however, Council did not carry out a maintenance programme of the area. He sought Members' views on whether Council should consider retaining the line or challenge the owner in the courts regarding the continued encroachments.

AGREED

On the proposal of Councillor McGill, seconded by Councillor Boyle it was agreed that a site meeting should be arranged with interested Members.

COUNCIL MTG - 8 DEC 2008

Local Government Forum on Travellers Issues

AGREED

On the proposal of Councillor Kerrigan, seconded by Councillor Hussey, it was agreed that complimentary catering would be provided for a forthcoming meeting of the above group which would be held at the Council offices on 30 January 2009.

COUNCIL MTG - APRIL 2009

Any Other Business

Local Government Partnership on Traveller Issues

AGREED

On the proposal of Councillor O'Kane, seconded by Councillor Boyle, it was agreed to arrange for the above Partnership to make a presentation to Council in relation to their views on the RPA proposal for Councils to take over responsibility for the provision of all non permanent Traveller accommodation sites.

ECONOMIC DEV. 15 JUNE 2009

Local Government Partnership on Travellers Issues

The Chairman welcomed Mr O'Hagan and invited him to make his presentation.

Mr O'Hagan tendered the apology of his colleague, Mr Newburn, who had been taken ill and could not attend the meeting.

Mr O'Hagan advised Members that at the present time transit sites were the responsibility of the Northern Ireland Housing Executive (NIHE), but with the impending Review of Public Administration (RPA), strong consideration was being given to the transfer of those sites back to the various Councils. He stated that the following opposed the transfer:

- NILGA Executive
- The Children & Young People Commissioner
- Regional Traveller Support Group
- Chief Commissioner of the EC

Mr O'Hagan further stated that the responsibility of transit sites had been a problem since 2002 when the Promoting Social Inclusion (PSI) and the Department of Social Development (DSD) could not agree on the matter of traveller accommodation. In 2003 the DSD carried out an Equality Impact Assessment (EIA) on the Department's Policy in relation to traveller accommodation. Following on from that an extensive consultation process had been carried out, resulting in overwhelming support for NIHE to take statutory responsibility for all traveller accommodation, including transit sites. He stated that the position had been supported by all 26 District Councils.

Mr O'Hagan advised Members that should the responsibility of travellers accommodation be transferred, it could have implications on the following:

- Race Relations Order (RRO)
- Section 75 of the Northern Ireland Act 1998
- The DSD's 2003 EIA in relation to Traveller Accommodation would be ignored
- The travelling community would be the only residents of Northern Ireland not to have their statutory accommodation entitlement provided by the statutory housing provider (NIHE)

- Lack of a consultation process regarding the matter between Councils, DSD and NIHE

Mr O'Hagan ended his presentation by urging Members to consider the following recommendations:-

- Housing Council to consider the presentation detail, especially on the grounds of compliance with RRO and Section 75 of the NI Act 1998
- Councils favour the statutory housing provider being responsible for all traveller accommodation, including transit sites
- LGP/NILGA would welcome the Housing Council support to oppose the transfer of transit sites as set out under RPA.

The Chairman thanked Mr O'Hagan for the comprehensive presentation and invited comments and queries from Members.

Councillor Hussey

Councillor Hussey thanked Mr O'Hagan for the presentation and raised the following issues:

- Percentage of population in Northern Ireland represented by travelling community
- Was there a difference between 'member of the travelling community' and 'gypsy'
- Would it be feasible to attempt to accommodate the travelling community into regular housing accommodation
- Rights of indigenous travellers and those from England

Mr O'Hagan stated that approximately 1% of the population would be represented by the travelling community and that the term 'gypsy' was seldom used now and had been replaced with the term 'travelling community'. He also advised Members that the choice of accommodation was entirely up to the travelling community and if they wished to remain with their nomadic life style, they should be allowed to do so. In relation to incoming travellers, Mr O'Hagan stated that under the Race Relations Order (RRO) they would be afforded the same rights as any other ethnic minority group. The travelling community had been clearly identified as a group and would not lose that status.

Councillor McNulty

Councillor McNulty thanked Mr O'Hagan for the presentation and raised the following issue:

- The DSD's 2003 EIA clearly stated under 'Further Policy Changes' that the responsibility of traveller accommodation should lie with the NIHE

Mr O'Hagan confirmed that this was correct and that nothing had changed since then but with the forthcoming RPA changes were being proposed. He said that this had been an ongoing matter for several years that needed to be resolved.

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Councillor O'Kane

Councillor O'Kane thanked Mr O'Hagan for the presentation and stated that the travelling community had suffered serious problems trying to get much needed amenities. Various facilities had been provided by the Council within the Strabane district and subsequently passed over to the NIHE and the onus now lay with them to provide the necessary accommodation for the travelling community. The possibility of a decanting site could be investigated by the NIHE until suitable accommodation became available.

Councillor Boyle

Councillor Boyle thanked Mr O'Hagan for the presentation and stated that the transfer of transit sites needed to be safeguarded and their way of life protected. She further stated that she fully supported the position of the LGP and NILGA.

Councillor Kerrigan

Councillor Kerrigan thanked Mr O'Hagan for his presentation and stated that Mr O'Hagan was a long standing committed spokesman for traveller issues. He said that the onus was on the NIHE to provide accommodation for the travelling community and stated that he supported the recommendation of the LGP.

Councillor McMahon

Councillor McMahon thanked Mr O'Hagan for his presentation and raised the following issue:

- Concern that no organisation would take responsibility for the travelling community

Mr O'Hagan stated that Council's remit did not cover housing issues and that the NIHE had central travellers teams which accompanied the PSNI onto sites for evaluation purposes. The Council had no such teams in place.. He also stated that the travelling community felt they were being discriminated against and this could have repercussions under the RRO.

Councillor McMenamin

The Chairman thanked Mr O'Hagan for the presentation and was supportive of the LGP. He raised the following issue:

- Elements of anti social behaviour within the travelling communities

Mr O'Hagan stated that he did not condone anti social behaviour of any kind and the relevant authorities should be notified at once. However there was interagency support for the travelling community and several issues needed to be addressed, particularly in relation to education, etc. He would like to see Councils interface with those groups and a collective, joined up approach taken in relation to the travelling community.

The Chairman thanked Mr O'Hagan and wished him every success in the future. Mr O'Hagan left the Chamber at this point of the meeting.

Full Council 9 December 2010.

Local Government Partnership on Travellers Issues

Correspondence relating to the introduction of an annual subscription, effective from January 2011 had been distributed in advance for Members' attention.

Councillor Kerrigan advised that he had attended the meeting at which the matter of subscriptions had been discussed and had the full support of the elected members in attendance. He noted that the last time financial assistance had been sought from Councils was in 2001. It was noted that the subscriptions would assist in developing a new programme of activities.

The Chairperson declared an interest.

AGREED

On the proposal of Councillor McNulty, seconded by Councillor McMenamin, the payment of the annual subscription of £250, effective from January 2011 was agreed.

Cars Mtg. 15 May 2011

Local Government Partnership on Travellers' Issues

AGREED

The Chairperson advised that approval was sought for payment of the renewed annual subscription of £250.00 to the above. On the proposal of Councillor McMahan, seconded by Councillor Kerrigan, this was agreed.

On the proposal of Councillor D Kelly, seconded by Councillor McMahan, the meeting went 'Into Committee'.

CARS Com. MTG - 2 MAY 2013

Northern Ireland Local Government Partnership
on Traveller Issues

The CBCO referred to the above annual subscription in respect to Council membership which was due for renewal. He advised that the subscription was £250 for the incoming year and sought Council approval to pay same.

AGREED

On the proposal of Councillor Carlin, seconded by Councillor McMackin, it was agreed to pay the annual subscription of £250.

CARS COMMITTEE - 10 DEC. 2014.

CHIEF ENVIRONMENTAL HEALTH OFFICER'S CONFIDENTIAL REPORT

Mr Chairman, Members, I hereby submit my report for the month of December 2014.

Rubbish in Council Section of Greenbrae Park

NIHE accommodate Travellers in the Southern end of Greenbrae Park. Strabane District Council owns the Northern end.

Rubbish has been dumped in the northern area of Greenbrae. Investigations by Council Officers lead me to believe that the rubbish is the normal domestic refuse generated by the tenants living in Greenbrae Park.

A resident approached the Environmental Health Department in late October 2014 to have the rubbish removed. Since then I have had discussions with the NIHE and the Chief Technical Services Officer about the removal of this rubbish.

NIHE have informed me that they have supplied bins for use of the residents and they have either been burned or stolen. The required practice is that bins should be taken to the top of the lane on the designated day for collection. The Chief Technical Services Officer says this has happened infrequently if at all.

NIHE are going to close the site as they have been informed it is to be vested for road building purposes at the end of this year but it is unlikely to be used in the near future.

None of the residents have signed any agreements with NIHE to stay on the site. There are plans to redevelop Daisyfield Park in Derry as a Traveller Transit facility but it is unlikely to be completed within the next 12 months. NIHE are unwilling to clean up the waste from Council land.

This same situation arose in April/May 2014. On that occasion Council cleaned the site and repaired manhole covers at a cost of £6000.

A resident came forward and stated that if the Council cleaned up the site he would guarantee that the bins would be used properly and left at the appropriate point for collection on a weekly basis and no further rubbish would be deposited on the site. When this resident was asked to discuss this further with NIHE staff and Council, he refused.

I have requested that NIHE use their Travelling People Liaison Officer to broker some agreement on the way forward.

In my opinion the situation could lead to public health nuisance conditions. However it would be difficult to prove who caused the nuisance. The Council as the landowner are responsible for removing the material, but there is no guarantee that the situation will not arise again. (See attached photos [Image 1](#), [Image 2](#)) and [Map of Greenbrae](#))

P Cosgrove
Chief Environmental Health Officer

02.12.14

timescale for the project, ie. the end of March 2015. He stated that after speaking to the lessee in relation to same, he had been advised that owing to a number of factors in relation to farm subsidies, level of works carried out to the land and other farming arrangements, the lessee would be unwilling to give up the lease without being compensated to the extent of £3000. He therefore felt that Members needed to consider the following options if they wished Council to establish a woodland on land that would always be restricted in its use:

1. To take no action and let the lease run out in November 2015 in keeping with Council's agreement or
2. To accept the £23,675 funding available and pay the £5,000 compensation figure to the lessee.

In response to a query from Councillor M McHugh, the CBCO stated that the land had been leased for three years for a total of £435.

Members' views were varied as one Member felt it was a small price to pay to have clearance on the land and enable funding to be drawn down, whilst others felt that the compensation figure was an exorbitant amount.

The CE suggested that a possible way forward would be to seek legal advice from the Council's solicitor in relation to the matter and also to contact the Land & Property Services in relation to obtaining a more realistic valuation. He stated that on receipt of this information, negotiations could then be re-opened with the lessee. Given the time scale involved, it was felt that a report should be brought to the Development Committee meeting for further consideration by Members.

AGREED

Members were in agreement with the above suggestions.

Chief Environmental Health Officer's Confidential Report

Rubbish in Council Section of Greenbrae Park

The CEHO advised Members that although the NIHE accommodated travellers in the southern end of Greenbrae Park, the northern end was owned by Council. He stated that rubbish had now been dumped in the northern area of Greenbrae which he believed after investigation by Council Officers, was normal domestic refuse generated by the tenants living in Greenbrae Park. He referred to various images of the rubbish which had previously been circulated for Members' consideration.

The CEHO further advised Members that after Council was approached by a resident of Greenbrae in late October 2014 to have the rubbish removed, discussions with the Environmental Health Department, the NIHE and the Chief Technical Services Officer (CTSO) were ongoing in relation to the removal of the rubbish. He added that the NIHE had advised that the bins they had supplied to residents had either been burned or stolen and added that NIHE were unwilling to clean up the waste from Council land. The CTSO had advised that the required practice was that bins should be taken to the top of the lane on the designated day for collection but that had only happened infrequently, if at all. The CEHO stated that the same situation had arisen in April/May 2014 when Council had cleaned the site and repaired manhole covers at a cost of £6000.

The CEHO stated that none of the residents in Greenbrae had signed any agreements with the NIHE to allow them to stay on the site and NIHE have stated that they are going to close the site as it was going to be vested for road building purposes at the end of the year. He added that he had requested that the NIHE use their Travelling People Liaison Officer to broker some agreement on the way forward as the situation could lead to public health nuisance conditions. He stated however that it would be difficult to prove who caused the nuisance and there was no guarantee that the situation would not arise again. He said that Council as the landowner, was responsible for removing the material.

Members' views were as follows:

- The situation should not be allowed to deteriorate.
- That further dialogue was to be encouraged between the various agencies in an attempt to have the matter resolved.
- Pressure to be put on the Liaison Officer to encourage the travellers to clean up the site as a significant amount of money had been spent by Council over the years to upgrade the site.
- If the caravans were illegally parked, then the NIHE should enforce any relevant legislation to have them removed.

AGREED

It was agreed that the CEHO would liaise with the NIHE Liaison Officer and keep Members advised of any developments.

Councillor O'Kane left the meeting at this point.

Special Mtg . 1/2/15

Travellers

Councillor Barr raised an issue, which had received some media coverage the previous week concerning travelling families. He noted that during an interview reference had been made to an offer of a site in Strabane. He raised concern that the Housing Executive should be made aware that Council did not wish for indiscriminate travelling camps throughout the district.

The Chief Executive said that he had previously met with Housing Executive representatives from head office who were keen that over a period of time the land at Greenbrae would be given back to Council but in the interim period 75% of the land would be cleared with 25% retained in order to test the demand of the site which would subsequently be released to Council.

Councillor Hussey said that the ethos of the provision of a site was to accommodate indigenous travellers with only a small site for transient travellers to be provided.

Councillor Kerrigan noted that he could raise this issue again through the Housing Council.

CARS Comm. MTG - 16 FEB. 2015

Litter in Greenbrae

The CEHO advised Members that he had liaised with the Northern Ireland Housing Executive (NIHE) concerning the situation in Greenbrae. He stated that two families had now been rehoused, two more families were on the list to be housed and that the NIHE Travelling People Liaison Officer (TPLO) was going to visit the remaining families. He added that alternative accommodation in a fully serviced site in Craigavon was being offered until the Daisyfield site in Letterkenny Road had been refurbished. He said that should the families refuse to avail of the offer, it was the intention of the NIHE to institute legal proceedings against those families in Greenbrae as they were illegally parked. He added that this had to be done in advance of the site being vested to enable new road-works to be carried out.

CAL Committee . 25 April 2015

Tenders – Demolition of Greenbrae

It was agreed on the proposal of Councillor Emery, seconded by Councillor Barr that permission be granted for the Chairman and Vice Chairperson to open tenders for the Demolition of Greenbrae on Friday 13th May 2005.

It was agreed on the proposal of Councillor Emery, seconded by Councillor Barr that the meeting is held 'In Committee'.