

**ENVIRONMENTAL SERVICES COMMITTEE MEETING
WEDNESDAY 5 APRIL 2023**

Table of Recommendations

No	Item	Summary of key Recommendations
1.	Apologies	<i>Councillor McGlinchey</i>
2.	Declarations of Interest	<i>None</i>
3.	Translink Presentation of the initial roll-out of Zero Emission Ulsterbus vehicles in Causeway Coast & Glens Borough	<i>Received</i>
4.	Minutes of previous meeting held Thursday 14 March 2023	<i>Confirmed as a correct record</i>
5.	Entertainments Licensing Report	<i>To recommend that Council grant Entertainment Licences (i-vi) above as set out</i>
6	Updated Service Level Agreement with Department of Justice	<i>To recommend that Council accepts the Service Level Agreement and that approval be given to the Head of Health and Built Environment to sign and return the document to Department of Justice on behalf of Council</i>
7.	Increase in Fixed Penalty Amounts for Dog Fouling and Litter Offences	<i>To recommend to Council that the levels for Fixed Penalty Notices for the offences of dog fouling and littering are increased to £200 to be</i>

No	Item	Summary of key Recommendations
		<p>paid within 28 days with a reduced rate of £150 if the penalty is paid within 14 days;</p> <p>It is further recommended that the commencement date for implementation of the increased fixed penalty fees is 1st July 2023</p>
8.	Prohibition or Restriction of Use of Public Roads: Special Events	To recommend to Council that this Road Closure Order be issued for this special event
9.	Provision of Council Toilet Facility at Lansdowne Crescent Portrush	To recommend that Council note that in anticipation of the opening of a new toilet facility at Portrush Recreation Grounds, the toilet facility located at Lansdowne Crescent (Old Lifeboat Shelter) will be surplus to the service area's needs
10.	Amusement Permit Renewals	Information
11.	Entertainment Licence Renewals	Information
12.	Licences Issued Under Delegated Authority	Information
13.	Petroleum Spirit Licence Renewals	Information
14.	Poisons Regulations (Northern Ireland) 1983 Regulations - Administration of Persons Entitled To Sell Non-Medicinal Poisons included in Part the Poisons List	Information
15.	Outcome of Legal Proceedings	Information
16.	Noise Complaint Statistics for Northern Ireland 2021-22	Information
17.	Auction summary – Concessionary Trading	Information

No	Item	Summary of key Recommendations
	Sites	
18.	Matters for Reporting to Partnership Panel	<i>None</i>
19.	Consultations	<i>None</i>
20.	Correspondence	<i>None</i>
	<i>'In Committee' (Items 21-23 inclusive)</i>	
21.	Review of Local Authority Property Certificate Fees	<i>To recommend that Council agrees to the proposed increase in Property Certificate fees</i>
22.	Fuel Card Trial	<i>To recommend that Council note the intention to trial, for an initial period of 6 months, a fuel card for vehicles operating out of Ballycastle and Ballymoney Works Depots</i>
23.	Period 11 – ES Management Accounts and Financial Position 2022/23	<i>Information</i>
24.	Any Other Relevant Business (notified in accordance with Standing Order 12 (0))	<i>None</i>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF
THE ENVIRONMENTAL SERVICES COMMITTEE HELD
IN THE COUNCIL CHAMBER, CIVIC HEADQUARTERS AND VIA VIDEO
CONFERENCE, ON WEDNESDAY 5 APRIL 2023 AT 7:00 PM**

- In the Chair:** Alderman Fielding (Vice Chair)
- Members Present:** Boyle (C), McLean (C); Councillors Beattie (R), Callaghan (C), Holmes (R), Hunter (R), McGurk (R), MA McKillop (R), Wallace (C), Nicholl (R), Wilson (R)
- Officers Present:** Director of Environmental Services (C)
S McAfee, Temporary Head of Health and Built Environment (C)
I Owens, Committee & Member Services Officer (C)
- Presenters/
Speakers** Sam Todd, Local Service Manager, Translink (R)
Richard Anderson, Northern Area Manager, Translink (R)
- In Attendance:** A Lennox, ICT Mobile Operations Officer (R)
C Thompson, ICT Operations Officer (C)
- Press (2 no.) (R)
Public (2 no.) (R)
- Key:** (C) Attended in the Chamber
(R) Attended Remotely

The Chair advised Committee of its obligations and protocol whilst the meeting was being audio recorded; and with the remote meetings protocol.

The Director of Environmental Services undertook a roll call.

1. APOLOGIES

Apologies were recorded for Councillor McGlinchey.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. TRANSLINK PRESENTATION OF THE INITIAL ROLL-OUT OF ZERO EMISSION ULSTER VEHICLES IN CAUSEWAY COAST AND GLENS BOROUGH

The Chair welcomed the Northern Area Manager and Local Service Manager from Translink to the Environmental Services Committee Meeting who were in attendance remotely and invited them to make their presentation.

The Northern Area Manager presented by power point and thanked Council for the opportunity to attend.

The Northern Area Manager spoke of the aims and objectives of Translink entitled 'SPIRIT' which represents Safety, People, Innovation, Responsibility, Integrity and Teamwork.

Presentation also included:

Statistics in relation to staffing, operation schedule, miles covered, premises and assets;

Race to zero target with 50% anticipated for 2030;

Phase 1-3 of scheme commencing in December 2020 up to 2024;

Details of current vehicle fleet and related technology in Coleraine depot;

Current capacity in terms of battery and mileage and seating for single and double decker buses in Coleraine depot;

Visual images of dual bus charging units as well as hydrogen and fuel cell vehicles currently in use;

Graph showing milestones from 2018 – 2040 with progression from 14% to 100% zero expected.

The Chair invited questions from Elected Members for the speaker.

Alderman Boyle spoke of the comprehensive and optimistic presentation and welcomed enhanced wheelchair provision on buses.

Councillor Nicholl welcomed the direction of travel towards zero emission fleets and felt that due to limitations on electric vehicles that hydrogen fuel source would be a key element for charging in the future. Councillor Nicholl sought comments from the Northern Area Manager on future investment and availability of hydrogen fuel source.

The Northern Area Manager said it was about striking a balance with available resource at this time whilst looking to the future when commitment to hydrogen develops.

The Chair thanked those in attendance and advised that the powerpoint presentation would be circulated to Elected Members.

* **The Northern Area Manager and Local Service Manager left the meeting at 7.20 pm.**

4. MINUTES OF PREVIOUS MEETING HELD TUESDAY 14 MARCH 2023

Summary, previously circulated.

The Minutes of the Environmental Services Committee meeting held Tuesday 14 March 2023 were confirmed as a correct record.

5. ENTERTAINMENTS LICENSING REPORT

Report, previously circulated, was presented by the Director of Environmental Services.

ENTERTAINMENTS LICENCE

(i) GRANT OF ANNUAL INDOOR ENTERTAINMENTS LICENCE

Ref: EL108

Premises: Riverside Hotel, 3 Riverside Park North, Coleraine
BT51 3GE

Application: Grant of an annual indoor entertainments licence

Days and times on which it is applied to provide entertainment:
Monday to Sunday: 09:00 hrs to 01:00 hrs

Representations: Public consultation ends 5th April 2023

PSNI and NIFRS: Awaiting response from NIFRS.
No objections from PSNI.

Recommendation:

It is recommended to grant an annual entertainments licence subject to compliance with any recommendations of the Council's Licensing Section and the absence of any representations/objections.

(ii) GRANT OF OCCASIONAL 14 DAYS UNSPECIFIED INDOOR ENTERTAINMENTS LICENCE

Licence No: EL259

Premises: Joey Dunlop Leisure Centre, 33 Garryduff Road, Ballymoney, Antrim, BT53 7DB

Application: Grant of Occasional 14 days Unspecified Indoor Entertainments Licence

Days and times on which it is applied to provide entertainment:
Monday to Friday: 06:30 – 00:30
Saturday to Sunday: 09:00 – 23:45

Representations: Advert submitted.

PSNI: Submitted and awaiting response.
NIFRS: Submitted and awaiting response

Recommendation

It is recommended that Council consider the grant of the Occasional 14 Days Unspecified entertainments licence for the premise subject to compliance with any recommendations of the Council's Licensing Department and no objections from NIFRS and Public Consultation.

(iii) GRANT OF OUTDOOR ENTERTAINMENTS LICENCE

- Licence No:** EL423
- Premises:** The Scenic Inn (Shirley Summer Bash), Fivey Road Ballymoney
- Application:** Grant of an Outdoor Entertainments Licence
- Days and times on which it is applied, to provide entertainment:
- Friday 30th June 2023 17:00hrs – 23:00hrs
Saturday 1st July 2023 17:00hrs – 23:00hrs
- Representations:** To be received by 30th March 2023
- PSNI & NIFRS:** PSNI have no objections.
NIFRS have no objections

Recommendation

It is recommended to grant an Outdoor Entertainments Licence subject to compliance with any recommendations of the Council's Licensing Department.

(iv) GRANT OF INDOOR ENTERTAINMENTS LICENCE

- Licence No:** EL122
- Premises:** NW200 Hospitality Marquee, Paddock, Ballyreagh Road, Portstewart
- Application:** Grant of an Occasional Indoor Entertainments Licence
- Days and times on which it is applied to provide entertainment:

Saturday 6 th May 2023	11:30hrs – 01:00hrs
Sunday 7 th May 2023	11:30hrs – 23:00hrs
Monday 8 th May 2023	11:30hrs – 23:00hrs
Tuesday 9 th May 2023	11:30hrs – 01:00hrs
Wednesday 10 th May 2023	11:30hrs – 01:00hrs

Thursday 11 th May 2023	11:30hrs – 01:00hrs
Friday 12 th May 2023	11:30hrs – 01:00hrs
Saturday 13 th May 2023	11:30hrs – 01:00hrs

Representations: To be received by 27th April 2023

PSNI: No Objections received.

NIFRS: Response to be received by 11th April 2023

Recommendation

It is recommended to grant an Occasional Entertainments Licence subject to compliance with any recommendations of the Council's Licensing Department

(v) GRANT OF INDOOR ENTERTAINMENTS LICENCE

Licence No: EL165

Premises: Carey Parochial Hall (operated by Carey Faughs GAC), Ballyvoy, Ballycastle

Application: Grant of an Annual Indoor Entertainments Licence for Dancing, Singing, music or any other entertainment of a like kind, Theatrical Performance, Other Sports

Days and times on which it is applied to provide entertainment:

Monday – Sunday 09:00hrs to 01:30hrs

Representations: To be received by 6th April 2023

PSNI & NIFRS: PSNI and NIFRS responses to be received by 30th March 2023

Recommendation

It is recommended to grant an annual Entertainments Licence subject to compliance with any recommendations of the Council's Licensing Department and no objections being received from PSNI, NIFRS or representations.

(vi) GRANT OF INDOOR ENTERTAINMENTS LICENCE

Licence No: EL370

Premises: LCDI, Old Roe Valley Hospital, 24D Benevenagh Drive, Limavady BT49 0AQ

Application: Grant of an annual indoor entertainments licence

Days and times on which it is applied to provide entertainment:

Monday to Sunday: 08:00 hrs to 23:30 hrs

Representations: Public consultation ends 12th April 2023

PSNI and NIFRS: Awaiting response from NIFRS and PSNI.

Recommendation:

It is recommended to grant an annual entertainments licence subject to compliance with any recommendations of the Council's Licensing Section and the absence of any representations/objections.

Proposed by Councillor Callaghan
Seconded by Alderman Boyle and

AGREED – to recommend that Council grant Entertainment Licences (i-vi) above as set out.

6. UPDATED SERVICE LEVEL AGREEMENT WITH DEPARTMENT OF JUSTICE

Report, previously circulated, presented by the Director of Environmental Services who advised that the Temporary Head of Health and Built Environment was also in attendance to answer questions.

Purpose of Report

The purpose of this report is to consider and agree an updated Service Level Agreement (SLA) with the Department of Justice (DOJ) in respect of the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006 (as amended) and the Explosives (Fireworks) Regulations (Northern Ireland) 2002 (as amended).

Background

The recently updated SLA, attached as appendix 1, outlines arrangements between DOJ and District Council Warranted Officers for enforcement activities.

Warranted Officers are Council Environmental Health Officers specifically authorised by DOJ to act as their agents under the Regulations detailed in 1.1 above. DOJ pays Councils for the service provided.

Council Warranted Officers carry out inspections of premises registered to store hazard type 3 & 4 explosives as defined in Service Schedule 1 to the SLA. Such premises typically store fireworks or air bag components.

Council Warranted Officers also carry out inspections of fireworks display sites to assess whether it is safe for a fireworks licence to be issued by DOJ. Displays may also be monitored to assess adherence to licence conditions and the general competence of the applicant/firer.

The revised service level agreement covers arrangements for:

- MSER Health and Safety Prosecution Checks
- MSER and Fireworks Display Inspections
- Enforcement

- Meetings
- Costs
- Training and Warranting

The Agreement shall take effect from the date of signing and be reviewed every Two years or at any time at the request of either party. This SLA shall terminate on the expiry of six months' written notice given by either party or on the production of a newly agreed SLA.

Recommendation

It is recommended that Council accepts the Service Level Agreement and that approval be given to the Head of Health and Built Environment to sign and return the document to DoJ on behalf of Council.

At the request of Councillor Wallace the Head of Health and Built Environment advised that Causeway Coast and Glens Borough Council had not prosecuted anyone but had provided statements and evidence to facilitate the Department of Justice to do so.

Proposed by Councillor Wallace
Seconded by Alderman McLean and

AGREED – to recommend that Council accepts the Service Level Agreement and that approval be given to the Head of Health and Built Environment to sign and return the document to Department of Justice on behalf of Council.

7. INCREASE IN FIXED PENALTY AMOUNTS FOR DOG FOULING AND LITTER OFFENCES

Report, previously circulated, was presented by the Director of Environmental Services who advised that the Temporary Head of Health and Built Environment was also in attendance to answer questions.

Purpose of Report

The purpose of this report is to consider a reduced penalty amount for early payment of dog fouling and litter fixed penalty notices and to agree a commencement date for implementation of increased fixed penalty levels.

Background

The Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations (NI) 2012 allowed Councils to set the amount of a Fixed Penalty Notice for Litter and Dog Fouling offences between £50 and £80.

Council had previously set this penalty amount at £80 with no provision of a reduced penalty amount for an early payment.

New regulations, Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) (Amendment) Regulations (NI) 2022, came into operation on 30th December 2022 and allow Councils to set increased Fixed Penalty Notice levels at not less than £50 and not more than £200.

These regulations allow Councils to increase the penalty for such offences in the hope that increased fines will act as a further deterrent against the

behaviours of littering and failing to remove dog fouling.

Meaningful enforcement is a vital part of tackling these ongoing issues. The level of Fixed Penalty Notice for these offences has not increased since 2012 and therefore it is appropriate that new increased levels are set to help combat these problems.

All District Councils are considering fixed penalty amounts however there is no consistency or agreement across Councils. It is entirely a decision for each Council to set their own penalty levels.

Further to ES230314, Committee supported the Notice of Motion to increase fines for dog fouling, littering and other offences to the maximum allowance of £200 however time period payment and early payment discounts require approval.

Financial Implications for Council

An increase in Fixed Penalty levels will potentially increase the amount of revenue to Council however this is dependent on the number of penalties issued and payment rate.

Public signage will require replacement to reflect the increased level of Fixed Penalty fines. It is anticipated that this will be in the region of £1000.

New Fixed Penalty booklets will also need to be replaced and it is anticipated this will cost in the region of £200.

Considerations

When setting fixed penalty amounts and early payment discounts consideration should be given to the following:

- Fixed Penalty amounts should be sufficient to act as a deterrent to potential offenders and provide revenue to Council which can be used to further tackle the ongoing issues of dog fouling and littering.
- Fixed penalty amounts should be proportionate to the offence and set at a level where payment is highly likely.
- It is Council policy to instigate legal proceedings in the event of non-payment of a fixed penalty. Increased non-payment rates would result in more legal proceedings being brought and increased legal fees being incurred by Council. Fixed penalty payments come to Council. Court fines go to the Court Service. Legal cost recovery is partial and limited.

A lead in period before new fixed penalty levels are introduced would allow for some publicity and communications on the changes as well as time for signage and fixed penalty booklets to be replaced.

Recommendations

It is recommended that Committee recommend to Council that the levels for Fixed Penalty Notices for the offences of dog fouling and littering are increased to £200 to be paid within 28 days with a reduced rate of £150 if the penalty is paid within 14 days.

It is further recommended that the commencement date for implementation of the increased fixed penalty fees is 1st July 2023.

At the request of Elected Members the Director of Environmental Services advised that Council signage would be amended accordingly and that changes to fines would be communicated through Councils Public Relations outlets.

Proposed by Alderman McLean
Seconded by Alderman Boyle and

AGREED – to recommend to Council that the levels for Fixed Penalty Notices for the offences of dog fouling and littering are increased to £200 to be paid within 28 days with a reduced rate of £150 if the penalty is paid within 14 days;
to recommend that the commencement date for implementation of the increased fixed penalty fees is 1st July 2023.

8. PROHIBITION OR RESTRICTION OF USE OF PUBLIC ROADS: SPECIAL EVENTS

Report, previously circulated, was presented by the Director of Environmental Services.

GRANT OF ROAD CLOSURE ORDER

The undernoted application to hold a special event on a public road has been received by Council in accordance with the Road Traffic Regulation (NI) Order 1997.

<u>Unique Reference Number</u>	<u>Names of Event and Location of Road Closure</u>	<u>Dates and Times</u>
EH825608	Castlerock Static Vintage & Classic Car and Motorcycle Show – The Promenade, Castlerock	20 th May 2023, 9.30am – 4pm

All relevant documentation required for this application have been received by Council and are satisfactory. The following consultations have been carried out and replies received:

PSNI – No Objections
Northern Ireland Ambulance Service – No objections
Department for Infrastructure – No objections
Translink – No objections

Recommendation

It is recommended that Committee recommend to Council that this Road Closure Order be issued for this special event.

At the request of Alderman McLean the Director of Environmental Services advised that the beach and beach access would be open to the public and be unaffected by event.

Proposed by Councillor Wallace
Seconded by Councillor Hunter and

AGREED – to recommend to Council that this Road Closure Order be issued for this special event.

9. PROVISION OF COUNCIL TOILET FACILITY AT LANSDOWNE CRESCENT PORTRUSH

Report, previously circulated, was presented by the Director of Environmental Services.

Purpose of Report

The purpose of this report is to advise Members that the council toilet facility at Lansdowne Crescent, Portrush, is deemed surplus to the service area's needs.

Background

Council presently provides and maintains a toilet facility at Lansdowne Crescent, Portrush.

The toilet facility is part of the Old Lifeboat Shelter, which is now occupied by a café and restaurant business.

A new toilet facility will form part of the nearby redeveloped Portrush Recreation Grounds at Ramore Head. Included in this facility will be a Changing Places accessible toilet.

Due to the close proximity of the two toilet facilities, it is deemed the toilet facility at the Old Lifeboat Shelter will be surplus to requirements.

Consideration to dispose of council asset (i.e. toilet facility) at Lansdowne Crescent to be taken forward by Land & Property section.

Recommendation

It is recommended that the Environmental Services Committee note that in anticipation of the opening of a new toilet facility at Portrush Recreation Grounds, the toilet facility located at Lansdowne Crescent (Old Lifeboat Shelter) will be surplus to the service area's needs.

At the request of Alderman McLean the Director of Environmental Services confirmed that the annual cost of maintenance for this asset is approximately £14,000-15,000.

The Director of Environmental Services advised that there was an alternative toilet provision at Portrush Recreation Grounds which would be signposted at Lansdowne Crescent (Old Lifeboat Shelter). The Director of Environmental Services said there would be a continuation of provision during the transition.

Proposed by Alderman McLean
Seconded by Alderman Boyle and

AGREED – to recommend that Council note that in anticipation of the opening of a new toilet facility at Portrush Recreation Grounds, the toilet facility located at Lansdowne Crescent (Old Lifeboat Shelter) will be surplus to the service area's needs.

10. AMUSEMENT PERMIT RENEWALS

For information report, previously circulated, was presented by the Director of Environmental Services.

THE BETTING, GAMING, LOTTERIES AND AMUSEMENTS (NI) ORDER 1985

RENEWAL OF AN AMUSEMENT PERMIT

The undernoted application for renewal of an amusement permit has been received and processed during the report period.

<u>Licence No:</u>	<u>Name of Premises</u>
AP001	Potters Snooker & Pool Club

Committee NOTED the report.

11. ENTERTAINMENT LICENCE RENEWALS

For information report, previously circulated, was presented by the Director of Environmental Services.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NI) ORDER 1985

ENTERTAINMENT LICENCES

The undernoted applications for an entertainments licence have been received, acknowledged and processed during the report period.

<u>Unique Reference Number</u>	<u>Name of Premises</u>
EL361	Benedy Community Association Ltd Outreach Training & Social Centre
EL399	Cultúrlann Léim An Mhadiadh
EL014	Boveedy Community Hall
EL148	Portstewart Presbyterian Church Hall
EL158	Ballycastle Golf Club
EL371	Our Lady of Lourdes School
EL268	Roseyards Presbyterian Church Hall
EL171	Mosside Presbyterian Church Hall

Committee NOTED the report.

12. LICENCES ISSUED UNDER DELEGATED AUTHORITY

For information report, previously circulated, was presented by the Director of Environmental Services.

The below licence was issued under Delegated Authority during the last report period:

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NI) ORDER 1985

ARTICLES 13 &14, PRACTICE OF ACUPUNCTURE/BUSINESS OF COSMETIC PIERCING/TATTOOING/SEMI-PERMANENT SKIN-COLOURING/ELECTROLYSIS

<u>Unique Reference Number:</u>	<u>Name of Premises</u>	<u>Type of Registration</u>
SP/02/2023	Iconic	Semi-permanent Make-up

Committee NOTED the report.

13. PETROLEUM SPIRIT LICENCE RENEWALS

For information report, previously circulated, was presented by the Director of Environmental Services.

PETROLEUM (REGULATION) ACTS 1929 AND 1937

PETROLEUM SPIRIT LICENCES

The undernoted applications for renewal of petroleum spirit licence have been received, acknowledged and processed during the report period.

<u>Licence No:</u>	<u>Name of Premises</u>
PL070	Nicholl Auto 365
PL059	Supervalu Ballykelly
PL053	Centra Dungiven
PL063	Derrychrier Services Limited
PL014	Fullan's
PL046	Dervock Centra (transfer)

Committee NOTED the report.

**14. POISONS REGULATIONS (NORTHERN IRELAND) 1983 EG REGULATIONS
– ADMINISTRATION OF PERSONS ENTITLED TO SELL NON-MEDICINAL
POISONS INCLUDED IN PART II OF THE POISONS LIST**

For information report, previously circulated, was presented by the Director of Environmental Services.

POISONS REGULATIONS (NORTHERN IRELAND) 1983

**REGISTRATION OF PERSONS ENTITLED TO SELL NON-MEDICINAL
POISONS INCLUDED IN PART II OF THE POISONS LIST**

The undernoted registrations of persons entitled to sell non-medicinal poisons have been received, acknowledged and processed during the report period.

<u>Registration Number</u>	<u>Name of Business</u>
P/01/2023	Workman Hardware
P/02/2023	Willis McCloskey's
P/04/2023	J Bradley & Sons
P/05/2023	B&Q
P/06/2023	David Coils
P/08/2023	Martins Hardware
P/09/2023	Tesco Stores Ltd Coleraine
P/10/2023	Ivan Wright
P/11/2023	James Pollock & Sons
P/14/2023	Stranocum Post Office
P/16/2023	Steele Farm Supplies
P/18/2023	Ashwood Garden Centre
P/19/2023	John McElderry Ltd
P/20/2023	Aquasun
P/21/2023	McAlisters Hardware
P/22/2023	John M Curry & Sons Ltd
P/23/2023	Glen Farm Supplied Ltd
P/24/2023	James Delargy
P/25/2023	Fane Valley Stores Ballycastle
P/26/2023	JSC Builders Merchants
P/27/2023	McListers Hardware
P/28/2023	B McKinney Farm & Garden Supplies
P/29/2023	D Donnelly
P/30/2023	Limavady Hardware Company
P/31/2023	Fane Valley Stores Limavady
P/32/2023	George Canning & Sons

Committee NOTED the report.

15. OUTCOME OF LEGAL PROCEEDINGS

For information report, previously circulated, was presented by the Director of Environmental Services.

Purpose of Report

The purpose of this report to update members on the outcome of recent Legal proceedings under the Dogs (Northern Ireland) Order 1983.

Background

Council is the enforcing authority for a wide range of legislation. This enforcement role has been delegated to the staff of the Environmental Services Directorate.

Outcome of Legal Proceedings

The following cases were referred for legal proceedings and heard at Coleraine Magistrates Court sitting at Ballymena Courthouse over the period 2nd December 2022

to 3rd March 2023. The results of prosecution are as follows:

Dog Attacks on a person and another animal

Ref. No.	Offence(s)	Result of Proceedings
LC1111860	<p>A dog attack on a cat contrary to Article 28 (1) (b) of the Dogs (NI) Order 1983 and a dog attack on a person contrary to Article 29 (1) of the Dogs (NI) Order</p> <p>A Staffordshire Bull Terrier escaped from the owner's property and attacked a neighbour's cat. The owner of the cat was bitten whilst trying to rescue their pet.</p>	<p>Conviction</p> <p>Fine: £250 for the offence of a dog attack on a person and £150 for the offence of a dog attack on another animal.</p> <p>Court costs of £175 were also granted along with an offender levy of £15.</p>

Dog attack on another animal

Ref. No.	Offence	Result of Proceedings
LC1113336	<p>A dog attack on a cat contrary to Article 28 (1) (b) of the Dogs (NI) Order 1983.</p> <p>An Alsatian Dog escaped from the owner's property and attacked and killed a neighbour's cat.</p>	<p>Conviction</p> <p>Fine: £300 for the offence of a dog attack on another animal.</p> <p>Court costs of £131 were also granted along with an offender levy of £15.</p>

Dog attack on a person

Ref. No.	Offence(s)	Result of Proceedings
LC1114271	<p>A dog attack on a person contrary to Article 29 (1) of the Dogs (NI) Order 1983 and breach of a control condition contrary to Article 30 (f) (1) of the Dogs (NI) Order 1983.</p> <p>A Tibetan Mastiff was being walked on a lead when it lunged and attacked a passer-by inflicting injury to their arm that required hospital treatment. The dog had previously attacked and was subject to a control condition requiring a muzzle to be worn in a public place.</p>	<p>Conviction</p> <p>Fine: £200 for the offence of a dog attack on a person.</p> <p>Court costs of £38 were also granted along with £75 legal fees and an order of compensation to the victim for £250.</p>

LC1113410	<p>A dog attack on a person contrary to Article 29 (1) of the Dogs (NI) Order 1983.</p> <p>3 Greyhound/Lurcher type dogs escaped their property and chased and attacked a passing cyclist.</p>	<p>Conviction</p> <p>Fine: £450 for the offence of a dog attack on a person.</p> <p>Court costs of £129 were also granted along with £15 offender levy.</p>
LC1113417	<p>A dog attack on a person contrary to Article 29 (1) of the Dogs (NI) Order 1983.</p> <p>A 7 year old child was playing on a tree swing in an open grass area when an off lead Alsatian dog bit their leg which required hospital treatment.</p>	<p>Conviction</p> <p>Fine: £100 for the offence of a dog attack on a person.</p> <p>Court costs of £50 were granted along with £15 offender levy. The defendant was also ordered to pay the victim £1000 compensation.</p>

Recommendation

It is recommended that the above information is noted.

Committee NOTED the report.

16. NOISE COMPLAINT STATISTICS FOR NORTHERN IRELAND

For information report, previously circulated, was presented by the Director of Environmental Services.

Purpose of Report

The purpose of this report is to advise members of the recent publication of Noise Complaint Statistics for Northern Ireland 2021-2022 by the Department of Agriculture Environment and Rural Affairs (DAERA).

Background

DAERA publishes noise complaint statistics to inform central government, district councils, the general public and any other interested parties as to the number and nature of noise complaints received each year by district councils across Northern Ireland. The report for 2021-2022 can be found at

The DAERA report analysed noise complaint data supplied by all 11 councils between 1 April 2021 and 31 March 2022. During this period 13,261 noise complaints were received in Northern Ireland of which 596 (4.5%) were received by Causeway Coast and Glens Borough Council compared to 533 in the previous year.

During 2021-22 the total number of noise complaints received across Northern Ireland increased by 26.4% from the previous year and represents the highest number of complaints received since records began in 2003/04.

Analysis of the data reveals that domestic noise accounted for 76% of all complaints in 2021-22, followed by complaints relating to commercial and leisure (11%), noise in the street (5%), construction (4%) and transport (2%).

During 2021-2022 there was a 63.8% decrease in the number of noise abatement notices served by Councils (344 compared to 210 served in 2020/21). No prosecutions took place during 2021/22, compared to two prosecutions in 2020/21 and four in 2019/20.

The information in this report is an important indicator of the increasing public awareness of noise issues and the effectiveness of current noise controls. However, the continued impact of the COVID-19 pandemic on the reporting of this year's statistics should be borne in mind.

The statistics provided by district councils enable the Department of Agriculture, Environment and Rural Affairs to target policy development, such as through the application of the powers in the Noise Act 1996 following the introduction of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 in April 2012.

Causeway Coast and Glens Borough Council's Environmental Health team continues to participate in the Nightsafe initiative in partnership with NIHE, Ulster University, PSNI and the local community. Council Officers and the PSNI carry joint patrols of residential student areas in Portrush/Portstewart between the hours of 9pm and 4am. These patrols are undertaken during the University's academic semester and focus on issues such as noise, antisocial behaviour, littering, drinking in public places, personal and property safety.

Council subscribes to the Noise App which is free to download and enables real time audio recordings to be submitted directly to Councils Environmental Health team as part of ongoing noise complaint investigations. Further information on the Noise App can be found on Council's website at

<https://www.causewaycoastandglens.gov.uk/live/health-and-built-environment/environment-health-and-well-being/environmental-protection/noise-control/recording-noise-nuisance-the-noise-app>

Recommendation

It is recommended that the report be noted.

Committee NOTED the report.

17. AUCTION SUMMARY – CONCESSIONARY TRADING SITES

For information report, previously circulated, was presented by the Director of Environmental Services.

Purpose of Report

The purpose of the report is to provide clarity on the goods which will be permitted to be sold from Riverside Park Ballymoney, Accessible Play Park Limavady and Lansdowne Road car park Portrush and what will be offered at future auction.

Background

At the environmental Services meeting on 16th February 2023 members agreed to proceed to carry out a marketing campaign and public tendered auction.

The Director of Environmental Services confirmed that the auction summary of what was being put out for auction can be issued to Elected Members before the auction takes place.

Proposals

For clarity, the sites, and their service provision(s) to be offered via auction is as follows: -

- **Riverside Park, Ballymoney**
Goods to be sold: -
 - Hot and Cold food.
 - Hot and Cold drinks.NB: - with the exclusion of alcohol

- **Accessible Play Park, Limavady**
Goods to be sold: -
 - Hot and Cold food.
 - Hot and Cold drinks.NB: - with the exclusion of alcohol

The services to be offered at auction from both sites will include hot and cold food, i.e., burgers, hot dogs, sausages, sausage rolls, pies, fish, chips, filled baps/sodas, toasties, paninis, soup, sandwiches, baguettes, traybakes, buns, scones, doughnuts, muffins, pancakes, crepes, cookies, waffles, chocolate, sweets, crisps, ice cream etc.

Hot and cold drinks on offer will include, tea, coffee, hot chocolate, bottled water, bottles/cans of fizzy drinks, milk/milkshakes, slush puppies etc.

The sites at Riverside Park Ballymoney and the Accessible Play Park Limavady are stand-alone sites with no other traders in the proximity, so no conflict is anticipated.

- **Lansdowne Road Car Park, Portrush**
Goods to be sold: -
 - Tea & Coffee

- Traybakes
 - Hot Confectionary **
- NB: - with the exclusion of alcohol

The services to be offered at auction from the Lansdowne Road car park site are as described above, i.e., tea, coffee, traybakes and hot confectionary.

** Confectionary is defined as sweet foods that feature flour as a main ingredient and are baked, i.e., traybakes, sweet pastries, doughnuts, scones, cookies, muffins, buns, waffles, and crepes.

To alleviate any ambiguity and on-site disputes between traders on the Lansdowne site it is important to clarify that this provision will not include confectionery, i.e., sweets and chocolate as these items are sold by the Ice Cream traders on site.

The service provision will not include hot food items such as burgers, chips, sausages, sausage rolls, hot dogs, fish as these items are sold by the Hot Food trader on site. Nor will the service provision include toasties, paninis, soup, sandwiches, baguettes etc.

Recommendation

It is recommended that members note the service provisions that will be offered via auction at each site or make any amendments prior to auction.

Committee NOTED the report.

18. MATTERS FOR REPORTING TO PARTNERSHIP PANEL

There were no matters for reporting to Partnership Panel

19. CONSULTATIONS

There were no consultations.

20. CORRESPONDENCE

There were no items of correspondence.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Councillor Wallace
Seconded by Alderman Boyle

AGREED – to recommend that Committee move '*In Committee*'.

* **Press left the meeting at 7.40pm.**

The information contained in the following item is restricted in accordance with Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.

21. REVIEW OF LOCAL AUTHORITY PROPERTY CERTIFICATE

Confidential report, previously circulated, was presented by the Director of Environmental Services.

Purpose of Report

The purpose of this report is to consider a proposal from Building Control Northern Ireland (BCNI) to increase property certificate fees.

Background

Property certificates form part of the legal searches that solicitors undertake on behalf of their clients to check, so far as they relate to Council, no notices, charges or other proceedings are outstanding against the property being sold. The search of Council records is in a manner agreed with the Law Society and the associated fee is agreed with various stakeholders including the Law Society.

BCNI is a voluntary, collective grouping of the Building Control Departments of the 11 local councils which was formed to promote consistency and improve service delivery to the public.

BCNI members have undertaken a review of property certificate fees and given the increasing cost pressures on Councils, have put forward a proposal to increase property certificate fees.

BCNI have outlined the proposal in the letter attached as appendix 1. The current and proposed fees are detailed below.

	Current Fee	Proposed Fee
Standard 10-year search	£70	£90
Search back to 1973	£95	£122
Specified 10-year search	£70	£90
Follow-up 10-year search	£30	£38

This proposed increase would assist Councils in maintaining adequate resources to ensure that the service is delivered in a prompt, efficient and professional manner.

Agreement to the fee increase proposal is sought from all 11 Councils prior to the Law Society being consulted on the matter.

Recommendation

It is recommended that Council agrees to the proposed increase in Property Certificate fees.

Proposed by Councillor Callaghan
Seconded by Alderman McLean and

AGREED – to recommend that Council agrees to the proposed increase in Property Certificate fees.

22. FUEL CARD TRIAL

Confidential report, previously circulated, was presented by the Director of Environmental Services.

Purpose of Report

The purpose of this report is to advise Members of the intention to trial the purchasing of fuel by way of a fuel card for an initial period of 6 months.

Background

Fuel card trial will be in respect of vehicles operating out of Ballycastle and Ballymoney Works Depots.

The trial is necessitated by the need to potentially replace or put out of use underground fuel tanks located at Ballycastle and Ballymoney Works Depots.

There is limited space to facilitate either a temporary or permanent overground fuel tank at each depot.

Fuel card providers will be assessed to obtain the most economically advantageous option available to council in the Ballycastle/Ballymoney area.

Recommendation

It is recommended that the Environmental Services Committee note the intention to trial, for an initial period of 6 months, a fuel card for vehicles operating out of Ballycastle and Ballymoney Works Depots.

Alderman McLean felt that this recommendation would enhance safety and avoid large volumes of fuel being managed on Council depot sites.

The Director of Environmental Services advised that there were seven filling stations in Ballycastle and Ballymoney vicinity which can be used for refuelling of depot machinery.

Proposed by Alderman McLean
Seconded by Councillor Wallace and

AGREED – to recommend that Council note the intention to trial, for an initial period of 6 months, a fuel card for vehicles operating out of Ballycastle and Ballymoney Works Depots.

23. PERIOD 11 – ES MANAGEMENT ACCOUNTS AND FINANCIAL POSITION 2022/23

Confidential report, previously circulated was presented by the Director of Environmental Services.

Purpose of Report

The purpose of this report to provide Members with information on the current Financial position of Environmental Services Directorate at the end of Period 11.

Background

Council has approved the annual budget for Environmental Service and delegated authority to officers to utilise this budget in the provision of services to the rate payers. ES budget for 2022/23 is £ 26,388,082.00.

The Environmental Services position at Period 11 shows a £1,140,317.68 positive variance. This includes predicted increases in employee costs based on the National Pay Award, as well as, the recent Trade Union and Council agreement.

The main costs and income attributing to the ES P11 position are summarised as follows as variances against budget.

- Employee cost variance - £176k (Adverse)
- Transport Costs - £81k (Adverse)
- Car Park Income (including trading concessions) - £215k (Favourable)
- Waste Contract Costs - £25k (Adverse)

Recommendation

Members are requested to note the paper.

Elected Members welcomed the positive variance, recognised the hard work of Officers under leadership of Director and said that the credit should be given to Officers for in-year savings achieved.

At the request of Elected Members the Director of Environmental Services said he would pass on their remarks to his staff.

Committee NOTED the report.

MOTION TO PROCEED ‘IN PUBLIC’

Proposed by Councillor Callaghan
Seconded by Councillor Wallace and

AGREED – to recommend that Council move ‘*In Public*’.

24. ANY OTHER RELEVANT BUSINESS (NOTIFIED IN ACCORDANCE WITH STANDING ORDER 12 (0))

There was no Other Relevant Business for consideration.

There being no further business the Chair thanked everyone for their attendance, extended his best wishes as the current mandate ends. The meeting concluded at 7.50 pm.

Chair