

**ENVIRONMENTAL SERVICES COMMITTEE MEETING
TUESDAY 14 MAY 2024**

Table of Recommendations

No	Item	Summary of key Recommendations
1.	Apologies	<i>Councillors Chivers, C McQuillan</i>
2.	Declarations of Interest	<i>Councillor C Archibald</i>
3.	Minutes of previous meeting held Wednesday 17 April 2024	<i>Confirmed as a correct record</i>
4.	Any Other Relevant Business (notified in accordance with Standing Order 12 (0))	
4.1	Electric Vehicle (EV) Charging Points (Councillor McShane)	<i>to recommend to Council to report to the Partnership Panel a request that the Department for Infrastructure carries out a needs analysis of EV charging points across all 11 Council areas.</i>
4.2	Portstewart signage (Alderman Stewart)	<i>to recommend that Council place signs acknowledging the 'Best place to Live in NI 2024' accolade at each entry to Portstewart.</i> <i>to further recommend that Council develop a policy on town signage, including criteria for signage and a timeframe for its removal.</i>
5.	Entertainments Licensing Report	<i>to recommend to Council to grant an Annual Outdoor</i>

No	Item	Summary of key Recommendations
		<p>Entertainments Licence subject to compliance with any recommendations of the Council's Licensing Department and no objections being received from representations or NIFRS.</p>
6.	Lammas Fair Street Trading Applications	<p>to recommend to Council to suspend the AccessNI Criminal Record Check as a requirement for Lammas Fair 2024 street trading applications.</p>
7.	Proposals to use New Provisions to deal with Illegal Deposition of Waste (Fly Tipping)	<p>to recommend to Council that the levels for Fixed Penalty Notices for the offence of illegally depositing waste contrary to Article 4 of the Order is set at the maximum of £400 with an early payment option of £300 if paid within 14 days from receipt of the Notice.</p> <p>that the early payment option for the £300 Fixed Penalty Notice for the duty of care offence, contrary to Article 5 of the Order, is set at £200 if paid within 14 days from receipt of the Notice.</p> <p>that the use of these new provisions is implemented with immediate effect.</p>

No	Item	Summary of key Recommendations
		<p><i>that the Director of Environmental Services and the Head of Health and Built Environment be authorised to take decisions on behalf of Council as to when it is appropriate to use Council's discretionary powers under the Order.</i></p> <p><i>that the Environmental Services Committee receives a report on enforcement every 6 months.</i></p> <p><i>that the Environmental Services Directorate consults with other Councils and the PCSP regarding enforcement and the use of CCTV for surveillance.</i></p> <p><i>that Council report the matter of the illegal deposition of waste to the Partnership Panel, in respect of the lack of clarity and the lack of funding from central Government.</i></p> <p><i>to further recommend that Council explores the option of looking at additional support in the enforcement of fly-tipping, littering and dog-fouling offences via third-party contractors and partnership working with other Councils.</i></p>
8.	Purchase of Replacement Vehicle	<i>to recommend to Council that permission be given</i>

No	Item	Summary of key Recommendations
		<i>to procure the vehicle identified.</i>
9.	Environmental Services Business Plans 2024/25	<i>to recommend that Council consider and approve the proposed business plans for the 2024 / 25 period, providing a focus for officers responsible for delivering Environmental Services.</i>
10.	Approval of Premises as a Venue for Civil Marriage	Noted
11.	Approval of Premises as a Venue for Civil Partnership	Noted
12.	Entertainment Licence Renewals	Noted
13.	Licences Issued Under Delegated Authority	Noted
14.	Petroleum Spirit Licence Renewals	Noted
15.	What's on the Children's Menu - Research into Children's Meals Served in Restaurants in Northern Ireland	Noted
16.	Dog Control Information	<i>to recommend to Council that the Environmental Services directorate prepares a report on the location of dog control signage in the Borough and the possibility of introducing dog control Orders to regularise the situation.</i>
17.	Litter Strategy / LitterSmart Action Plan – Update	Noted
18.	Matters for reporting to Partnership Panel	<i>The Chair notes that Members wished to refer two matters to the Partnership Panel:</i>

No	Item	Summary of key Recommendations
		<p><i>A request that the Department for Infrastructure carries out a needs analysis of EV charging points across all 11 Council areas.</i></p> <p><i>The matter of the illegal deposition of waste, in respect of the lack of clarity and the lack of funding from central Government.</i></p>
19.	Consultations	<i>None</i>
20.	Correspondence	<i>Noted</i>
	<i>'IN COMMITTEE' (Items 21 – 23 inclusive)</i>	
21.	Increase in Fees for Car Park Enforcement Contract	<i>to recommend to Council the increase in fees as shown in appendix 1 (previously circulated) in relation to the contract for services outlined in the bullet points above.</i>
22.	Coleraine Marina Economic Appraisal	<i>to recommend that Council defers any decision on Coleraine marina until Council produces its Harbours and Marinas strategy.</i>
23.	Street Trading Licence Renewals	<i>Noted</i>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF
THE ENVIRONMENTAL SERVICES COMMITTEE HELD
IN THE COUNCIL CHAMBER, CIVIC HEADQUARTERS
AND VIA VIDEOCONFERENCE
ON TUESDAY 14 MAY 2024 AT 7.00 PM**

In the Chair: Alderman Fielding

Members Present: Alderman Callan, Hunter, S McKillop; Councillors
C Archibald, Bateson, Callaghan, Kane, Jonathan
McAuley, MA McKillop, Mairs, Stirling, Wilson

**Non-Committee
Members**

In Attendance: Alderman Stewart, Councillor McShane

Officers Present: A McPeake, Director of Environmental Services
J Richardson, Head of Capital Works, Energy and Infrastructure
J Morton, Senior Harbour Master
S McAfee, Head of Health and Built Environment (R)
T Vauls, Car Parks Officer (R)
U Harper, Committee and Member Services Officer

In Attendance: A Lennox, ICT Operations Officer

Press (2 no.) (R), Public (2 no.) (R)

Key: (R) Attended Remotely

Substitutions: Alderman Callan substituted for Councillor Wallace.

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

1. APOLOGIES

Apologies were received from Councillor Chivers and Councillor C McQuillan.

2. DECLARATIONS OF INTEREST

Councillor C Archibald declared an Interest on the following Agenda Item:
Coleraine Marina Economic Appraisal. Having declared an interest, Councillor
C Archibald left the Chamber and did not participate in the Item.

3. MINUTES OF PREVIOUS MEETING HELD WEDNESDAY 17 APRIL 2024

Summary, previously circulated.

AGREED – The Minutes of the Environmental Services Committee meeting held Wednesday 17 April 2024 were confirmed as a correct record.

ORDER OF BUSINESS

The Chair advised that agenda item 23, Any Other Relevant Business, would be taken next.

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

4.1 Electric Vehicles (EV) Charging Points (Councillor McShane)

To request that the Department for Infrastructure carries out a needs analysis of EV charging points across all 11 Council areas.

Councillor McShane addressed the Committee and noted that although the Climate Change Forum operates across all 11 Council areas, she felt that this matter should be brought to the Partnership Panel. She stated that there is a huge gap in the provision of electric vehicle (EV) charging points along the coast. She stated that there needs to be a strategic approach to establishing the needs and demand for EV charging points.

Councillor Wilson agreed that there is a need to provide sufficient EV charging points, particularly to facilitate tourism in the area.

*** Councillor MA McKillop joined the meeting in the Chamber at 7.04pm.**

Proposed by Councillor Bateson
Seconded by Councillor Wilson and

AGREED – to recommend to Council to report to the Partnership Panel a request that the Department for Infrastructure carries out a needs analysis of EV charging points across all 11 Council areas.

*** Councillor McShane left the Chamber at 7.07pm**

4.2 Portstewart Signage (Alderman Stewart)

As a Resident of Portstewart, I was delighted that our town was named best place to live in Northern Ireland by the Sunday Times 'Best places to Live 2024' list.

As council, we should mark this honour.

I therefore propose that we place signs acknowledging this at each entry to Portstewart.

Alderman Stewart addressed the Committee and stated that he was proud that Portstewart was voted “best place to live in Northern Ireland” in the Sunday Times 2024 guide. He noted the town’s year-round community spirit and

congratulated the residents, businesses and community organisations in Portstewart.

The Chair, Alderman Hunter, Alderman S McKillop, Alderman Callan and Councillor Callaghan all congratulated Portstewart on this accolade.

Alderman S McKillop expressed concern that the Committee could be inundated with requests for signage. In response to Alderman Callan's query about whether there has been an audit of the town signage in the Borough or a policy in place regarding town signage in the Borough, the Director of Environmental Services advised that no such policy exists and that it would be prudent to develop a policy for signage, with qualifying criteria and a timeframe for its removal.

Councillor Kane proposed that Council place signs acknowledging the 'Best places to Live 2024' accolade at each entry to Portstewart. This was seconded by Alderman Hunter.

Following a further proposal by Alderman Callan, seconded by Councillor Callaghan, regarding a policy for signage, the Chair clarified that they were content for signage to be installed in Portstewart but they also wished for a policy on signage to be developed by the directorate.

Proposed by Alderman Callan
Seconded by Councillor Callaghan and

AGREED – to recommend that Council place signs acknowledging the 'Best place to Live in NI 2024' accolade at each entry to Portstewart. And to further recommend that Council develop a policy on town signage, including criteria for signage and a timeframe for its removal.

* **Alderman Stewart left the Chamber at 7.18pm**

5. ENTERTAINMENTS LICENSING REPORT

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

ENTERTAINMENTS LICENCE

GRANT OF ANNUAL OUTDOOR ENTERTAINMENTS LICENCE

Licence No: EL299

Premises: Harry's Shack, 118 Strand Road, Portstewart

Application: Grant of an Annual Outdoor Entertainments Licence

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

Monday to Thursday: 12:00 hrs to 23:30 hrs

Friday to Saturday: 12:00 hrs to 00:30 hrs

Sunday: 12:00 hrs to 22:00hr

Representations: Closing date 24th April 2024

PSNI: No objection

NIFRS: Awaiting final response

Recommendation

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

Proposed by Councillor Bateson
Seconded by Councillor MA McKillop and

AGREED – to recommend to Council to grant an Annual Outdoor Entertainments Licence subject to compliance with any recommendations of the Council's Licensing Department and no objections being received from representations or NIFRS.

6. LAMMAS FAIR STREET TRADING APPLICATIONS

Purpose of Report

The purpose of this paper is to seek approval to amend the street trading application process for Lammas Fair 2024.

Background

Further to ES230314 and CM230404 Council decided to suspend seeking criminal record checks for Lammas Fair 2023 Street Trading applications for the reasons stated below.

The Street Trading (NI) Act 2001 regulates the activity of street trading through the granting or renewal of street trading licences. Section 6 of the Act requires Local Authorities to grant a street trading licence unless it has a mandatory or discretionary reason not to do so.

The mandatory reasons for not granting a licence include the applicant not being a named individual; applicant is underage; trading proposed in an area contrary to other legislation or not designated for street trading or the goods proposed for sale are prohibited by a resolution of the Council.

Section 9 of the Street Trading Act (NI) 2001 provides a number of **discretionary** grounds under which a district council may refuse to grant an application for a street trading licence including:

“that the applicant is on account of misconduct or some other reason relating to trading activities, unsuitable to hold a street trading licence”

It is important to note that the misconduct or other reason must be related to trading activities thus preventing a Council from refusing an application because of conviction for non-street trading offences, for example, driving offences, parking misdemeanours, etc.

This means that an applicant can be refused a licence if Council has sufficient evidence to demonstrate they have committed offences relating to street trading activities (such as street trading without a licence, trading in breach of existing licence conditions etc).

An applicant has a right of appeal to any refusal to grant a street trading on based on discretionary grounds.

There is no specific direction in the legislation or guidance published by the Department of Communities in relation to considering misconduct prior to refusing a street trading licence. Council’s current Street Trading Policy does not provide any direction on this issue either.

Criminal access checks do not include any information on Local Authority prosecutions for breaches of the Street Trading Act (Northern Ireland) 2001, therefore their value in respect of decision making is limited.

Although suspended for Lammas Fair Street Trading Applications in 2023, in accordance with current policy, the information provided in criminal record AccessNI checks is presented to Council along with any other relevant street trading prosecutions when consideration is being given to granting street trading applications.

During discussion at Environmental Services Committee on 13 September 2022 (ES220913) members considered it would be prudent to have some form of policy guidance on relevant misconduct and convictions to assist the decision-making process for street trading applications.

Council’s Street Trading Policy is currently under review and will be brought before Council for approval in the coming months. It is intended that the draft policy will provide guidance on misconduct and relevant offences as well as a review of the requirement for AccessNI checks.

Lammas Fair Trading Applications

The policy of requiring criminal access checks caused considerable delays and difficulties when processing street trading applications for the Lammas Fair 2022 and previous Fairs.

Considerable administration and officer time has been required in obtaining such checks from applicants in the lead up to previous Fairs.

No applicants were recommended for refusal based on information contained in the criminal record checks for the Lammas Fair 2022.

Traditionally, while most licences for the Lammas Fair are issued prior to the event, there has in the past been a long-standing facility to issue licences during the Fair to traders who turn up on the day wishing to trade.

During Lammas Fair 2022, although criminal record checks were sought, the majority of traders who arrived on the day were unable to provide this document. An operational decision was taken to issue 'on the day' licences to said traders with a view to taking the matter back before Council for consideration.

The basis for this operational decision was as follows:

- Despite all traders being encouraged to make an application in advance of the event, due to the longstanding tradition, traders continue to arrive seeking a trading pitch on the day of the Fair.
- Criminal record checks do not provide details of misconduct or prosecutions relating to trading activities which would provide discretionary grounds to refuse a licence.
- To refuse such traders a licence on the day of the Fair because they did not have a criminal record check would have caused considerable aggravation and potential for conflict.
- Not all Council Street trading pitches are sold in advance of the Fair and some traders may also be unable to take up their pitch due to unforeseen circumstances e.g. illness. To refuse licences to traders arriving on the day without a criminal record check would have been detrimental to the event due to less stalls being occupied and a considerable loss of street trading revenue for Council.

Notwithstanding the above, to continue this practice is inconsistent and traders are being treated differently.

Proposal

Approval is sought to continue the suspension of the criminal record check requirement for Lammas Fair 2024 street trading applications pending a final decision on such checks as part of the Street Trading Policy review.

Recommendation

It is recommended that Environmental Services Committee recommends to Council to suspend the AccessNI Criminal Record Check as a requirement for Lammas Fair 2024 street trading applications.

In response to Councillor Callaghan, the Director of Environmental Services advised that the AccessNI Criminal Record Check as a requirement for Lammas Fair street trading applications was introduced at the request of Members. He advised that it proved difficult to invoke and that one attempt at refusal on the basis of the AccessNI check was overturned by the Magistrates Court.

Councillor Wilson stated that there are various statutory agencies such as the PSNI and Trading Standards to ensure trading is conducted legally. He stated that it is important that the event is not hamstrung by the requirement for an Access NI check.

Proposed by Councillor Callaghan
Seconded by Councillor Wilson and

AGREED – to recommend to Council to suspend the AccessNI Criminal Record Check as a requirement for Lammas Fair 2024 street trading applications.

7. PROPOSALS TO USE NEW PROVISIONS TO DEAL WITH ILLEGAL DEPOSITION OF WASTE (FLY TIPPING)

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

Purpose of Report

The purpose of this report is to update members on new enforcement powers to deal with the illegal deposition of waste (fly tipping) under Article 4 and 5 of the Waste and Contaminated Land (Northern Ireland) Order 1997 and to set associated fixed penalty levels.

Background

Prior to 2023 Councils enforcement powers for fly tipping incidents lay within the Litter (Northern Ireland) Order 1994.

The Waste and Contaminated Land (Amendment) (2011 Act) (Commencement No.3) Order (Northern Ireland) 2022 which came into force in January 2023, gives Councils a joint responsibility with Northern Ireland Environment Agency (NIEA) to enforce two offences in relation to fly tipping.

The dual enforcement roles allows these offences to be enforced by either a District Council or NIEA. No additional funding has been provided to Councils to support the implementation of the new powers. These powers are discretionary for councils to use in circumstances where they choose to do so.

Due to a lack of clarity in demarcating these enforcement roles and a lack of agreed procedures, Council Officers have been liaising with other Northern Ireland Councils to agree a consistent and proportionate approach. As such,

most Councils have deferred implementing these provisions until now. Implementation of the provisions will primarily fall to Council's Enforcement team who currently deal with litter and fly tipping incidents.

It has been agreed with NIEA that District Councils will take the lead role in enforcing these provisions where the amount of fly tipping is below 20 cubic meters. NIEA will take the lead enforcement role if the material deposited is more than 20 cubic meters, where there is large scale commercial operation of an unlicensed waste disposal site or when the material is deemed hazardous.

Article 4 Offence

Under Article 4 of the above Order a person shall not *(a) deposit controlled waste, or knowingly cause or knowingly permit controlled waste to be deposited in or on any land unless a waste management licence authorising the deposit is in force and the deposit is in accordance with the licence; or (b) treat, keep or dispose of controlled waste, or knowingly cause or knowingly permit controlled waste to be treated, kept or disposed of (i) in or on any land, or (ii) by means of any mobile plant, except under and in accordance with a waste management licence; (c) treat, keep or dispose of controlled waste in a manner likely to cause pollution of the environment or harm to human health.*

The offence under Article 4 is commonly referred to as fly-tipping. If a fly-tipping offence, under Article 4, is detected by an Authorised Officer the Officer may issue a Notice offering the opportunity of discharging any liability to conviction for the offence by payment of a Fixed Penalty Notice. The amount of the Fixed Penalty Notice cannot be set at less than £100 and not more than £400 and Council may offer an early payment discount.

Fixed Penalty Notices are available as a first option as an alternative to prosecution. In accordance with Council's Enforcement Policy any non-payment of a Fixed Penalty Notices result in legal proceedings being instigated against the offender for the original offence.

In the event of prosecution a person who commits an offence under this Article is liable

- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding £50,000 or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine or to both.

Article 5 Offence

Article 5 of the Order imposes a *"duty of care"* on any person who imports, produces, collects, carries, treats, or disposes of controlled waste or, as a broker or dealer has control of such waste, shall take all such measures applicable to them in that capacity as are reasonable in the circumstances to prevent any contravention by any other person of Article 4 of the Order. Anyone who fails in this duty of care commits an offence.

Powers available under Article 5 are much broader and are more likely to involve illicit waste operations and other commercial and industrial entities. There is an extensive list of offences included in Article 5 of the Order, which would impact the volume of work and officer involvement and may require more consideration on resources needed. It is more likely, if Council were to exercise these discretionary powers, it would be done so in partnership with relevant bodies including NIEA.

It is proposed that Members would agree that use of Article 5 powers in relation to illicit waste operations and other commercial and industrial entities should only be implemented when there is a significant possibility of significant harm to the environment or where conditions are prejudicial to health or when there are no other means of resolving an issue other than to use Article 5 powers.

Notwithstanding the above, Article 5 introduces an important duty of care for householders to ensure any household waste is only collected and disposed of by responsible registered waste carriers. Previously, fly tipping investigations under the Litter (NI) Order 1994 encountered difficulty when householders claimed that an unidentified third party had been hired to dispose of waste on their behalf as the legal burden of proof to demonstrate the offence could not be met. This loophole is now closed.

The legislation specifies that the level for a Fixed Penalty Notice for duty of care offences will be £300 and allows Council to offer an early payment discount. Any person who fails without reasonable excuse to comply with this duty shall be guilty of an offence and shall be liable -

- (a) on summary conviction, to a fine not exceeding the statutory maximum (£5000) and
- (b) on conviction on indictment, to a fine.

Considerations

The new Article 4 and 5 powers will allow Council to deal with the ongoing issue of fly tipping more effectively and are a useful additional regulatory tool for small scale offending. The penalties for such offences are far greater than the current penalties under the Litter (N.I.) Order 1994.

Council's Enforcement Team is a small team and also has responsibility for the Dog Control Service. In the absence of funding to support the new enforcement duties there will be a need to assess and monitor the impact on the Department's resources and budgets.

The use of powers is discretionary and depending on the nature and scale of an incident, Council Officers may need to exercise discretion to determine whether an investigation by Council is appropriate.

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 fly tipping.
- Fixed penalty amounts should be proportionate to the offence and set at a level where payment is 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.

Recommendations

- 1 It is recommended that Committee recommend to Council that the levels for Fixed Penalty Notices for the offence of illegally depositing waste contrary to Article 4 of the Order is set at the maximum of £400 with an early payment option of £300 if paid within 14 days from receipt of the Notice.
- 2 It is recommended that Committee recommend to Council that the early payment option for the £300 Fixed Penalty Notice for the duty of care offence, contrary to Article 5 of the Order, is set at £200 if paid within 14 days from receipt of the Notice.
- 3 It is recommended that Committee recommend to Council that the use of these new provisions is implemented with immediate effect.
- 4 It is recommended that the Director of Environmental Services and the Head of Health and Built Environment be authorised to take decisions on behalf of Council as to when it is appropriate to use Council's discretionary powers under the Order.

Councillor Kane proposed the recommendations, with the addition of a recommendation that the Committee receives a report on enforcement every 6 months, and a recommendation that the Environmental Services directorate consults with other Councils and the PCSP regarding enforcement and the use of CCTV for surveillance.

Alderman Callan proposed that this matter be brought to the Partnership Panel, in respect of the lack of clarity or funding from central Government to address the illegal deposition of waste.

Alderman Callan advised that he is aware of people having issues reporting fly-tipping, littering and dog fouling and that Council needs to publicise how to report it, including a phone number and a contact name. The Director of Environmental Services advised that there will be publicity around this after it goes through Council.

Alderman Hunter agreed that the matter be brought to the Partnership Panel, and suggested that she would be happy if the fines were increased. The Director of Environmental Services advised that the maximum fine is set out in legislation. Councillor MA McKillop stated that tyres are a big problem in rural areas.

Alderman S McKillop expressed concern that the charge for bulky waste collection should not be prohibitive for people on low incomes and that a subsidised rate should be considered. The Director of Environmental Services advised that the charge is £5 per item, which does not cover costs. Councillor Wilson stated that Council offers a value for money collection service and that it should be publicised.

Councillor Bateson stated that he supports measures to prevent fly tipping and increasing awareness.

Councillor Wilson stated that Council should reconsider the use of third-party contractors to assist with enforcement. Alderman Callan stated that it would be worth exploring the possibility of using third-party assistance and of going into partnership with other Councils. The Director of Environmental Services advised that the previous third-party contract was not continued following Members' proposal of conditions that restricted the third-party contractor from operating in certain areas. He further advised that the contract was not retendered.

In response to a query from Councillor Jonathan McAuley, the Head of Health and Built Environment advised that the responsibility for clearing fly-tipping from land lies with the landowner, as per the relevant legislation. She advised that there could be a possibility for the landowner to pursue costs through a civil mechanism. Councillor McAuley was further advised that if a landowner were to remove fly tipped materials from their land onto a public space, the landowner could be considered culpable, although each case would be considered on an individual basis.

Proposed by Councillor Kane
Seconded by Alderman Callan and

AGREED – to recommend to Council:

that the levels for Fixed Penalty Notices for the offence of illegally depositing waste contrary to Article 4 of the Order is set at the maximum of £400 with an early payment option of £300 if paid within 14 days from receipt of the Notice.

that the early payment option for the £300 Fixed Penalty Notice for the duty of care offence, contrary to Article 5 of the Order, is set at £200 if paid within 14 days from receipt of the Notice.

that the use of these new provisions is implemented with immediate effect.

that the Director of Environmental Services and the Head of Health and Built Environment be authorised to take decisions on behalf of Council as to when it is appropriate to use Council's discretionary powers under the Order.

that the Environmental Services Committee receives a report on enforcement every 6 months.

that the Environmental Services Directorate consults with other Councils and the PCSP regarding enforcement and the use of CCTV for surveillance.

to report the matter of the illegal deposition of waste to the Partnership Panel, in respect of the lack of clarity and the lack of funding from central Government.

Alderman Callan proposed that Council explore the option of looking at using third-party contractors to provide additional support for enforcement.

Alderman S McKillop emphasised the importance of looking into partnership working with other Councils.

Councillor Kane stated that the drop in the issuing of fixed penalty notices for littering from 1730 in 2021 and 1624 in 2022 down to just 7 in 2023 is scandalous and that he was shocked that there are certain areas in the Borough that some Councillors don't want to protect from littering.

Proposed by Alderman Callan
Seconded by Councillor Wilson and

AGREED – to further recommend that Council explores the option of looking at additional support in the enforcement of fly-tipping, littering and dog-fouling offences via third-party contractors and partnership working with other Councils.

8. PURCHASE OF REPLACEMENT VEHICLE

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

Purpose of Report

The purpose of this report is to seek approval from Members to replace a vehicle which, given its age and condition, is becoming more unreliable and uneconomical to repair.

Background

The Operations function is required to use a range of specialist vehicles and plant at different locations/facilities. One vehicle has been identified for replacement due to age/cost to maintain or are presently on continuous hire.

Proposal

Replacement Chassis Cab Tipper – A current Mitsubishi Canter (2012) is uneconomical to repair. It is used to lift street litter / bins as well as bulky household goods in Ballycastle. The vehicle averages 9500 miles per year. Currently hiring a replacement van at £5,148 per year.

Replacement cost with a 2021 Ford Transit Tipper with 27,000 miles: £19,275. Budget will come from auction/scrap generated revenue.

Options

- 1 Do nothing. If identified vehicle is not procured additional strain will be put on existing fleet/operations, with increased and continuing hire and repair costs being incurred.
- 2 Procure vehicle identified to reduce maintenance/hire costs and maximise service efficiency due to reduced downtime.

Recommendation

It is recommended that the Environmental Services Committee recommends to Council that permission be given to procure the vehicle identified.

Councillor Wilson commended staff for sourcing an “as new” tipper vehicle, as it is much more cost-effective. In response to Councillor Wilson, the Director of Environmental Services advised that older vehicles are kept for use as spares in the event of a breakdown, and vehicles that are beyond repair are sent to auction, with the funds going back to the capital pot.

Alderman Callan raised the issue of Council’s carbon footprint in the context of the Climate Change Forum. He noted that with the Carbon tax set to be introduced, Council should look at the possibility of using electric vehicles or hybrids where possible. He queried whether Council has examined the possibility of leasing vehicles, as Council would not be liable for the maintenance costs of leased vehicles and may be able to claim tax relief on them.

The Director of Environmental Services advised that the matter had been investigated previously and that only a small number of the division’s vehicles are suitable for EVs due to distances travelled and payload size. However, he advised that there is currently a trial underway of hydrotreated vegetable oil (HVO), and that this vehicle would be suitable for HVO use. He stated that he would provide a report on the possibility of leasing in advance of the next Council meeting.

Councillor Jonathan McAuley stated that he supports the purchase of the vehicle and noted that there are costs associated with any damage to leased vehicles.

Alderman S McKillop requested that the Director provide a report on hire versus purchase and climate issues, and that he consult with the Finance Director regarding possible tax benefits of leasing.

Proposed by Councillor Wilson
Seconded by Alderman Callan and

AGREED – to recommend to Council that permission be given to procure the vehicle identified.

9. ENVIRONMENTAL SERVICES BUSINESS PLANS 2024/25

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

Purpose of Report

The purpose of this report is to present to Members the 2024/2025 Environmental Services (ES) Business Plans for consideration and approval.

Introduction

As Council enters the second year of the new Council term it is important to both look ahead to what ES Directorate wishes to achieve in 2024/25 but also review what has been achieved in 2023/24. The business plans represent a continuation of work from the 23/24 period, as well as new targets for 24/25 for each of the service areas:

- Estates
- Health & Built Environment
- Infrastructure
- Operations

The plans for each of the aforementioned service area are developed based upon:

- The emerging actions from the Community Planning Process.
- The Council's exiting Corporate Plan.
- Endorsed service area strategies.
- Relevant Central government strategies and policies.
- Council decisions and direction from the previous financial year.

The Purpose of the Plans

The purpose of the annual business plans is to:

- Give a clear sense of what the service is for and the challenges it faces.
- Show how it is supporting Council's priorities.
- Show how it is contributing to the efficiency drive and transformation of service delivery.
- Show how it is aligning its resources to meet the challenges ahead.

- Help us to hold ourselves to account and ensure we deliver for Council and its residents.
- Bring key information together in one place about the service, which Members, staff and stakeholders can understand.

Financial Position

Council approved the annual budget for 2023/24 for Environmental Service and delegated authority to officers to utilise this budget in the provision of services to the rate payers. ES budget for 2023/24 is £ 28,731,095.78. This is based on expenditure budget of £34,228,754.98 and income budget of £5,497,659.20

Year End Position for 2023/24 has not been finalised yet, however, the Period 11 position within ES directorate has achieving a favourable variance of **£462,143.25**. This was achieved despite the pressures of cost increases through the staff pay award, energy, fuel and maintenance.

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

- Employee cost variance - £375k (Adverse)
- Premises variance - £812k (Favourable)
- Transport Costs - £92k (Adverse)
- Supplies and Services – £138k (Adverse)
- Support Services - £56k (Favourable)
- Third Party Payments - £626k (Adverse)
- Income - £827k (Favourable)

ES budget for 2024/25 is **£30,851,687.59** and a breakdown by Service Area was previously circulated.

Environmental Services Risk Register – Update May 2024

The ES Risk Register is attached in Appendix 2 (previously circulated).

Recommendation

The ES Committee is asked to consider and approve the proposed business plans for the 2024 / 25 period, providing a focus for officers responsible for delivering Environmental Services.

*** Councillor Wilson left the Chamber at 8.18pm**

Alderman Callan suggested that the directorate should work with the Council's PR team to communicate what the Council does on a daily basis, possibly via the use of infographics. He noted from the report that GIS is underutilised, and asked what was being done to address the weaknesses identified in the SWOT analysis.

The Director of Environmental Services advised that GIS is used extensively in Estates during inspections and is also used in Operations.

Alderman S McKillop noted that two of the strategic aims and objectives – accelerating our economy and contributing to prosperity, and protecting and enhancing our environment and assets – reinforce the need to deal with dog fouling and littering in the Borough.

Proposed by Alderman Callan
 Seconded by Alderman S McKillop and

AGREED – to recommend that Council consider and approve the proposed business plans for the 2024 / 25 period, providing a focus for officers responsible for delivering Environmental Services.

10. APPROVAL OF PREMISES AS A VENUE FOR CIVIL MARRIAGE

For information report, previously circulated, was presented by the Chair.

MARRIAGE REGULATIONS (NI) 2003

THE MARRIAGE (NI) ORDER 2003

Approval of premises as a venue for Civil Marriage.

The undernoted application for renewal as an approved place for Civil Marriage was received, acknowledged and processed during the report period.

<u>Unique Reference Number</u>	<u>Premises Name</u>	<u>Approval Type</u>
MA008	Bushtown Hotel & Spa	Civil Marriage

Committee NOTED the report.

11. APPROVAL OF PREMISES AS A VENUE FOR CIVIL PARTNERSHIP

For information report, previously circulated, was presented by the Chair.

THE CIVIL PARTNERSHIP REGULATION (NI) 2005

THE CIVIL PARTNERSHIP ACT 2004

Approval of premises as a venue for Civil Partnership.

The undernoted application for renewal as an approved place for Civil Partnership was received, acknowledged and processed during the report period.

<u>Unique Reference Number</u>	<u>Premises Name</u>	<u>Approval Type</u>
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CP008	Bushtown Hotel & Spa	Civil Partnership
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Committee NOTED the report.

12. ENVIRONMENTAL LICENCE RENEWALS

For information report, previously circulated, was presented by the Chair.

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.

Committee NOTED the report.

13. LICENCES ISSUED UNDER DELEGATED AUTHORITY

For information report, previously circulated, was presented by the Chair.

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>Reference Number:</u>	<u>Name of Premises</u>	<u>Type of Registration</u>
T/02/2024	Pickled Ink Tattooing	Tattooing

Committee NOTED the report.

14. PETROLEUM SPIRIT LICENCE RENEWALS

For information report, previously circulated, was presented by the Chair.

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>

PL051	Costcutter
PL014	Fullan's
PL006	Larkhill Service Station
PL024	Spar Mountsandel
PL040	CB Fuels Ltd.
PL061	Greenbank Filling Station
PL019	Supervalu Portstewart
PL007	Exorna Filling Station

Committee NOTED the report.

15. WHAT'S ON THE CHILDREN'S MENU - RESEARCH INTO CHILDREN'S MEALS SERVED IN RESTAURANTS IN NORTHERN IRELAND

For information report, previously circulated, was presented by the Chair.

Purpose of Report

The purpose of this report is to advise Members of the recent publication of the report 'What's on the Children's Menu?'. This report details research into children's meals served in restaurants in Northern Ireland which Council's Environmental Health Department contributed to.

Background

Families and children enjoy eating out regularly as a way of socialising and celebrating as well as for convenience. Food eaten in places like restaurants, fast food outlets and cafés, known collectively as the out of home food sector, tends to come in bigger portions and be higher in energy, fat, salt and sugar and lower in fruit and vegetables than meals prepared at home.

In Northern Ireland, children are eating too much saturated fat, sugar and salt and not enough fruit, vegetables, oily fish and fibre. This is having a harmful impact on their growth and development and increases the risk of excess weight gain and tooth decay.

It is estimated that around a quarter of the calories eaten by UK consumers now comes from food from the out of home sector, therefore food businesses such as restaurants, fast food outlets and cafés have more influence over consumers diets.

To understand more about the food available to children when eating out, Council's Environmental Health Department, along with other local councils and the Food Standards Agency (FSA), conducted research to:-

- Gather information on children's menus and identify barriers and opportunities to making them healthier.
- Investigate the range of foods available to children in restaurants in Northern Ireland.

- Determine the portion size and nutritional content of popular children's meals served in restaurants in Northern Ireland.

Approach

Environmental Health Officers surveyed restaurant owners/managers and obtained children's menus from at least ten restaurants or hotels in their local council area between May and August 2022. The survey was conducted in person or by phone.

Survey responses and menus were analysed by the FSA and results used to identify the most popular children's meals for sampling and nutritional analysis.

Environmental Health Officers collected a minimum of eight samples (two samples of each of the most popular children's meals) from local restaurants or hotels between January and March 2023.

Main Research Findings

Children's menus were limited in terms of choice and there were few healthy options. The most popular children's meals were reported to be coated fried chicken & chips, sausages & chips, burger & chips and a pasta dish.

Chips were offered with 72% of children's meals, while vegetables were only available with 24% of meals.

The coated fried chicken & chips, sausages & chips and burger & chips meals were generally high in total fat, saturated fat and salt -

- 43% of meals contained more than half the average daily energy recommendation for 5-year-olds.
- 66% of meals contained more than half the average daily total fat recommendation for 5-year-olds.
- 47% of meals contained more than half the average daily maximum saturated fat recommendation for 5-year-olds.
- 70% of meals contained more than half the daily maximum amount of salt recommended for 5-year-olds.

While views on providing healthier options were mixed, most restaurant owners/managers saw the out of home/food service sector as having a role in improving children's diets.

The full report can be found at:

<https://www.food.gov.uk/sites/default/files/media/document/What%27s%20o%20n%20the%20children%27s%20menu.pdf>

Next Steps

The FSA has developed 'Healthier catering tips for children's menus' which can be found at: <https://www.food.gov.uk/business-guidance/healthier->

[catering-tips-for-childrens-menus](#) . The guidance provides tips for businesses to improve the nutritional quality of children’s meals.

The Environmental Health Department and FSA will also consider how businesses can be further supported to improve the nutritional quality of food available on children’s menus.

Recommendation

It is recommended that the report be noted.

Committee NOTED the report.

16. DOG CONTROL INFORMATION

For information report, previously circulated, was presented by the Chair.

Purpose of Report

The purpose of this paper is to provide Members with information on dog control requested at ES240417.

Background

Council’s Enforcement Team are responsible for enforcing legislative provisions relating to dog control including dog fouling and ensuring dogs are kept on leashes where legally required.

Control of Dogs

Requirements relating to the control of dogs and whether they are required to be kept on leashes is primarily regulated under the following article of the Dogs (Northern Ireland) Order 1983.

Article 25 - Control of dogs on certain roads and on land

25 (1) A keeper of a dog and, if it is in the charge of a person other than its keeper, that person also shall not cause or permit that dog to be—

(a) in any road in respect of which an order has been made under Article 100 of the Planning (Northern Ireland) Order 1991;

(b) on any land where livestock are present and have a right to be there;

unless the dog is under control.

In relation to a dog, “under control” is defined in the Order as meaning restrained by a chain or other sufficient leash held by a person exercising proper control over the dog.

For clarification, the Order only requires dogs to be kept on a leash in two specific circumstances, namely on lands where livestock is present and roads subject to Article 100 of the Planning Order. This Planning Order relates to when streets or roads are permanently pedestrianised.

In public spaces, other than those specified in 3.4, dogs are not required to be on a lead unless there is a specific dog control order in place to require it.

Under the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 a District Council may make a Dog Control Order specifying lands or areas where a dog must be kept on a leash.

Such orders can be made by Councils when a significant, demonstrable problem exists that cannot be dealt with by other dog control provisions. To impose such a Dog Control Order on lands requires Council to consult members of the public and any other interested parties. Any subsequent objections must be considered by Council before determining if an Order is necessary and appropriate.

Council has exercised these powers and introduced Dog Control Orders requiring dogs to be kept on a leash in the areas listed below:

- All cycle/shared use paths listed below
- Any new cycle/shared use paths within the Borough of Coleraine*
- All Council owned cemeteries and burial grounds within the Borough of Coleraine*
- All Council owned caravan parks namely Carrick Dhu and Juniper Hill
- Within all designated areas below:

Articlave

Cycle paths/shared use path

Castlerock

Cycle paths/shared use path

The cliff path at the Moors lands, Castlerock from the road at Tunnel Brae westward to the ravine and lands owned by the National Trust.

Coleraine

Christie Park footpath/cycle lane

Somerset/Riverside Park footpath/cycle lane

Cemetery at Shellbridge

Anderson Park including Rose Gardens and section at Circular Road, Coleraine.

Cycle paths/shared use path

Downhill

Shared use paths/cycle paths

Garvagh

Cycle paths/shared use path

Kilrea

Cycle paths/shared use path

Macosquin

Cycle paths/shared use path

Portballintrae

Cycle paths/shared use path

Portrush

Antrim Gardens Upper, Portrush
Coastal path along Ballyreagh Golf Course
Cemetery at Ballywillin.
Cycle paths/shared use path

Portstewart

All cemeteries in the area
Convent Walk from Portnahapple, Berne Road to Crescent
Juniper Hill Caravan Park and Carrick Dhu Caravan Park
Paths to Herring Pond
Harbour Hill, Portstewart
Cycle paths/shared use path/shared use path

Ballintoy

Lands where a public right of way exists from Ballintoy to Whitepark Bay

*applies to legacy Coleraine Borough Council area

Further information on all Council Dog Control Orders including an interactive map is available on the Council website at

<https://www.causewaycoastandglens.gov.uk/live/health-and-built-environment/licensing/dog-licensing/dog-control-in-public-spaces>

Fixed Penalties Issued for Dog Fouling in the last 3 years

Year	Number of Dog Fouling Penalty Notices issued
2021*	52
2022*	60
2023	5

It should be noted that during 2021 and 2022 Council employed the services of a private contractor to assist with litter and dog fouling enforcement. This contract with WISE has since ceased.

Recommendation

It is recommended that Council notes the information above.

Councillor Kane noted that the vast majority of dog control Orders are in the legacy Coleraine Borough Council area. He noted that there are no dog control Orders for Megaw Park or Riverside Park in Ballymoney, despite signage there stating that dogs must be kept on a lead.

The Director of Environmental Services stated that there needs to be a significant demonstrable problem to instigate a dog control Order, but there is no evidence to suggest that there is an issue in those areas.

Councillor Kane suggested that there is no issue in the area as people are under the impression that dogs must be kept on a lead, and that the relevant legislation should be put in place to provide the legal basis for the existing signage. He requested that Council reviews where dog control signs are in place across the Borough and regularises these by putting the relevant legislation in place as required.

Alderman S McKillop concurred with Councillor Kane and stated that the process should be started to put dog control Orders in place for Bushmills and Dervock, as they are not currently listed. She expressed concern about dogs being off lead in areas where children play, such as parks.

Councillor MA McKillop noted that Council is part of the grassland project beside Waterfoot beach, with cattle on it for six months of the year, and that is another area that needs to be looked at, along with the areas mentioned in the previous meeting.

Proposed by Councillor Kane
Seconded by Alderman Hunter and

AGREED – to recommend to Council that the Environmental Services directorate prepares a report on the location of dog control signage in the Borough and the possibility of introducing dog control Orders to regularise the situation.

17. LITTER STRATEGY / LITTERSMART ACTION PLAN – UPDATE

For information report, previously circulated, was presented by the Chair.

Purpose of Report

The purpose of this report is to update Members on actions taken following the implementation of the Litter Strategy / LitterSmart Action Plan in October 2022.

Background

Council's Litter Strategy, entitled 'Towards a LitterSmart Borough', covers the period 2022 to 2026, see Appendix 1 (previously circulated).

Prior to the strategy implementation in October 2022, a consultation exercise was conducted between February and May 2022.

Integral to the Litter Strategy is the LitterSmart Action Plan. The Action Plan is sub-divided into three sections – (1) Communication (2) Cleaning of the Borough / Infrastructure and (3) Enforcement.

Similar to other local authority areas, litter is an ongoing environmental and resource challenge for council. Many of the actions in the Action Plan reflect the continuous need to influence and reinforce behaviour change.

Council spends c.£2.5 million annually on services relating to street cleansing, litter collection/prevention, litter bin provision and education. Additional spend is made in respect of enforcement. Keep Northern Ireland Beautiful Cleaner Neighbourhoods Report 2022/23 is attached as Appendix 2 (previously circulated).

Service Provision

To mitigate the generation of litter/fly-tipping, council operates 11 Household Recycling Centres, open six days a week, and provides a bulky household waste collection service. This supplements the weekly kerbside household and commercial bin collection service.

The street cleansing service operates every day of the year, except for Christmas Day. In recognition of the Borough as a prime tourist destination in Northern Ireland, additional resource is allocated to the street cleansing service during the summer months with the recruitment of 'Wombles' to carry out litter picking duties. Litter bin provision is increased with temporary bins placed at popular locations for visitors/holiday makers and when events are taking place. Recently introduced electronic signage promotes the 'Take your Litter Home' message.

The Environmental Health section oversee litter/fly-tipping enforcement throughout the Borough.

Actions

Further to section one (Communications) of the Action Plan, the following actions have either been completed or are ongoing:-

- The ERO team has delivered presentations/talks raising awareness on LitterSmart and PlasticSmart to a combined total of 36 schools, churches, community organisations and youth groups between April 2022 and March 2024 reaching an audience in excess of 2,150. During the same period the ERO team has attended various community/public events, engaging with a further 2,100 participants.
- To counter and reduce littering of single use plastics, the Environmental Resource Officer (ERO) team has promoted and developed 'H2O on the Go' with over 70 businesses/venues providing a water refill service, linked up with NI Water to publicise water refill points in the district and secured funding to provide a water refill station on Rathlin Island.
- Introduced CupSmart to promote reusable coffee cups and reduce single use plastic.

- Carried out audits at businesses to identify and assist in delivering more sustainable practices, including advice on reducing products which may lead to littering.
- Promotion of individual/organisation activities and achievements via the story map on council website LiveSmart page.
- Contact information provided on council website for those who wish to report littering.

Further to section two (Cleaning of the Borough / Infrastructure) of the Action Plan, the following actions have either been completed or are ongoing:-

- Organisations have been able to avail of funding via the LiveSmart Community Environmental Grant Programme since 2022-23. In 2024-25, organisations will be able to apply for grant funding up to £750 for projects aimed at improving general cleanliness and removing litter in their local area.
- As part of the LitterSmart initiative, support is provided to individuals, businesses, schools and groups who wish to participate in community litter picks by loaning litter pickers and arranging for the collection of bags.
- Over 2,300 participants have engaged with the LitterSmart initiative since April 2022, collecting approximately 4,000 bags of litter at 79 litter pick events.
- Installation of cigarette butt boxes at four locations to assist in reducing cigarette litter.
- Operations Supervisors regularly monitor areas prone to littering and deploy resources where and when available to collect and remove litter.
- There is a continual review of litter bin provision, particularly during the busier summer season. Additional temporary bins are provided in areas of high footfall and visitor numbers and when events are taking place.

Further to section three (Enforcement) of the Action Plan, the following actions have either been completed or are ongoing:-

- Environmental Health section lead on enforcement regarding littering and dog fouling.
- Issuing of fixed penalties for dog fouling and litter:-

Year	Number of Dog Fouling Penalty Notices issued	Number of Litter Fixed Penalty Notices issued
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2021*	52	1730
2022*	60	1624
2023	5	7

* Private litter enforcement contractor worked alongside council Enforcement team from August 2021 for one year.

- Level of fixed penalty notices (FPN) increased from £80 to £200 for dog fouling and litter offences. Enforcement Team carried out educational patrols to raise awareness of this change.
- Enforcement Team now using additional powers to deal with fly-tipping under the Waste and Contaminated Land (NI) Order 1997. This includes higher FPN and court prosecution fines.
- Engaged with Keep NI Beautiful, erecting signage in litter and dog fouling hot spots.
- Dog Control team promotes awareness of dog fouling disposal options by stickering bins on dog walking routes and leads on the Green Dog Walkers scheme.
- Officers participate in educational talks in schools.

Legislation

Proposals currently being considered by central government may result in a reduction in littering when implemented.

These include deposit return schemes (DRS) which would see consumers paying an up-front deposit for certain items such as drinks. The return of the empty packaging after use would allow the deposit to be redeemed, helping incentivise correct disposal and recycling of packaging.

It is envisaged that Extended Producer Responsibility (EPR) legislation will see producers contribute to the cost of litter prevention (e.g. behaviour change/education campaigns). EPR will also increase recyclability of packaging through fees that producers will have to pay.

Recommendation

Members are asked to note actions taken to date and that are ongoing in the delivery of council's Litter Strategy / LitterSmart Action Plan.

The Chair noted that this item was covered under the discussion on the illegal deposition of waste.

Committee NOTED the report.

18. MATTERS FOR REPORTING TO PARTNERSHIP PANEL

The Chair noted that Members wished to refer two matters to the Partnership Panel:

A request that the Department for Infrastructure carries out a needs analysis of EV charging points across all 11 Council areas.
The matter of the illegal deposition of waste, in respect of the lack of clarity and the lack of funding from central Government.

19. CONSULTATIONS

There were no consultations.

20. CORRESPONDENCE

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

Purpose of Report

The purpose of this report is to present correspondence for Members' consideration.

The following correspondence has been received:

**Department of Agriculture, Environment and Rural Affairs (DAERA),
dated 22nd April 2024**

Summary

Re. Animal Welfare Funding for Councils

Correspondence from DAERA dated 22nd April 2024 in response to a letter sent by Fermanagh & Omagh District Council regarding funding for the Council delivered animal welfare enforcement service.

Recommendation

It is recommended that the Environmental Services Committee consider the correspondence.

In response to a question from Alderman Callan, the Head of Health and Built Environment advised that the funding provided amounts to approximately £57,000, which is just less than half of the cost of providing the service. Until 2023-24, DAERA covered the entire cost of the service.

The Committee NOTED the correspondence.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Alderman Callan
Seconded by Councillor Callaghan and

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

* **Press and Public left the meeting at 8.39pm**

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. INCREASE IN FEES FOR CAR PARK ENFORCEMENT CONTRACT

Confidential by virtue of paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.

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

Purpose of Report

To request Members consideration and approval to increase service contract fees. A request was received from Car Park Services Ltd (CPS) who provide Council with car parking enforcement and PCN processing, who now require increasing the charges for these services provided as per clause 12.2.2. of the current contract.

Background

Council entered into a contract with Car Park Services Ltd to provide car park enforcement and PCN processing on 1st November 2019. The contract was for an initial three-year term plus a further two plus two years extension if mutually agreeable. We are currently in the second year of the first two-year extension.

Clause 12.2.2 of the contract states that, "charges may be increased not more than once in any extension period, provided always that the first such increase shall fall after the Initial Term. The supplier shall give the Council not less than 3 months' notice of any intention to increase the charges before the commencement of any extension period, provided always that any such increase shall not exceed the percentage increase, over the last twelve months for which figures are available in the UK – including the Consumer Price Index or such replacement index as the parties may agree."

The prices for the service provision have remained the same since the start of the contract on 1st November 2019 and include the following services;

- Hourly rate for deploying staff to enforce compliance.
- PCN processing.
- P&D machine maintenance.
- Cash Collections.
- Provision of back-office system and associated software.

The current prices for services and the new proposed price increases are listed in the table in Appendix 1 (previously circulated).

The contract pricing has been fixed for 4 years (starting 01/11/2019) and this is the first request for an uplift in fees – therefore the increase is requested / required to compensate for wage increases and operational costs over this

period. The increase shall also allow for the increased operational delivery costs over this period – including transport, equipment, HR and IT support etc.

Recommendation

It is recommended that the Environmental Services Committee recommends to Council the increase in fees as shown in appendix 1 (previously circulated) in relation to the contract for services outlined in the bullet points above.

Proposed by Alderman Callan
Seconded by Alderman S McKillop and

AGREED – to recommend to Council the increase in fees as shown in appendix 1 (previously circulated) in relation to the contract for services outlined in the bullet points above.

22. COLERAINE MARINA ECONOMIC APPRAISAL

Confidential by virtue of paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.

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

Purpose of Report

To update Members on their request to invite Coleraine Harbour Commissioners to present to the committee. Note - Coleraine Harbour Commissioners had expressed an interest in the Coleraine Marina. Members had requested that the consideration and decision regarding the facility (because of the economic appraisal) be postponed until the above presentation has taken place.

Background

Coleraine marina facility operates at a loss and is presently in significant need of major investment works (both on the marine and landward sides). The landward side facility is in poor condition and is need of replacement - estimated at circa £844,000.00 while the marine side maintenance over the next five years is estimated at circa £735,000.00.

Members previously granted officers permission to appoint an economist (Cogent Ltd) to carry out an economic appraisal of Coleraine Marina (April 2021). The EA was completed and presented to Members and is attached (appendix 1, previously circulated).

The EA examined the socio economic, tourism destination and financial merits of the marina and assesses the need for Council ownership of the facility, which is in direct competition to other service providers in the locality.

A report was brought back to Members (September 2023) outlining the outcome of the appraisal, which identified two options for Members consideration.



The economic appraisal (previously circulated), examined the socio economic, tourism destination and financial merits of Councils ownership of the marina.

Two previous options were presented to members (Sept 2023) in line with Treasury guidance, potential options were identified and considered within the appraisal. **TWO** eventual options were previously short listed, namely to:

1. Maintaining the Status Quo – That is, the Council would continue to own and manage Coleraine Marina in the same or similar manner as it has done in recent years;
2. The Council sells the Marina/Marina site for maximum realisation purposes.

The two options explored in depth by the appraisal team together with the supporting evidence were based on monetary and non-monetary benefits. The option that scored the highest within the analysis was option TWO (disposal). The results are shown in table 10.1 within the appraisal. (see Appendix 1, previously circulated).

As part of the appraisal, a user survey and consultation were also carried out to assess their reason for using the marina, their satisfaction with facilities and how they compare with other facilities. (the consultations are included within the EA – appendix 1, previously circulated)

Mr John Clarke of Cogent Ltd was in attendance at the previous committee meeting and gave a short presentation on the appraisal.

Proposal

It is proposed that Members reconsider the economic appraisal (previously circulated) and the **two** options outlined above.

Recommendation:

It is recommended that Members consider both options and advise officers on which option to progress.

Alderman Callan stated that the Council should take a more imaginative approach to how it addresses this issue.

Councillor Kane stated that there was an Audit Committee recommendation in June 2023 to develop a Harbours and Marinas strategy, and a recommendation in January 2024 from the Environmental Services Committee that a suitably qualified organisation be appointed to deliver a Harbours and Marinas strategy. He noted that this strategy has not yet been delivered. He proposed that there should be no further discussion on the matter of Coleraine Marina until the Council produces a Harbours and Marinas strategy.

The Director of Environmental Services noted that the development of the strategic plan allowed for Coleraine Marina to be considered on a standalone basis due to it having its own economic appraisal.

In response to a query from Alderman Callan, the Director of Environmental Services advised that a consultant has not yet been appointed to develop the strategy, and that developing the strategy could take up to a year.

The Director of Environmental Services and the Head of Capital Works, Energy and Infrastructure agreed to clarify Members' queries on issues around Coleraine Marina.

Alderman Callan stated that the Council needs to reassure the public regarding the future of Coleraine Marina.

Proposed by Councillor Kane
Seconded by Alderman S McKillop and

AGREED – to recommend that Council defers any decision on Coleraine Marina until Council produces its Harbours and Marinas strategy.

23. STREET TRADING LICENCE RENEWALS

Confidential by virtue of paragraph 2 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.

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

STREET TRADING (NI) ACT 2001

The undernoted applications for a street trading licence have been received, acknowledged and processed during the report period.

<u>Unique Reference Number</u>	<u>Type of Licence</u>	<u>Commodity</u>	<u>Location</u>
TSTM 001/2024	Temporary One day event on 20 th April 2024	Various.	Ballymoney Spring Fair, Castle Street, Ballymoney
MST 004	Mobile	Ice Cream, minerals and confectionary.	Borough of Causeway Coast and Glens

Committee NOTED the report.

MOTION TO PROCEED ‘IN PUBLIC’

Proposed by Councillor Bateson

Seconded by Alderman Callan and

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

This being all the business, the Chair noted that this was his last meeting as Chair and thanked Elected Members for their attendance. The meeting closed at 9.21pm.

Chair