



**ENVIRONMENTAL SERVICES COMMITTEE MEETING
TUESDAY 8 FEBRUARY 2022**

Table of Recommendations

No	Item	Summary of key Recommendations
1.	Apologies	Nil
2.	Declarations of Interest	Alderman Boyle Councillors, Hunter, MA McKillop
3.	Any Other Relevant Business (Notified in Accordance with Standing Order 12 (O))	
(i)	Benches/tables on the periphery of the new Accessible play park in Limavady (Alderman Robinson)	Information
(ii)	Dedicated green space (dog park) at Roe Mill Playing Fields (Alderman Robinson)	Information
4.	Minutes of Environmental Services Committee meeting held Tuesday 11 January 2022	Confirmed
5.	Entertainments Licensing Report	Grant

6.	Review of the Reduced Fees for Entertainments Licences	<p>To recommend that Council accept option 4.2 - Entertainment licence fees to revert to their pre-April 2021 levels with effect from 1st April 2022; that Council responds to DfC with the preferred option pending full Council approval due to submission time constraints. that Council responds to DfC with the preferred option pending full Council approval due to submission time constraints.</p>
7.	Pavement Cafe Licence Scheme	<p>To recommend that Council approve Option 2 – Revert to the pre-April 2021 pavement café licence application procedure and fee structure below previously set by Council</p>
8.	Update to Persons Appointed as Public Analyst	<p>To recommend that Council Appoint the above persons as Public Analysts to Council under Article 27 (1) of the Food Safety (NI) Order 1991</p>

9.	Updated Service Level Agreement with Drinking Water Inspectorate	To recommend to Council that the Service Level Agreement and Data Processing Contract be signed on behalf of Causeway Coast and Glens Borough Council by the Head of Health and Built Environment and returned to the Drinking Water Inspectorate
10.	Delegate authority to Officers so they can approve the new natural gas and electric contracts commencing 1st April 2022	To recommend that Council grant delegated authority to Officers to approve the new natural gas and electric contracts within 24 hours of receipt of tender prices
11.	Entertainment Licence Renewals	Information
12.	Petroleum Spirit Licence Renewals	Information
13.	Society Lottery Registrations	Information
14.	Street Trading Licence Renewals	Information
15.	Licences Issued Under Delegated Authority	Information
16.	The Health (Miscellaneous Provisions) Act (Northern Ireland) 2016	Information
17.	The Smoke-Free (Private Vehicles) Regulations (NI) 2021	Information
18.	Private Contractor Litter Enforcement Statistics (WISE)	To recommend that a workshop is organised in two months to receive more information on how litter enforcement has been addressed in rural and urban areas where it has not been facilitated to date

19.	Waste Data Return July to September 2021 (Provisional)	Information
20.	Correspondence Report	Nil
21.	Consultation Documents	Nil
22.	Conferences	Nil
23.	Matters for Reporting to Partnership Panel	Nil
24.	Any Other Relevant Business (Notified in Accordance with Standing Order 12 (O))	
(i)	Cardboard baler at Knock Road Recycling Centre (Councillor Wallace)	Information
IN COMMITTEE (Items 25 - 31 inclusive)		
25.	Tender for the Provision of Legionella Risk Assessment Reviews	To recommend that BWT (NI) Ltd be appointed to carry out a Review of Legionella Risk Assessment for CCGBC
26.	Asset Realisation - Declaration of 'surplus to requirements', assets at various locations within the Borough, (4no).	To recommend that Council declare the lands listed as surplus to requirements, thereafter Asset Realisation shall review possible realisation options for the said sites and report to the Land & Property Sub-Committee accordingly.
27.	Asset Realisation - Define use of new Concessionary Trading Points 2022, (5no.), at various locations within the Borough	to recommend that Council defer consideration, that Council establish a Trading working group consisting of 6 members from the Environmental Services Committee and meet as required.

28.	Asset Realisation - New Concessionary Trading location at Riverside Park Car Park, Ballymoney	<i>To recommend that Council approve this new concessionary trading location to be implemented, pending a planning application outcome, and that auctioning of the site occurs in-align with Members instructed trading activity</i>
29.	Fuel Stamp Saving Scheme Update	<i>Information</i>
30.	Period 9 ES Management Accounts	<i>Information</i>
31.	Any Other Relevant Business (notified in accordance with Standing Order 12 (o))	
(i)	Concessionary trading pitch (Councillor Schenning)	<i>Tabled</i>

**MINUTES OF THE
PROCEEDINGS OF THE MEETING OF
THE ENVIRONMENTAL SERVICES COMMITTEE
IN CIVIC HEADQUARTERS AND VIA VIDEO CONFERENCE, ON
TUESDAY 8 FEBRUARY 2022 AT 7:00 PM**

In the Chair: Councillor Wilson (C)

Members Present: Alderman Boyle (C), Fielding (C), Robinson (C);
Councillors Bateson (R), Beattie (R), Chivers (R), Holmes
(C), Hunter (R), McAuley (C), MA McKillop (R), McLean (C),
McLaughlin (R) McQuillan (C), Wallace (C)

Officers Present: A McPeake, Director of Environmental Services (C)
S McClements, (Temporary) Head of Health and Built
Environment (R)
J Richardson, Head of Capital Works, Energy and
Infrastructure (R)
G Doyle, Head of Estates (R)
T Vauls, Car Parks Manager (R)
W Hall, Asset Realisation Officer (R)
J Keen, Committee & Member Services Officer (C)

In Attendance: C Thompson, ICT Operations Officer (C)
C Ballentine, ICT Officer (C)

Press (4. no) (R)

Key: (C) Attended in the Chamber
(R) Attended Remotely

The Director of Environmental Services undertook a roll call.

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

The Chair reminded Committee of its obligations and protocol whilst the '*In Committee*' session was being audio recorded.

1. APOLOGIES

There were no apologies recorded.

2. DECLARATIONS OF INTEREST

Alderman Boyle declared an interest in Item 26, Asset Realisation - New Concessionary Trading location at Riverside Park Car Park, Ballymoney due to being a member of the Planning Committee. Alderman Boyle did not participate in the item.

Councillor Hunter declared an interest in Item 26, Asset Realisation - New Concessionary Trading location at Riverside Park Car Park, Ballymoney due to being a member of the Planning Committee. Councillor Hunter did not participate in the item.

Councillor MA McKillop declared an interest in Item 26, Asset Realisation - New Concessionary Trading location at Riverside Park Car Park, Ballymoney due to being a member of the Planning Committee. Councillor MA McKillop did not participate in the item.

The Chair advised that Any Other Relevant Business submitted by Alderman Robinson would be considered at this point due to Alderman Robinson having to leave the meeting early.

3. ANY OTHER RELEVANT BUSINESS (NOTIFIED IN ACCORDANCE WITH STANDING ORDER 12 (O))

(i) Benches/tables on the periphery of the new Accessible play park in Limavady (Alderman Robinson)

To ask Council if they would erect picnic benches/tables on the periphery of the new Accessible play park in Limavady. This would allow families and friends to meet and spend time together whilst enjoying the trading concession when it goes live.

The Director of Environmental Services advised the accessible play park was an asset in the Leisure and Development Directorate, the Head of Sport and Wellbeing was aware of this matter and is progressing it.

Alderman Robinson requested it be recorded that a number of groups had expressed an interest in the area and given consideration when siting the picnic benches/tables.

(ii) Dedicated green space (dog park) at Roe Mill Playing Fields (Alderman Robinson)

To ask Council to consider if a site at Roemill Playing fields would be suitable for a dedicated green space (dog park), as per the motion submitted by Alderman Mark Fielding and Alderman Alan Robinson in 2021 and subject to community consultation.

The Director of Environmental Services advised a report will be brought to the Environmental Services Committee providing details of areas which have been considered for dedicated green space for dog parks and Roemill playing fields was one of the areas being considered.

Councillor Chivers concurred, there was potential for developing the area and suggested that local DEA Councillors should meet to discuss how best to develop the area.

4. MINUTES OF ENVIRONMENTAL SERVICES COMMITTEE MEETING HELD TUESDAY 11 JANUARY 2022

Copy, previously circulated.

AGREED – that the Minutes of the Environmental Services Committee meeting held Tuesday 11 January 2021 are confirmed as a correct record.

In response to a question from Councillor McQuillan the Director of Environmental Services confirmed a report regarding an update on the variance on trading pitches would be brought to the Environmental Services Committee in due course.

5. ENTERTAINMENTS LICENSING REPORT

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

**ENTERTAINMENTS LICENCE
GRANT OF INDOOR ENTERTAINMENTS LICENCE**

Licence No: EL179

Premises: Limepark, 37 Drones Road, Armoy

Application: Grant of an Annual Indoor Entertainments Licence
Days and times on which it is applied to provide entertainment:
Monday to Sunday 12:00 hrs to 01:30hrs

Representations: To be received by 24th February 2022

PSNI & NIFRS To be received by 24th February 2022

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 representations, PSNI or NIFRS.

Proposed by Councillor MA McKillop
Seconded by Councillor Wallace and

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

6. REVIEW OF THE REDUCED FEES FOR ENTERTAINMENTS LICENCES

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

Purpose of Report

The purpose of this report is to seek Councils views and comments on the need to:

- extend the amended licensing structure for entertainment licences beyond the 2021/22 financial year, or for
- fees to revert to their pre-April 2021 levels with effect from April 2022.

This follows a request from the Department for Communities. A copy of the letter from DfC is provided at Appendix 1 (circulated) and the information requested on licences issued by Council since 1st January 2021 is attached as Appendix 2 (circulated).

Background

Under Article 3 and Schedule 1 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, as amended by Article 52 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992, certain specified entertainment shall not be provided at places, except, and in accordance with, the terms, conditions and restrictions that are included in entertainment licences granted by district councils. The legislation also requires that any application for the grant, renewal, transfer or variation of an entertainment shall be accompanied by a fee as the DfC may from time to time determine.

As a result of COVID-19 restrictions entertainment premises were closed for periods from 21st March 2020 and were unable to provide entertainment and use their entertainment licence during these times. Such premises were advised from that the period of enforced closure would be added to their entertainment licence when restrictions were lifted so as not to detriment them.

From 6th April 2021 the Minister for Communities decided that the DfC should amend the licensing structure to introduce a nominal fee of £1 for renewal applications only, for all categories of entertainments licence (Local Government Circular 4/2021 refers). This easement was introduced in order to alleviate hardship being experienced by the hospitality industry as a result of COVID-19 restrictions, the reduction to remain in place for the duration of 2021/2022 financial year subject to review.

This temporary easement directly addressed the issue of costs to businesses, applied some consistency across all council areas, and kept the arrangement within the scope of the current legislation.

Council lost a significant portion of income from the entertainment licensing fees during 2020/2021 as a result of the Covid 19 restrictions on hospitality and the addition of time onto entertainment licences that could not be used during this time.

Councils have been asked to continue to notify the DfC of any potential loss of income incurred which can be met from funding provided by the Executive. A claim is being submitted in this regard.

Council wrote to the Department last year to raise their concern that this amendment of the fee structure would not support all licensed premises especially those who did not renew their licence over the previous year due to health

restrictions. It was requested that consideration be given to extending this licence fee to cover those premises if they wish to renew their licence in the coming year.

Current Arrangements

Under the Order a premise must apply for the renewal of their licence before the expiry of the current licence, otherwise their application will be for the grant of a new licence and not a renewal.

Options

4.1 Extend the amended entertainment licensing fee structure of a nominal £1 for renewal applications for all categories of entertainment licences beyond 31st March 2022.

4.2 Entertainment licence fees to revert to their pre-April 2021 levels with effect from 1st April 2022.

It is recommended that the Environmental Services Committee consider reverting to the pre-April 2021 entertainment licence fee structure with effect from 1st April 2022.

It is recommended that Council responds to DfC with the preferred option pending full Council approval due to submission time constraints.

In response to questions from Elected Members the Director of Environmental Services confirmed there was no indication from Department for Communities to provide further grants during the next financial year. The Director of Environmental Services also confirmed the amount received by Council in fees for Entertainment Licences.

The (Temporary) Head of Health and Built Environment referred to the report to confirm the figures from the Entertainment Licences which have been issued since January 2021 to date.

Proposed by Councillor McLean
Seconded by Councillor McQuillan and

AGREED – to recommend that Council approve option 4.2 - Entertainment licence fees to revert to their pre-April 2021 levels with effect from 1st April 2022; that Council responds to DfC with the preferred option pending full Council approval due to submission time constraints.

7. PAVEMENT CAFE LICENCE SCHEME

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

Purpose of Report

The purpose of this report is to provide an update on Pavement Café Licensing and for Council to consider and agree the fees and process for Pavement Café Licences during 2022/23.

Background

Further to committee report ES210309 and CM210330 members will be aware that Council agreed the following in relation to Pavement Café Licensing:

- Pavement café licence fees would be waived from 1st April 2021 to 31st March 2022 to assist the recovery of the hospitality sector from the covid 19 pandemic.
- Legal proceedings for breaches of pavement café licencing legislation detected during the period 1st July 2020 to 31st December 2020 were withdrawn so as not to impose an additional burden on businesses as a result of the covid 19 pandemic.
- In future traders that continued to offer outdoor spaces and had not submitted a valid application for a pavement café licence within 8 weeks of detection would be subject to Council's enforcement policy

A streamlined process was subsequently implemented for the issue of temporary pavement café licences working in conjunction with Department for Infrastructure, Planning Service and PSNI.

To obtain a temporary pavement café licence a business operator is required to complete and submit an application form, a risk assessment, scale plans of the proposed area to be used and confirm valid public liability insurance. These are then scrutinised by DfI to make an informed judgement on separation distances from road junctions, street furniture, etc, to ensure that there is adequate circulation space for all pedestrians. Any applicable social distancing requirements are also required to be met.

A revised application form flowchart and information pack was posted on Council's website and all business that had previously been identified as utilising additional outdoor space were contacted.

The Department will seek the loss of income to be offset as a result of the waiving of fees via any available covid funding from the Executive.

Council Officers monitor the use of outdoor space by businesses for customer use across the borough and work with applicants to ensure all necessary supporting documentation is provided to enable a determination to be made Operators can continue to trade whilst valid applications are considered.

Traders who continued to offer outdoor seating spaces and failed to submit a valid application for a pavement café licence are now subject to Councils graduated enforcement policy.

Licences

Seventeen valid applications have been received, processed and temporary pavement café licences issued.

Enforcement

Sixteen premises contacted did not complete the licence application process. Enforcement files have been prepared for these non-compliant premises and referred to Council's legal services.

Enforcement files have been prepared in respect of two premises for non-compliance with licence conditions and referred to Council's legal services.

Options

Option 1 - Extend the streamlined temporary pavement café licence application and continue to waive the fee for licence applications and renewals from 1st April 2022 to 31st March 2023 with any licence issued during the period to have an expiry date of 31st March 2023.

Option 2 – Revert to the pre- April 2021 pavement café licence application procedure and fee structure below previously set by Council:

- Application for Grant of 3 years Pavement Café Licence - £375.00
- Application for Renewal of 3 years Pavement Café Licence - £285.00
- Application for a Variation of Pavement Café Licence - No Charge

It is recommended that Council consider reverting to the pre-April 2021 pavement licence café application procedure and fee structure.

In response to questions from Elected Members the Director of Environmental Services advised that traders experiencing difficulties should contact the (Temporary) Head of Health and Built Environment in order to find a way to assist them.

Proposed by Alderman Boyle
Seconded by Councillor McQuillan and

AGREED – to recommend that Council approve Option 2 – Revert to the pre- April 2021 pavement café licence application procedure and fee structure below previously set by Council:

- Application for Grant of 3 years Pavement Café Licence - £375.00
- Application for Renewal of 3 years Pavement Café Licence - £285.00
- Application for a Variation of Pavement Café Licence - No Charge

8. UPDATE TO PERSONS APPOINTED AS PUBLIC ANALYST

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

Background

Eurofins Food Testing Ireland Limited (EFTI Ltd) are contracted to provide Public Analyst Services for the 11 Northern Ireland Councils. Due to changes in personnel at EFTI Ltd it is necessary to update the persons appointed as Public Analysts on behalf of Council.

Article 27 (1) of the Food Safety (NI) Order 1991 requires that the Council appoint one or more persons (Public Analyst(s)) to act as Analyst(s) within the district of the Council. Furthermore the Framework Agreement* (Chapter 2, para 12.8), states that Causeway Coast and Glens Borough Council shall ensure that a Food Analyst is appointed to carry out examinations and analyses of food samples. In making these appointments, all relevant legal requirements and Codes of Practice shall be satisfied.

The qualifications required by Analysts are set out in the Food Safety (Sampling and Qualifications) Regulations (NI) 2013. The Environmental Health Department is satisfied that the following persons, who are employed by Eurofins Food Testing Ireland Limited, fulfil the requirements of the Regulations for appointment as Public Analysts on behalf of the Council:

Duncan Kenelm Arthur BSc, MChemA, CChem, MRSC
Nigel Kenneth Payne MSc, MChemA, CChem, MRSC
Lilian Emma Jane Downie MChem, MChemA, CChem, MRSC
Michelle Evans BSc, MChemA, CChem, MRSC
Donna Hanks BSc, MChemA, MRSC
Mary Butts MSc MChemA MRSC

Recommendation

Appoint the above persons as Public Analysts to Council under Article 27 (1) of the Food Safety (NI) Order 1991.

Proposed by Councillor McLean
Seconded by Councillor Hunter and

AGREED – to recommend that Council Appoint the above persons as Public Analysts to Council under Article 27 (1) of the Food Safety (NI) Order 1991.

9. UPDATED SERVICE LEVEL AGREEMENT WITH DRINKING WATER INSPECTORATE

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

Purpose of Report

The purpose of this report is to consider and agree an updated Service Level Agreement with the Drinking Water Inspectorate.

Background

This recently updated agreement outlines the arrangement between the Drinking Water Inspectorate for Northern Ireland and Causeway Coast & Glens Borough Council. Council is appointed as a competent person, for the purposes of undertaking on behalf of the DWI, risk assessments and sampling of private water supplies under The Private Water Supplies Regulations (Northern Ireland) 2009 (as amended). The updated Service Level Agreement may be found at Appendix 1 (circulated) to this report.

The '[Drinking water and health: a guide for public and environmental health professionals and for those in the water industry in Northern Ireland](#)', produced by the Drinking Water and Health Liaison Group outlines the roles and responsibilities of the key partner organisations and provides the basis for this agreement.

With respect to Council this includes:

- Private Supplies Registration
- Private Supplies Risk Assessment (including reviews)
- Private Supplies Sampling
- Private Supplies Investigations
- Private Supplies Training / Competency

Annex A to the Service Level Agreement identifies the specific roles of Council and the Drinking Water Inspectorate; Annex B, a sample authorisation document; Annex C, the fees to be paid by Drinking water Inspectorate to Council for the services provided and Appendix 1 (circulated), the Data Processing Contract.

The Agreement shall take effect from the date of signature by both parties and shall remain in force for a period of two years. At the expiry of the two-year period, the parties may agree to extend the SLA on a bi-annual basis thereafter.

It is recommended that the Service Level Agreement and Data Processing Contract be signed on behalf of Causeway Coast and Glens Borough Council by the Head of Health and Built Environment and returned to the Drinking Water Inspectorate.

Proposed by Councillor Hunter
Seconded by Councillor MA McKillop and

AGREED – to recommend that the Service Level Agreement and Data Processing Contract be signed on behalf of Causeway Coast and Glens Borough Council by the Head of Health and Built Environment and returned to the Drinking Water Inspectorate.

10. DELEGATE AUTHORITY TO OFFICERS SO THEY CAN APPROVE THE NEW NATURAL GAS AND ELECTRIC CONTRACTS COMMENCING 1ST APRIL 2022

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

Purpose of Report

Officers seek the delegated authority from Members to approve the new natural gas and electric contracts within 24 hours of receipt of tender in order for suppliers to hold and maintain their prices.

Background

NI Councils (10 off) are currently working together to tender for the next round of renewal of the main energy contracts.

1. Natural Gas – Lot 1 Contract Sites, Lot 2 Tariff Sites, and
2. Power – Lot 1 non half-hourly meters NONHH, Lot 2 half-hourly meters HH.

Officers plan to issue both tenders to suppliers in early February 2020, to be returned late February 2022.

Normally, suppliers would hold their prices for 5 days but they have advised Councils that they can only hold the tendered prices for 24 hours max due to the lack of liquidity in the volatile energy market.

Note, if the normal protocol is followed in that an E.S. Committee report is waiting for full Council ratification, suppliers will build in a substantial margin to allow for this time risk.

A separate report item for information have already been presented which updated Members on Energy market volatility (link provided in report).

Appendix A (circulated) provides Members with an update on Energy Managers Forum procurement process for purchasing electricity and gas contracts for NI Councils which are due to commence 1st April 2022.

It is recommended that Members grant delegated authority to Officers to approve the new natural gas and electric contracts within 24 hours of receipt of tender prices.

Councillor Hunter requested the Director of Environmental Services look into Council facilities that use both gas and oil in order to make savings for Council.

Proposed by Councillor McLean
Seconded by Councillor Hunter and

AGREED – to recommend that Council grant delegated authority to Officers to approve the new natural gas and electric contracts within 24 hours of receipt of tender prices.

11. ENTERTAINMENT LICENCE RENEWALS

Report, previously circulated, presented as read.

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.

Unique Reference Number	Name of Premises
EL046	Garvagh Sports & Social Club
EL341	Owens Bar
EL334	Ballykelly Presbyterian Church Hall
EL406	Murphy's Bar
EL332	St Peter's Hall
EL317	Crowbar@function Room
EL003	Aghadowey Presbyterian Church Hall
EL033	Cromore Halt
EL070	The Old Point Inn
EL284	The Gawn Inn
EL058	Kilrea Orange Hall
EL083	Portstewart Royal British Legion
EL297	Hilltop Holiday Park - The Hub
EL221	Ballymacconnelly Hall
EL086	Portrush Atlantic Hotel

12. PETROLEUM SPIRIT LICENCE RENEWALS

Report, previously circulated, presented as read.

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.

Licence No:	Name of Premises
PL048	Bush Fuels
PL008	Kilrea Service Station
PL021	Eurospar Garvagh

13. SOCIETY LOTTERY REGISTRATIONS

Report, previously circulated, presented as read.

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

REGISTRATION OF A SOCIETY

The undernoted application for society lottery registration has been received, acknowledged and processed during the report period.

Registration No:	Name of Society
SL004	Mother Goose & Jack Horner Playgroups

14. STREET TRADING LICENCE RENEWALS

Report, previously circulated, presented as read.

STREET TRADING (NI) ACT 2001

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

Unique Reference Number	Applicant	Type of Licence	Commodity	Location
MST 010	Patrick Joseph Mullan	Mobile	Ice Cream	Borough of Causeway Coast and Glens.

15. LICENCES ISSUED UNDER DELEGATED AUTHORITY

Report, previously circulated, presented as read.

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

Unique Reference Number	Premises	Type of Registration
CP/01/21	Superdrug Limavady	Cosmetic Piercing

16. THE HEALTH (MISCELLANEOUS PROVISIONS) ACT (NORTHERN IRELAND) 2016

Report, previously circulated, presented as read.

Purpose of Report

The purpose of this report is to advise Council of new legislative requirements in relation to age restrictions on the sale of nicotine inhaling products.

Background

Nicotine is highly addictive and, according to the World Health Organisation, exposure to nicotine whilst still in adolescence can lead to long-term consequences for brain development. In addition to the potential long-term health implications of e-cigarette use by teenagers, there are also concerns that they may act as a gateway into smoking.

Legislation and Offences

From 1st February 2022 under the Health (Miscellaneous Provisions) Act (Northern Ireland) 2016:

- it will be an offence for a retailer to sell nicotine inhaling products (including e-cigarettes/ vapes) to anyone under the age of 18. This includes e-cigarette/ vaping device refill containers
- It will be an offence for an adult to buy, or try to buy, any tobacco products or, from 1 February 2022, nicotine inhaling products (including e-cigarettes/ vapes) on behalf of someone under the age of 18 (known as proxy purchasing).

Penalties

A fixed penalty may be issued in respect of the above offences. Amounts and maximum fines are detailed below:

- selling nicotine inhaling products to a person under the age of 18 - a fixed penalty of £250, or maximum fine of £5,000 if prosecuted and convicted by a court.
- an adult buying, or attempting to buy nicotine inhaling products on behalf of a person under the age of 18 - a fixed penalty notice of £250, or a maximum fine of £5,000 if prosecuted and convicted by a court

Councils are responsible for providing advice and enforcing the tobacco and nicotine inhaling product age of sale restrictions in respect of retailers in N.I.

The Environmental Health Department have written to 135 retailers across the Borough to prepare them for the introduction of the new legislation.

The Public Health Agency has implemented a mass media campaign to increase awareness and encourage support for the new regulations.

17. THE SMOKE-FREE (PRIVATE VEHICLES) REGULATIONS (NI) 2021

Report, previously circulated, presented as read.

Purpose of Report

The purpose of this report is to advise Council of new legislative requirements in relation to smoking in private vehicles with children and young people present.

Background

Existing smoke free law is being extended to protect children and young people from the harm to their health caused by exposure to second-hand smoke in vehicles.

Smoking is the single greatest cause of preventable illness and premature death in Northern Ireland. Exposure to second-hand smoke damages the health of others, particularly children, who breathe more rapidly and inhale more pollutants per pound of body weight than adults.

Legislation and Offences

The Smoke-free (Private Vehicles) Regulations (NI) 2021 amend the Smoke-free (Exemptions, Vehicles, Penalties and Discounted Amounts) Regulations (NI) 2007 to prohibit any person from smoking in any enclosed private vehicle when another person under the age of 18 years old is present inside the vehicle.

The requirement applies to the driver and any passengers and to both moving and stationary vehicles. Electronic cigarettes and nicotine vaporisers are not included within the definition of smoking.

From 1st February 2022 it will therefore be an offence:

- for someone to smoke in a private vehicle with someone under age 18 present; and
- for a driver not to stop someone smoking in a private vehicle with someone under age 18 present

Penalties

A fixed penalty may be issued in respect of the above offences. Amounts and maximum fines are detailed below:

- Smoking in a private vehicle with someone under the age of 18 present – fixed penalty notice of £50 (reduced to £30 if paid within 15 days) for the person smoking or a maximum fine of £1,000 if prosecuted and convicted by a court.
- A driver permitting smoking in a smoke-free private vehicle with someone under the age of 18 present - fixed penalty notice of £50 for the driver, or a maximum fine of £2,500 if prosecuted and convicted by a court.

A dual enforcement role between district councils and PSNI is being adopted in relation to the Regulations. The Police have a key role in detecting and dealing with offences against this legislation as they have existing powers to stop moving vehicles and are able to enforce this legislation as part of their usual road safety responsibilities, which include the proper use of child car seats, seat belts and mobile phones.

District councils also have responsibilities and powers to appoint authorised officers to deal with individual offences when discovered or reported to them and to generally support the building of compliance through information and advice campaigns as well as by working alongside the police in taking targeted enforcement measures.

The Public Health Agency has implemented a mass media campaign to increase awareness and encourage support for the new regulations.

18. PRIVATE CONTRACTOR LITTER ENFORCEMENT STATISTICS (WISE)

Report, previously circulated, presented

Purpose of Report

The purpose of this report is to update members on the private contractors first 6 months of operation.

Background

Further to report item ES210810 Item 22, members will be aware that this service commenced 2nd August 2021.

Statistical information for the period 2nd August 2021 to 31st January 2022 of operation are provided in Tables below

Table circulated to show the number of Fixed Penalties per Month (August 2021 – January 2022).

Table circulated to show the number of Fixed Penalty Notices (FPN's) Issued by Offence type (August 2021 – January 2022)

Litter Composition Report 2019/20 compiled by Keep Northern Ireland Beautiful produced a diagram (circulated) which highlights the categories of littered items and the amount of litter that could be on our streets at any one time.

Table circulated to show the number of Fixed Penalty Notices issued by town/area (August 2021 – January 2022)

Officers continue to be deployed across the Borough, 7 days per week to detect offences with the aim of reducing the amount of litter across the Borough.

Members are reminded that should they wish to accompany any of the officers on patrol to observe first-hand how they engage with the public, that may be arranged.

All those that have been given a FPN have the right of representation directly to the company to challenge the issue. Details are provided on the FPN and on the Councils website. <https://www.causewaycoastandglens.gov.uk/live/health-and-built-environment/environment-health-and-well-being/environmental-health/litter-enforcement>

For those who do not have internet access an address for written representations can be provided.

Council officers will continue to work with WISE officers targeting litter hotspots and promoting anti-litter initiatives such as the Butt Ballot boxes, use of litter bins, and the Green Dog Walker scheme.

It is recommended that the Environmental Service Committee recommends to Council to note the above.

The Chair confirmed that during the workshop held with WISE before the Committee meeting there was no date set for future workshops.

Councillor McAuley considered the workshop with WISE was not beneficial as the required information was not forthcoming from WISE.

It was proposed by Councillor McAuley and seconded by Councillor McQuillan to recommend that no further workshops are organised.

Councillor Hunter considered that it would be beneficial to have another workshop in two months' time in order to view progress. She stated that during the workshop it was considered that it would be beneficial to see WISE enforcement officers move to rural and urban areas which had not been facilitated to date, especially with the time changing and longer days approaching.

Amendment

Proposed by Councillor Hunter
Seconded by Councillor Holmes

- To recommend that a workshop is organised in two months to receive more information on how litter enforcement has been addressed in rural and urban areas where it has not been facilitated to date.

Councillor Holmes supported the amendment stating it would be beneficial to see a greater focus on addressing dog fouling and litter enforcement in public/Council areas.

In response to questions the Director of Environmental Services confirmed the number of litter wardens employed by Council, their working hours and duties. It was further confirmed the changes in staffing and working hours of WISE enforcement officers were of no additional cost to the Council.

Councillor McAuley withdrew his proposal as other Members considered another meeting would be beneficial.

AGREED – to recommend that a workshop is organised in two months to receive more information on how litter enforcement has been addressed in rural and urban areas where it has not been facilitated to date

19. WASTE DATA RETURN JULY TO SEPTEMBER 2021 (PROVISIONAL)

Report, previously circulated, presented as read.

Purpose of Report

The purpose of this report is to advise Members on the publication of provisional waste statistics on 27th January 2022 by the Department of Agriculture, Environment and Rural Affairs (DAERA) for the July to September 2021 reporting period.

Background

DAERA produce quarterly provisional Northern Ireland local authority collected municipal waste management statistics between April and March each year.

The publication provides information on local authority collected municipal waste from household and non-household sources and recycling and landfill rates.

In November each year, notwithstanding any delays, the Department produces a validated report for the proceeding April to March 12 month reporting period.

Information

Provisional statistics for recycling performance in the July to September 2021 reporting period as follows.

Household waste sent for preparing for reuse, dry recycling and composting was 55.5%. The Northern Ireland average was 53.0%. Council ranked 5th for reporting period.

Municipal waste sent for preparing for reuse, dry recycling and composting was 51.30%. The Northern Ireland average was 52.6%. Council ranked 7th for reporting period.

Waste from households (WfH) preparing for reuse and recycling including composting was 51.3%. The Northern Ireland average was 51.6%. Council ranked 6th for reporting period.

There is a statutory requirement on UK Local Authorities to achieve a Waste from Households (WfH) recycling rate of 50%. The WfH recycling rate is a harmonised indicator across the four UK countries.

20. CORRESPONDENCE REPORT

There was no correspondence.

21. CONSULTATION DOCUMENTS

There were no consultations.

22. CONFERENCES

There were no conferences.

23. MATTERS FOR REPORTING TO PARTNERSHIP PANEL

There were no matters to report to the Partnership Panel.

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

(i) Cardboard baler at Knock Road Recycling Centre (Councillor Wallace)

At the Knock Road recycling centre a cardboard baler was installed about a year ago. It is in metal housing beside the skips. Can I ask why this has been installed, I'm sure at great cost and never used? Why no staff have been trained to use it? Is it ever going to be used and when?

In response to questions the Director of Environmental Services provided information regarding the installation, use and economic value of the cardboard balers within the Council area.

Councillor McAuley requested that a report was brought to the next Environmental Services Committee providing clarification on the contract arrangements associated with the cardboard baler and conflicts of interest.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Councillor McAuley
Seconded by Councillor Holmes and

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

* **Press were disconnected from the meeting at 7:53pm.**

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

25. TENDER FOR THE PROVISION OF LEGIONELLA RISK ASSESSMENT REVIEWS

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

Purpose of Report

To appoint a contractor to carry out a Review of Legionella Risk Assessments for a range of buildings and facilities, within Causeway Coast and Glens Borough Council Buildings.

It is recommended that the Environmental Services Committee recommends to Council that BWT (NI) Ltd be appointed to carry out a Review of Legionella Risk Assessment for CCGBC.

Proposed by Councillor Holmes
Seconded by Councillor Wallace and

AGREED – to recommend to Council that BWT (NI) Ltd be appointed to carry out a Review of Legionella Risk Assessment for CCGBC

26. ASSET REALISATION - DECLARATION OF 'SURPLUS TO REQUIREMENTS', ASSETS AT VARIOUS LOCATIONS WITHIN THE BOROUGH, (4NO).

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

Purpose of Report

The purpose of this report item is to inform Members that the Environmental Services department have strategically reviewed various assets and carried out interdepartmental communications, with the resultant said assets as listed in the report being surplus to all Council Departments requirements.

It is recommended that Members declare the lands located below (sites A to D) surplus to requirements, thereafter Asset Realisation shall review possible realisation options for the said sites and report to the Land & Property Sub-Committee accordingly.

- A. Land located off Coleraine Road, Garvagh
- B. Land located off Station Road, Dunloy
- C. Land located at Lisnagunogue, Bushmills
- D. Land located off Portrush Road, Coleraine

Councillor McQuillan questioned the possibility of Housing Associations benefiting from developing some of the land being declared surplus.

The Director of Environmental Services confirmed the role of Environmental Services declaring the land surplus to the Directorate needs and further confirmed the disposing of land and property process.

Proposed by Councillor McQuillan
Seconded by Councillor Holmes and

AGREED – to recommend that Council declare the lands located below (sites A to D) surplus to requirements, thereafter Asset Realisation shall review possible realisation options for the said sites and report to the Land & Property Sub-Committee accordingly.

- E. Land located off Coleraine Road, Garvagh
- F. Land located off Station Road, Dunloy
- G. Land located at Lisnagunogue, Bushmills
- H. Land located off Portrush Road, Coleraine

27. ASSET REALISATION - DEFINE USE OF NEW CONCESSIONARY TRADING POINTS 2022, (5NO.), AT VARIOUS LOCATIONS WITHIN THE BOROUGH

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

Purpose of Report

The purpose of this report item is to request that Elected Members consider, advise and approve the trading activity which can occur at each of the subsequent

noted Concessionary Trading sites, (as per No.2.1), to allow Officers to commence advertising and auctioneering tendering of same.

Background

2.1 Members of the Environmental Services Committee dated December 15th, 2021, approved that progression of the undernoted Concessionary Trading locations can proceed to implementation of minor enablement works, and the tendered private market-place auction of same.

Locations

~~Whiterocks, Portrush, - (to be removed following Council decision 01/02/22)
(Current provision is Ice-Cream & Cold drinks)~~

Christie Park, Coleraine,
(No current service provision being provided)

Lansdowne Car Park, Portrush,
(Current trading provision is 2no. Ice-Cream & 1no. Hot food/Tea & Coffee).

Garvagh Forest, Coleraine,
(Forest Service – landlord - would prefer Tea, Coffee & Tray Bakes)

Limavady Accessible Play Park,
(Members agreed at the E.S Committee, dated January 11th, 2022, that this trading position be introduced – no service provision is currently in place).

2.2 Following an Environmental Services Committee meeting dated January 11th, 2022, Members advised that decision making surrounding the trading activity at Councils Concessionary Trading locations.

2.3 As a consequence of Point No.2.2, Council Officers now require from Elected Members confirmation as to what trading activity can occur at the locations defined under Point No.2.1, to ensure that Officers can proceed with advertising and tendered auctioning of the sites prior to summer 2022.

It is recommended that Members consider, advise and instruct Council Officers as to what trading activity they wish to be tendered at each respective location defined under Point No.2.1.

Committee discussed establishing a Working Group, its membership and scope.

Proposed by Councillor McQuillan
Seconded by Councillor Holmes

AGREED – to recommend that Council defer consideration, that Council establish a Trading working group consisting of 6 members from the Environmental Services Committee and meet as required.

28. ASSET REALISATION - NEW CONCESSIONARY TRADING LOCATION AT RIVERSIDE PARK CAR PARK, BALLYMONEY CONFIDENTIAL REPORT, PREVIOUSLY CIRCULATED PRESENTED AS READ.

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

Purpose of Report

The purpose of this report item is to request that Members consider, and if acceptable, approve for the provision of a new concessionary trading location at Riverside Park Car Park, Ballymoney.

Recommendation

That Members review and if acceptable, approve for this new concessionary trading location to be implemented, pending a planning application outcome, and that auctioning of the site occurs in-align with Members instructed trading activity.

In response to questions the Director of Environmental Services confirmed that a report could be brought to Environmental Services Committee detailing the proposed upgrading work at Riverside Park; that planning permission would be required if this trading pitch was approved.

Proposed by Alderman Fielding
Seconded by Councillor McLean and

AGREED – to recommend that Council approve this new concessionary trading location to be implemented, pending a planning application outcome, and that auctioning of the site occurs in-align with Members instructed trading activity.

29. FUEL STAMP SAVING SCHEME UPDATE

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

Purpose of Report

The purpose of this report is to provide Council with an update on the Fuel Stamp Savings Scheme administered on behalf of Council by Limavady Community Development Initiative (LCDI).

It is recommended that the report be noted.

In response to questions the (Temporary) Head of Health and Built Environment advised that retailers of the fuel stamps or energy suppliers can contact LCDI directly in respect of obtaining the fuel stamps or participating in the scheme.

30. PERIOD 9 ES MANAGEMENT ACCOUNTS

Confidential report, previously circulated, 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 9.

31. ANY OTHER RELEVANT BUSINESS (NOTIFIED IN ACCORDANCE WITH STANDING ORDER 12 (O))

(i) Concessionary trading pitch (Councillor Schenning)

A concession trader has a three year license to trade on a Council pitch. They have two years left on the contract and due to health problems would like to pass the last two years on to another vendor.

Could the officers confirm the procedure for this option?

The Chair invited Councillor Schenning to present this item of Any Other Relevant Business.

The Chair observed that Councillor Schenning was not in attendance.

MOTION TO PROCEED ‘IN PUBLIC’

Proposed by Councillor Wallace

Seconded by Councillor McLean and

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

There being no further business the Chair thanked everyone for their attendance and the meeting concluded at 8:23pm.

Chair