

**ENVIRONMENTAL SERVICES COMMITTEE MEETING
TUESDAY 14 NOVEMBER 2023**

Table of Recommendations

No	Item	Summary of key Recommendations
1.	Apologies	<i>None</i>
2.	Declarations of Interest	<i>Alderman Hunter, S McKillop, Councillors C Archibald and Wallace</i>
3.	Presentation from Keep Recycling Local	<i>To recommend that Council consider and cost options to encourage the removal of glass from recycling bin to community recycling points</i>
4.	Minutes of previous meeting held Tuesday 10 October 2023	<i>Confirmed as a correct record</i>
5.	Entertainments Licensing Report	<p><i>to recommend that Council grant an Annual Indoor Entertainments Licence subject to compliance with any recommendations of the Council's Licensing Department and no objections being received from representations, NIFRS or PSNI;</i></p> <p><i>To recommend that Council grant an Occasional Entertainments Licence subject to compliance with any recommendations of the Council's Licensing Department.</i></p>

No	Item	Summary of key Recommendations
6.	Consideration of proposed Dog Control Order to keep Dogs on Leads on lands between Ballintoy and Whitepark Bay – Findings of Public Consultation	<i>To recommend to Council Option 2 – Proceed with introducing new legislation in the form of a Dog Control Order (Dogs on Leads) to require dogs to be kept on a lead at all times on the lands between Ballintoy Harbour and Whitepark Bay whether livestock are present or not</i>
7.	Consultation on Creating a Smokefree Generation and Tackling Youth Vaping	<i>To recommend that Council endorses the response</i>
8.	Concessionary Trading Sites 2024-27 – Goods to be sold	<p><i>to recommend that Council approve No 29 be amended to include ice cream, confectionery, cold drinks, hot drinks, flour-based baked goods and traybakes as per the revised table 1 outlined below.</i></p> <p><i>to recommend that Council approve Nos 1-30 excluding No 29 as per the revised table 1 below.</i></p>
9.	Fairtrade Borough Signage	<i>To recommend to Council Option 1 To endorse the request and agree to the erection of to erect Fairtrade Borough Signage at 7 key flowerbed locations in the main towns of Ballycastle, Ballymoney, Coleraine, Limavady, Portrush and Portstewart and Rathlin Island</i>
10.	Essential Changing Places Compartments at Megaw Park, Ballymoney and Rathlin Island, (part funded)	<i>To recommend that Council grant approval for officers to progress simultaneously with</i>

No	Item	Summary of key Recommendations
		<p>Stage 1, (Feasibility & Scoping), and Stage 2, (Detailed Design & Procurement) of the capital procurement gateway in respect of providing essential 'Changing Places Compartments at Rathlin Island & Megaw Park, Ballymoney'.</p> <p>Upon completion of Stage 2, (Detailed Design & Procurement), officers shall bring before Members, (full Council in December 2023), a completed tender conclusion report following a public procurement exercise for 'Works' at each of the locations identified, with a recommendation to progress to Stage 3 – construction phase.</p>
11.	Entertainment Licence Renewals	<i>Noted</i>
12.	Approval of Premises as a Venue for Civil Marriage	<i>Noted</i>
13.	Approval of Premises as a Venue for Civil Partnership	<i>Noted</i>
14.	Licences Issued Under Delegated Authority	<i>Noted</i>
15.	Petroleum Spirit Licence Renewals	<i>Noted</i>
16.	Food Standards Agency Audit Report	<i>Noted</i>
17.	Underage Sales Test Purchase Exercises - Tobacco and Nicotine Inhaling Products	<i>Noted</i>
18.	Noise Complaint Statistics for Northern Ireland 2022 – 2023	<i>Noted</i>

No	Item	Summary of key Recommendations
19.	PeriodSmart – Reusable Period Products	<i>Noted</i>
20.	Waste Data Return April to June 2023	<i>Noted</i>
21.	ES Business Plan 6 Month Update	<i>Noted</i>
22.	ES Management Accounts and Financial Position Period 6	<i>Noted</i>
23.	Matters for Reporting to Partnership Panel	<i>None</i>
24.	Consultations	<i>None</i>
25.	Correspondence - Keep Northern Ireland Beautiful, date 27th October 2023	<i>The Director of Environmental Services stated he would respond to Keep Northern Ireland Beautiful advising of the suggestion of part funding as requested by Elected Members and bring a report back for consideration in advance of rates setting process</i>
	'In Committee' (Items 26-18 inclusive)	
26.	Request from Causeway Coast Maritime Heritage Ltd to waive service fees at Council Harbour & Marina facilities	<i>To recommend that Council approve Option 2 - that Council Members decline the request to support Causeway Coast Maritime Heritage Ltd and they are charged standard costs for services received.</i>
27.	Procurement of Biodegradable Liners for Household Food Waste Caddy	<i>To recommend that Council approve the procurement of food waste caddy liners to facilitate food waste recycling in the home</i>
28.	Request to Relinquish Concessionary Trading Licence due to Health Reasons	<i>To recommend that Council permit the concessionary trader to relinquish his concessionary trading licence four months</i>

No	Item	Summary of key Recommendations
		early on the grounds of ill health and cancel the last instalment owed on the payment plan of £2,560.00
29.	Coleraine Marina Economic Appraisal	To recommend that Council invite the Public Sector Body to present to the Environmental Services Committee 'In Committee'.
30.	Street Trading Licence Renewals	Information
31.	Legal Advice on Licensing of Pavement Cafes (NI) Act	To recommend, in the light of information available, that Council revisit the current policy of licencing for pavement cafes
32.	Any Other Relevant Business (notified in accordance with Standing Order 12 (0))	None

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF
THE ENVIRONMENTAL SERVICES COMMITTEE HELD
IN THE COUNCIL CHAMBER, CIVIC HEADQUARTERS AND VIA VIDEO
CONFERENCE, ON TUESDAY 14 NOVEMBER 2023 AT 7.00 PM**

In the Chair: Alderman Fielding (Chair)

Members Present: Alderman Hunter (R), S McKillop (C); Councillors C Archibald (C), Bateson (R), Callaghan (C), Chivers (R), Kane (C), McAuley (C), MA McKillop (C), McQuillan (R), Mairs (C), Stirling (C), Wallace (C) Wilson (R)

Officers Present: A McPeake, Director of Environmental Services (C)
D Wright, Chief Finance Officer (R)
S McAfee, Head of Health and Built Environment (R)
J Richardson, Head of Capital Works, Energy and Infrastructure (R)
J Morton, Harbour Master (R)
I Owens, Committee & Member Services Officer (C)

In Attendance: N Carruthers - KRL (Keep Recycling Local) (C)
A Lennox, ICT Operations Officer (C)
C Thompson, ICT Operations Officer (C)

Press (1 no.) (R), Public (1 no.) (R)

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

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

The Director of Environmental Services undertook a roll call.

1. APOLOGIES

There were no apologies.

2. DECLARATIONS OF INTEREST

Alderman Hunter declared an interest in Item 8 - Concessionary Trading Sites 2024-27 – Goods to be sold - as a member of the Planning Committee.
Having declared an interest, Alderman Hunter did not participate in the vote.

Alderman McKillop declared an interest in Item 8 - Concessionary Trading Sites 2024-27 – Goods to be sold - as a member of the Planning Committee.
Having declared an interest Alderman McKillop did not participate in the vote.

Councillor Wallace declared an interest in Item 8 – Concessionary Trading Sites 2024-27 – Goods to be sold - as a member of the Planning Committee.
Having declared an interest, Councillor Wallace did not participate in the vote.

Councillor C Archibald declared an interest in Item 29 - Coleraine Marina Economic Appraisal, as a nominee to Coleraine Harbour Commissioner. Having declared an interest, Councillor C Archibald did not participate in the vote.

3. PRESENTATION FROM KEEP RECYCLING LOCAL (KRL)

The Chair invited N Carruthers from Keep Recycling Local to present.

N Carruthers advised that she did not represent a company and was a spokesperson for the Keeping Recycling Local Campaign and presented via power point as follows:

- Founders of campaign for Keep Recycling Local are Encirc, Enva and Bryson Recycling with many others involved in the campaign.
- Its aim is to see positive changes in the way that recyclables are collected and to ensure that recyclable materials collected in Northern Ireland are reprocessed at source in order to aid Northern Ireland's economy and to link into the Department for the Economy's draft Strategy as well as benefiting the environment.
- A way to achieve this aim is to sort and separate our recycling materials before being collected.
- In 2017 Invest NI estimated that recycling accounted for £100m income to the economy in Northern Ireland which was 6 years ago.
- One of the problems is that Northern Ireland export over 91,000 tonnes of recycles around the globe each year.
- Regarding Policy context in NI recycling is a key Council service and there are net zero targets to be achieved by 2050 with 70% of waste to be recycled by 2030.
- The Department for Economy Strategy requires keeping materials in circulation for as long as possible. An example of this is continual recycling of glass into new glass as opposed to using it for road aggregate when the lifecycle ends.
- The Department for Environment Food and Rural Affairs requirements dictate that the producer pays for the disposal of their packaging and this is hampered by current recycling and collection capacity.
- Imminent action from consultation by the Department of Agriculture Environment and Rural Affairs includes:-

Improving overall recycling quality;
Ensuring maximum value is extracted from materials;
Keeping materials for as long as possible;
Requirement of a minimum of 2-stream recycling;

- Ban on more single use plastics which was legislated in England since 1 October 2023.
- The 3 step solution is to collect materials separately; change key legislation and make information on end destinations of recycling more publicly available.
- If recyclables are kept separate over 80% of Northern Ireland's materials could be recycled locally, Councils could save millions, could support local businesses, secure jobs and lower carbon emissions reduce export of recyclables.
- When recycling is collected using a 3-stream system, over 80% stays in Northern Ireland compared with 20% when co-mingled with other materials.
- An interesting fact is that every bottle of Bailey's commences its life in Derrylin where 200 bottles are produced a minute and get shipped across the globe from recycled glass.
- N Carruthers advised Enva Glass Recycling (NI) had a short video to share with Elected Members and an invitation to visit their company.

* **Councillor C Archibald joined the meeting in the Chamber at 7.10 pm**

The Chair thanked N Carruthers for the presentation and invited questions from Elected Members for the speaker.

Councillor Wallace said the 80% figure was startling and asked the Director what the cost would be to separate the glass and questioned mixing cardboard and glass.

The Director of Environmental Services advised that as the target was volume based the primary aim was to meet recycling targets and to get as much out of the black bin and into the blue bin. This method was used to avoid this type of waste being put in the black bin and destined for landfill.

The Director of Environmental Services spoke of a staged approach and acknowledged the quality of recycling would be enhanced if separated but said delivery of the most effective and efficient service to enable achievement of recycling was also crucial.

The Director of Environmental Services said that he expected legislation to dictate that Councils separate recycling to this level but that it would cost money, stating that separation of glass would require approximately 20 vehicles in addition to revenue for fuel and staff costs which, it was hoped, at legislation stage, Central Government would assist with this financially.

Following a question from Councillor Wallace, the Director of Environmental Services explained there would be an increased income for glass if separated, but there would be an associated cost of additional vehicles and containers.

N Carruthers said that she did not see this evolving overnight and referred to the need for education and raised the matter of having no glass recycling points at Portstewart, those who wish to recycle must drive to Coleraine.

The Director of Environmental Services agreed that education in respect of recycling was essential but that people also needed to be encouraged to continue to use their blue bin also.

Proposed by Councillor Wallace
Seconded by Alderman S McKillop and

AGREED – To recommend that Council consider and cost options to encourage the removal of glass from the recycling bin to community recycling points.

Councillor McQuillan concurred with Councillor Wallace's remarks.

N Carruthers spoke of the impact of emissions as a result of tankers driving across the world and suggested lorries could be repurposed, referring to good practice in other parts of Ireland, Scotland and England.

Alderman S McKillop referred to the shocking recycling figures and felt that a conversation should be continued with Keep Recycling Local and would welcome a paper being brought to the Committee.

* **N Carruthers left the meeting at 7.30 pm.**

4. MINUTES OF PREVIOUS MEETING HELD TUESDAY 10 OCTOBER 2023

Summary, previously circulated.

AGREED - The Minutes of the Environmental Services Committee meeting held Tuesday 10 October 2023 were confirmed as a correct record.

5. ENTERTAINMENTS LICENSING REPORT

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

ENTERTAINMENTS LICENCE

GRANT OF INDOOR ENTERTAINMENTS LICENCE

License No: EL260

Premises: The Hedges Hotel, Ballinlea Road, Ballymoney

Application: Grant of an Annual Indoor Entertainments Licence

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

Monday – Sunday 20:30hrs to 01:30hrs

Representations: Closing date 30th November 2023

PSNI & NIFRS: Closing date 23rd November 2023

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

GRANT OF INDOOR ENTERTAINMENTS LICENCE

License No: EL115

Premises: Windyhall Community Centre, Tullans Park, Coleraine

Application: Grant of an Occasional Indoor Entertainments Licence

Days and times on which it is applied to provide entertainment

Monday - Sunday: 10:00hrs to 01:00hrs

Representations: No Objections

PSNI & NIFRS: No Objections

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

Recommendation

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

Proposed by Councillor Kane
Seconded by Councillor MA McKillop and

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

- To recommend that Council grant an Occasional Entertainments Licence subject to compliance with any recommendations of the Council's Licensing Department.

6. CONSIDERATION OF PROPOSED DOG CONTROL ORDER TO KEEP DOGS ON LEADS ON LANDS BETWEEN BALLINTOY AND WHITEPARK BAY – FINDINGS OF PUBLIC CONSULTATION

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

Purpose of Report

The purpose of this report is for members to consider the responses to a public consultation and make a decision on a proposed Dog Control Order requiring dogs to be kept on leads between Ballintoy Harbour and Whitepark Bay.

Background

Environmental Services received a request to impose a Dog Control Order on lands where an asserted Right of Way path runs from Ballintoy Harbour to Whitepark Bay. The lands in question are private lands where livestock are kept however the public use the pathway for recreation and for walking dogs.

The landowner claims that members of the public do not exercise proper control of their dogs by keeping them on a leash and as such the landowner has suffered loss due to dogs worrying the livestock.

Further to CM220630 it was decided that Council would progress the procedure to introduce a Dog Control Order to exclude dogs from these lands which included a public consultation on the proposal.

A public consultation was launched on 3rd January 2023. A total of 151 responses were received with 147 letters of objection and 4 letters of support.

Council considered the results of the public consultation and further to ES230216 and CM230307 decided to progress with the procedure to introduce an alternative Dog Control Order whereby dogs would not be excluded from the area but instead must be kept on a lead at all times whether livestock are present or not. In accordance with procedure this option required a further public consultation to be undertaken the results of which are detailed in 7.0.

Existing Legislative Provisions

Legislative provisions to control dogs on land where livestock is kept exist within the Dogs (NI) Order 1983. Regulation 25 of this Order requires anyone with a dog on land where livestock is kept to keep that dog under control by means of a leash. Any person who contravenes this regulation shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £200.

Regulation 28 of the Dogs (NI) Order 1983 states that if a dog worries livestock or attacks and injures any other animal owned by another person, the keeper of the dog and the person in charge of the dog shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 (£1,000) on the standard scale.

Power to make Dog Control Orders

Under Part 5 Article 40 of the Clean Neighbourhoods and Environment Act (NI) 2011 a district council may make an order providing for an offence or offences

relating to the control of dogs in respect of any land in its district to which this Part applies. An order under this subsection shall be known as a “dog control order”.

Although the land in question here is private land used to keep livestock, the power to make a Dog Control Order applies as it is land to which the public are entitled to access due to the asserted Right of Way path.

Considerations of imposing a Dog Control Order

The Department of the Environment (NI) produced guidance for District Councils to refer to when considering imposing Dog Control Orders called ‘Guidance on Part 5 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011’ which can be found at <https://www.daera-ni.gov.uk/sites/default/files/publications/doe/guidance-dog-control-orders.pdf>

The following excerpts are from that guidance on general principles:

- Paragraph 1.3 District councils may make dog control orders, provided that they are satisfied that an order is justified, and they have followed the necessary procedures.
- Paragraph 1.5 However, enforcement of the legislation is just one tool that is available to district councils to deal with dogs. Councils should bear in mind that the introduction of a dog control order may not always be the most appropriate course of action and that education also has an important part to play in promoting responsible dog ownership.
- Paragraph 2.2 The council needs to balance the interests of those in charge of dogs against the interests of those affected by the activities of dogs, bearing in mind the need for people, in particular children, to have access to dog-free areas and areas where dogs are kept under strict control, and the need for those in charge of dogs to have access to areas where they can exercise their dogs without undue restrictions. A failure to give due consideration to these factors could make any subsequent dog control order vulnerable to challenge in the Courts.
- Paragraph 2.3 District councils should also consider how easy a dog control order would be to enforce, since failure to enforce properly could undermine the effect of an order. This is particularly the case for orders that exclude dogs completely from areas of land.

Outcome of Monitoring Visits

To assess the situation monitoring of the area was carried out by officers from the Enforcement team. For an offence to be committed under Regulation 25 of the Dogs (NI) Order 1983 livestock must be present on the land in question and dogs must be off leash and not under control.

In total the Enforcement Team have carried out 57 monitoring visits since between January 2022 and January 2023 and on one occasion noted dogs off leash when livestock were present.

An elected member visited the area on two occasions and reported the following:

- 14th April 2022 - 3 walkers with dogs off leads and livestock present. 1 dog observed making an attempt to chase but was restrained by the owner.
- 3rd May 2022 – No dog walkers observed.

Environmental Services engaged with the person who made the request for the Dog Control Order to provide a written witness statement indicating the extent of the problem in their experience and to provide supplementary evidence to support any losses incurred such as veterinary records.

The complainant provided a witness statement confirming their general complaint of the land being used by dog owners but there are no specific details of number of incidents of dogs attacking livestock, no details of numbers of livestock lost and no veterinary evidence of treatment of livestock following dog attacks.

Evidence of a dog attack on 14th September 2023

On 15th September 2023 the Environmental Health Department received video footage and text messages regarding a livestock attack by a large breed of dog in the area in question. One video image shows the dog owner explaining that the dog slipped its leash and chased the sheep on the cliff resulting in a sheep falling off the cliff and breaking its foreleg. The livestock owner subsequently found a second sheep the following day that had broken both forelegs. Both sheep were euthanised.

Results of Public Consultation

Before making an Order the Dog Control Orders (Procedures) Regulations (N.I.) 2012 require a Council to publish a notice describing the proposed order on its website and in a local newspaper and invite representations on the proposal.

At the end of the consultation period Council must consider any representations made. If Council decides to proceed with the order, it must decide when the order will come into force. This must be at least 14 days from the date on which it was made.

The public consultation on the proposal to introduce a Dog Control Order requiring dogs to be kept on a lead at all times whether livestock are present or not, on the lands between Ballintoy Harbour and Whitepark Bay, was launched on 28th June 2023.

A total of 5 responses were received, 3 letters of objection and 2 letters of support (Appendix 1, previously circulated). A further 3 responses were received after the consultation period closed, 1 letter of objection and 2 letters of support.

Considerations for Council

- There already exists legislation whereby dogs must be under control by means of a leash on lands where livestock is present.
- The relevant guidance requires that the introduction of any Dog Control Order must be justified.

- Councils must take into account the interests of dog owners to be able to exercise their dogs without undue restrictions.
- Any proposed Dog Control Order must have a public consultation and the responses from this consultation such as objections to the Dog Control Order must be considered.
- The introduction of any Dog Control Order is subject to legal challenge and may fail if Council cannot demonstrate that such an Order is required and justified.
- The Environmental Health Department have no recorded complaints of any incidents of dogs worrying livestock on these lands.
- From the total of 57 monitoring visits undertaken by the Enforcement Team a relevant offence was detected on one occasion which was resolved by the dog owner following advice from the Environmental Warden.
- From 2 visits undertaken by an elected member, 3 dogs were observed off lead while livestock present.
- The witness statement by the complainant does not provide any supporting evidence in relation to the complaint.

Options

Option 1 - Council does not proceed with the introduction of a Dog Control Order to require dogs to be kept on a lead at all times and continues to rely on enforcement of existing legislative provisions under the Dogs (NI) Order 1983 which require dogs to be kept under control by means of a leash where livestock are present.

Option 2 – Proceed with introducing new legislation in the form of a Dog Control Order (Dogs on Leads) to require dogs to be kept on a lead at all times on the lands between Ballintoy Harbour and Whitepark Bay whether livestock are present or not.

Option 3 – Proceed with introducing new legislation in the form of a Dog Control Order (Dogs Exclusion Order) to require dogs to be excluded from the area entirely.

Recommendation

It is recommended that members of the Environmental Services Committee make a recommendation to Council to proceed with introducing new legislation in the form of a Dog Control Order (Dogs on Leads) to require dogs to be kept on a lead at all times on the lands between Ballintoy Harbour and Whitepark Bay whether livestock are present or not (Option 2).

Councillor MA McKillop asked how this legislation would be policed by Council and if reporting would be brought to this Committee.

The Director of Environmental Services said there would be random checks with more at the outset and reactive checks as required, as with other enforcement when matters are brought to the attention of Officers.

Alderman Hunter concurred with Councillor MA McKillop's remarks suggesting more staff may be required, which could be factored into next year's budget, to enforce this and there was justification for ensuring dogs were kept on leashes.

Proposed by Councillor MA McKillop
Seconded by Alderman Hunter and

AGREED – To recommend to Council Option 2 – Proceed with introducing new legislation in the form of a Dog Control Order (Dogs on Leads) to require dogs to be kept on a lead at all times on the lands between Ballintoy Harbour and Whitepark Bay whether livestock are present or not.

7. CONSULTATION ON CREATING A SMOKEFREE GENERATION AND TRACKING YOUTH VAPING

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

Purpose of Report

The purpose of this report is to provide a Causeway Coast and Glens Borough Council response to the consultation.

Background

Smoking is the single most entirely preventable cause of ill health, disability, and death in the UK. It is responsible for around 80,000 deaths a year, including about 2,200 deaths per year in Northern Ireland.

The Office for National Statistics' Adult smoking habits in the UK 2022 reported that 14% of people in Northern Ireland are smokers.

Smoking is a major risk factor for poor maternal and infant outcomes, significantly increasing the chance of stillbirth and can trigger asthma in children. Smoking causes around 1 in 4 of all UK cancer deaths and is responsible for the great majority of lung cancer cases. Smoking is also a major cause of premature heart disease, stroke and heart failure, and increases the risk of dementia in the elderly. Smokers lose an average of 10 years of life expectancy, or around 1 year for every 4 smoking years. As a result, smoking puts significant pressure on the NHS.

On 4 October 2023, the Department of Health and Social Care (DHSC) published a command paper Stopping the start: our new plan to create a smokefree generation setting out proposed action to protect future generations from the harms of smoking by creating the first smokefree generation.

The command paper also sets out measures to crack down on youth vaping. According to the Northern Ireland Young persons behaviour and attitudes survey 2022, 21.3% of 11 to 16 year olds in Northern Ireland reported having

ever used an e-cigarette. Due to nicotine content and the unknown long-term harms, vaping carries risks to health and lifelong addiction for children.

The package of consultation documents which outline fully the proposed amendments can be found at the link circulated.

Appendix 1, previously circulated, is a suggested response to the consultation.

The consultation closes on 6 December 2023.

Recommendation

It is recommended that Council endorses the response.

Councillor Wallace said he had been in communication with the Principal of Coleraine Grammar School who had written to Council, given the massive problem associated by school children vaping. Councillor Wallace said he had requested a meeting between the various stakeholders including Environmental Services, Health Trusts, Youth Service and PSNI.

The Director of Environmental Services advised that he was aware of the meeting planned and that one of his Officers would be in attendance and said that the regularisation and framework for vaping was noted and feedback from Elected Members and the general public taken into account.

Councillor McQuillan said he was pleased by this development, from both a health and environmental perspective.

Following a question from Councillor McQuillan, the Director of Environmental Services advised the timeframe of 3 months recommended was acceptable and that retailers having advance notice of this would be able to make implementation achievable.

Proposed by Councillor McQuillan
Seconded by Councillor Archibald and

AGREED – To recommend that Council endorse the response.

8. CONCESSIONARY TRADING SITES 2023-27 – GOOD TO BE SOLD

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

Purpose of Report

To request a decision from Members as to what can be sold at the concessionary trading sites (provisions) for the next licence term (1st April 2024 – 31st March 2027)

Background

Council has offered concessionary trading locations across the Borough for many years (circa 20 years). The pitches provide a service to visitors at some of our most popular locations, beaches, playparks etc., create jobs and support the local economy whilst generating revenue for Council. Previously members attended a workshop (10th October 2023) to discuss and direct officers as to the

provisions to be sold at the sites during the next licencing period. These options were subsequently agreed at the ES committee (10th Oct 2023).

A current list of concessionary trading sites is shown in table 1 below, which lists the existing provision and the agreed new provisions decided on the 10th of October 2023 at the ES committee meeting.

The decision above was not ratified and Members decided (Council meeting 7th Nov 2023) that the report to decide what provisions that can be sold at the concessionary sites for the next licencing term be brought back to the Environmental Services committee for decision.

Proposal

Table 1 (circulated) itemises the concessionary sites and what is currently sold at the site. The revised provisions agreed at the ES committee meeting on the 10th of October 2023 for the new licence period 1st April 2024 to 31st March 2027 has also been populated within column 3 (table 1)

Recommendation

It is recommended that Members decide what goods can be traded at each trading site for the next licencing period (1st April 2024- 31st March 2027) as detailed in Table 1, previously circulated.

The Director of Environmental Services advised that at the Council meeting on 7th November 2023, there was a request to report further at this meeting in order to simplify the sale of products, particularly at double sites on the same location to avoid conflicts and to permit on other sites to sell all types of food.

The Director of Environmental Services advised that the Planning Department have been consulted regarding the impact of considerable change to products being sold and that if Council moved from what was originally being sold, planning permission would be required, however, if similar products were sold with slight variations, only a Certificate of Lawful Development was required to ensure compliance.

The Director of Environmental Services advised that with Elected Members agreement he would go through the list of 1-30 individually.

Elected Members referred to the challenge of the decision to be reached by the Committee, recognised the work undertaken by the Director and the need for consensus to ensure clarity before and during the auction process, in order to be able to enforce potential breaches.

The Director of Environmental Services advised of a spelling mistake at No 34 Column 3 in table, previously circulated, which should read confectionery not confectionary.

Discussion ensued regarding No 29 and the potential for displacement if hot food was being sold, types of food considered suitable and pending planning applications.

Some Committee Members raised the matter of waste and at some of the concessionary trading sites. The Director of Environmental Services said he would check the conditions of contract but felt sure there was an onus on traders to clear the zone around where they traded. The Director of Environmental Services said the matter could be added to the Conditions of Contract, that Traders do not use single use plastics.

Councillor Wilson gave an example of an individual being able to purchase a donut, but not water, at a site and being able to buy an ice cream, but not a coffee, on another.

The Director of Environmental Services confirmed that where there were two pitches at the same location, cold drinks could be sold on both sites, but hot drinks, which can only be purchased from a hot food vendor. Councillor Wilson acknowledged the Director's clarity and confirmed his understanding.

The Chair sought clarity on the definition of Confectionary and Confectionery as follows:-

Confectionery – Sweets, chocolates, crisps.

Confectionary - Flour based products, sweet or savoury in nature. Eg Donuts or Crepes

Proposed by Councillor Wilson

Seconded by Councillor Bateson and

AGREED – to recommend that Council approve No 29 be amended to include ice cream, confectionery, cold drinks, hot drinks, flour-based baked goods and traybakes as per the revised table 1 outlined below.

The Chair put the proposal to the Committee to vote.

8 Members voted For; 3 Members voted Against; 1 Members Abstained.

The Chair declared the Motion Carried.

Proposed by Councillor Mairs

Seconded by Councillor MA McKillop and

AGREED – To recommend that Council approve Nos 1-30 excluding No 29 as per the revised table 1 below.

Table 1

	1	2	3
	Trading Site Location	Current Provision	Recommendation
1	East Strand car park Portrush	Ice Cream, confectionery, cold drinks.	Ice Cream, confectionery, cold drinks.
2	East Strand car park Portrush	Tea, coffee, doughnuts.	Hot and cold drinks, flour-based baked goods and traybakes.
3	West Strand car park Portrush	Ice Cream, confectionery, cold drinks.	Ice Cream, confectionery, cold drinks

4	West Strand car park Portrush	Tea, coffee, traybakes.	Hot and cold drinks, flour-based baked goods and traybakes.
5	Whiterocks car park Portrush	None on offer currently Previously Ice Cream, confectionery, cold drinks.	A single site offering ice cream, confectionery, cold drinks, hot drinks, flour-based baked goods and traybakes.
6	Benone Beach	Ice Cream, confectionery, cold drinks.	Ice Cream, confectionery, cold drinks only NB - Council have a tenant at entrance to beach trading tea and coffee
7	Downhill Beach	Ice Cream, confectionery, cold drinks.	Ice Cream, confectionery, cold drinks, hot drinks, flour-based baked goods and traybakes.
8	Magheracross car park Portrush	Ice Cream, confectionery, cold drinks.	Ice Cream, confectionery, cold drinks
9	Magheracross car park Portrush	Tea, coffee, doughnuts.	Hot and cold drinks and flour-based baked goods and traybakes.
10	Garron Road car park Waterfoot	Ice Cream, confectionery, cold drinks.	Ice Cream, confectionery, cold drinks, hot drinks, flour-based baked goods and traybakes.
11	Legge Green car park Cushendall	Ice Cream, confectionery, cold drinks.	Ice Cream, confectionery, cold drinks, hot drinks, flour-based baked goods and traybakes.
12	Pier Yard car park Ballycastle	Ice Cream, confectionery, cold drinks.	Ice Cream, confectionery, cold drinks, hot drinks, flour-based baked goods and traybakes.
13	Quay Road car park Ballycastle	Ice Cream, confectionery, cold drinks.	Ice Cream, confectionery, cold drinks, hot drinks, flour-based baked goods and traybakes.
14	Harbour Road car park Ballintoy	Photography, arts, and crafts.	Photography, arts, and crafts, tourism-related memorabilia.
15	Waterford Slip Cushendall	Ice Cream, confectionery, cold drinks.	Ice Cream, confectionery, cold drinks
16	Waterford Slip Cushendall	Hot Food.	Hot Food, hot drinks, cold drinks, flour-based baked goods and traybakes.
17	Portaneevy car park Ballintoy	Ice Cream, confectionery, cold drinks.	Ice Cream, confectionery, cold drinks
18	Portaneevy car park Ballintoy	Hot Food.	Hot food, hot & cold drinks *1
19	Sea Front Ballycastle	Childrens Amusements.	Impose restriction on height of play equipment to max of 2.4m as per legacy Moyle conditions.

20	Diversity Play Park Portstewart	Ice Cream, confectionery, cold drinks.	Ice Cream, confectionery, cold drinks, hot drinks.
21	Megaw Play Park Ballymoney	Ice Cream, confectionery, cold drinks.	Ice Cream, confectionery, cold drinks, hot drinks.
22	Promenade Castlerock	Ice Cream, confectionery, cold drinks.	A single site offering ice-cream, confectionery**, cold drinks, hot drinks, flour-based baked goods and traybakes. Note – Planning permission has been applied for a second site which will be considered at the end of the next term in 2027.
23	Riverside Park Ballymoney	All hot and cold food, all hot and cold drink.	All hot and cold food, all hot and cold drink.
24	Accessible Play Park Limavady	All hot and cold food, all hot and cold drink.	All hot and cold food, all hot and cold drink.
25	Lansdowne Road car park Portrush	Hot Food.	Hot food, hot & cold drinks
26	Lansdowne Road car park Portrush	Ice Cream, confectionery, cold drinks, tea, and coffee.	Ice Cream, confectionery, cold drinks
27	Lansdowne Road car park Portrush	Ice Cream, confectionery, cold drinks, tea, and coffee.	Ice Cream, confectionery, cold drinks
28	Lansdowne Road car park Portrush	Tea, coffee, doughnuts, hot confectionery.	Doughnuts, hot confectionery, hot & cold drinks
29	Forest car park Garvagh	Proposed all hot and cold food, all hot and cold drink.	Ice Cream, confectionery, cold drinks, hot drinks, flour-based baked goods and traybakes. (Planning permission pending)
30	Christie Park Coleraine	Proposed all hot and cold food, all hot and cold drink.	All hot and cold food, all hot and cold drink (Planning permission pending)

* 1 includes doughnuts

** changed from confectionary to confectionery

9. FAIRTRADE BOROUGH SIGNAGE

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

Purpose of Report

The purpose of the report is to seek approval to erect Fairtrade Borough Signage at 7 key flowerbed locations in the main towns of Ballycastle,

Ballymoney, Coleraine, Limavady, Portrush, Portstewart, as well as, Rathlin Island.

Background

Causeway Coast and Glens (CCG) Fairtrade Steering Committee is a voluntary group which was established in 2018. Its objectives are to promote the uptake of Fairtrade products across the Borough, and to attain and maintain the Fairtrade Borough status for the entire council area to include the main Towns of Ballycastle, Ballymoney, Coleraine, Limavady, Portrush and Portstewart, as well as, Rathlin Island.

Fairtrade is a global movement for change and strategy for poverty alleviation through the promotion of sustainable development. Fairtrade is not a brand or charity but a registered certification Mark for products grown by farmers in developing countries under strict ethical and sustainable development conditions to tackle poverty, human trafficking, all forms of exploitation and the United Nations' Sustainable Development Goals.

The Fairtrade Steering Committee is hosted by CCG council with a council lead Officer, chaired by elected representatives and includes a cross section of representatives from both the public and private sector across the Borough.

Proposals

CCG Fairtrade Steering Committee have requested that either the Fairtrade Borough and/or Fairtrade Town status be promoted by the erection of appropriate permanent signage at key sites across the Causeway Coast and Glens council area.

The Fairtrade Steering Committee had proposed that the signage be erected and preferably incorporated into the existing boundary signs or "welcome to" signs on the main arterial routes and towns sites named above, being written into procurement on the replacement of any damaged signs, new sites or with any future re-branding exercise. However, this is difficult to incorporate into the existing gateway signage and as a compromise it is suggested that the signage is added to key flowerbed areas with each of the forementioned towns.

Key Issues

Fairtrade Borough Status

Both the Fairtrade Borough and Fairtrade Town status is conferred by the Fairtrade Foundation and Fairtrade Ireland on a biennial basis. It is awarded after the completion of a comprehensive audit of Fairtrade outlets across the Borough, and after undertaking considerable marketing and promotional activities by the voluntary Fairtrade Steering Committee through completion of five goals, which includes council passing a resolution to support the campaign, including procurement of Fairtrade certified products.

Causeway Coast and Glens was awarded the prestigious Fairtrade Borough status in 2019, which simultaneously includes the main Towns of Ballycastle, Ballymoney, Coleraine, Limavady, Portrush, Portstewart and Rathlin Island.

The Fairtrade Borough status has been successfully renewed every two years.

The Fairtrade certificates are displayed in the Office of the Mayor.

Marketing and promotion of Fairtrade

The marketing and promotion of Fairtrade activity in the Borough is key to retaining The Fairtrade Community (Borough) status; to this end the Fairtrade Foundation and Fairtrade Ireland recommend the display of the approved format/logo below (previously circulated) with the appropriate text: “A Fairtrade Borough” or “A Fairtrade Town” for each Fairtrade Community (Borough, City or Town) that has achieved this accolade.

The standard practice across the UK and Ireland would be that some form of signage would be erected to celebrate and highlight this amazing achievement to residents and tourist to the Borough and that council is a champion of Fairtrade as a permanent fixture.

Please see the attached pictures in Appendix 1, previously circulated, showing the erected Fairtrade signage implemented by other councils across Northern Ireland.

Please refer to the Action Guide (links below) and comments issued from both Fairtrade Ireland & the Fairtrade Foundation on Fairtrade signage:

<https://www.fairtrade.ie/wp-content/uploads/2015/01/Fairtrade-Towns-Goals-and-Guidelines.pdf>

GOAL 1 - Page 3, Paragraph 4: “Once status has been achieved, the council should erect signage declaring it a Fairtrade town. This should be placed at the entrance to the town in a prominent *place*. *Additional signage can be erected during Fairtrade Fortnight.*”

<https://www.fairtrade.org.uk/wp-content/uploads/legacy/doc/Fairtrade%20Towns%20Action%20Guide.pdf>

Page 1 – Borough of Wyre – Fairtrade signage

GOAL 1 - Page 5 – last section...Taking Goal 1 further - Point 6: “erect street signs declaring Fairtrade Town status”

The CCG Fairtrade Committee has written to CCGBC requesting that the council follow the example of other councils and erect similar Fairtrade signage.

The Department for Infrastructure (DfI) who are responsible for the oversight of road signage have advised the Fairtrade signage is a council decision, as the signs would be mounted on existing council property, all marketing/branding and planning permission is up to the discretion of each council.

Fairtrade in Northern Ireland

100% - All our 11 councils in Northern Ireland have achieved the Fairtrade status for the entire council area (Borough, City or District).

Full update on Fairtrade across Northern Ireland can be found here:

<https://www.northernirelandfairtrade.org/projects>

Resource Implications

Asset and Other Implications

Fairtrade Borough/Town signage erected in a prominent place recognises the council's endeavours in promoting the global campaign of increasing Fairtrade products and in supporting developing world producers. This global initiative is fully supported by the council who host and chair the Fairtrade Steering Committee, social media/website and provide administrative support.

Financial costs

It is estimated that the cost for production and installation of the Fairtrade Signage at the 7 locations is approximately £2,800.

Equality Implications

There are no equality implications.

Fairtrade is the gold standard of ethical labelling and can only appear on products from the developing world. Fairtrade is not a charity, but ethical consumerism led by cross community, public/private sector demand and statutory obligations: United Nations' Sustainable Development Goals (Agenda 2030), particularly Goals 2,5,8,12,13, 16 & 17, which falls to each council under sustainability.

Fairtrade alleviates poverty, tackles global issues and all forms of exploitation (child labour, trafficking), environmental and social considerations, including climate change.

Fairtrade has an international dimension and wider implication for the most disadvantaged vulnerable small-scale farmers world-wide, that produce the tropical commodities that are not able to be grown locally but we all consume daily (tea, coffee, bananas, etc.).

Fairtrade accreditation/status in Northern Ireland is based on the entire council area (boundary): Borough, District or City. It is an entire council-wide achievement and accreditation of all sectors and representation of society (government, businesses, schools, churches, colleges/universities, etc).

No other accreditation or initiative fulfils these criteria, is specific to the entire District, Borough or City or has been achieved at every council (100%) across Northern Ireland.

Fairtrade signs not only celebrates the achievement of the entire Borough but fulfils the obligation to promote, create awareness and a heightened understanding – the remit of the Fairtrade Steering Committee. It is also the most cost-effective manner for Fairtrade promotion by having permanent signage 24/7 exposure, as compared to single standalone events.

Options

Option 1

To endorse the request and agree to the erection of to erect Fairtrade Borough Signage at 6 key flowerbed locations in the main towns of Ballycastle, Ballymoney, Coleraine, Limavady, Portrush and Portstewart.

Option 2

Reject the request for erecting Fairtrade Borough signage.

Recommendation(s)

It is recommended that the Environmental Services Committee consider the request and consider the options.

The Director of Environmental Services advised that Option 1 should say '7' not '6' key flowerbed locations which includes Rathlin Island.

Proposed by Councillor Chivers
Seconded by Councillor McKillop and

AGREED – To recommend to Council Option 1 To endorse the request and agree to the erection of to erect Fairtrade Borough Signage at 7 key flowerbed locations in the main towns of Ballycastle, Ballymoney, Coleraine, Limavady, Portrush, Portstewart and Rathlin Island.

10. ESSENTIAL CHANGING PLACES COMPARTMENTS AT MEGAW PARK, BALLYMONEY AND RATHLIN ISLAND, (PART FUNDED)

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

Purpose of Report

The purpose of this report item is to request Members consideration and approval for officers to progress simultaneously with *Stage 1*, (Feasibility & Scoping), and *Stage 2*, (Detailed Design & Procurement) of the capital procurement gateway in respect of providing essential '*Changing Places Compartments at Rathlin Island & Megaw Park, Ballymoney*'.

Background

Causeway Coast & Glens Borough Council have been successful in achieving £60,000.00 grant funding from Department for Communities, (DfC), through the DfC Access & Inclusion Programme 2023/2024.

We refer to *extract '1'* below from the funding letter of offer, (LoO), for ease of reference. Please refer to *Appendix A, previously circulated*, for the complete Letter of Offer from DfC.

Project Applicant	Causeway Coast and Glens Borough Council
Project Title	DfC Access & Inclusion Programme 2023/24
Project Amount:	£67,500
Grant Award	£60,000
Period of Grant:	17/10/2023 – 31/03/2024

I am pleased to inform you that your application has been approved and that under the provisions of The Social Need (Northern Ireland) Order 1986, the Department for Communities (DfC) has agreed to offer a grant of up to a maximum of **£60,000.00** to the Applicants ("the grant recipient") for the projects as outlined below.

Venue	Project Title	Funding offer
Rathlin Island	Changing Places facility	£30,000
Megaw Park	Changing Places facility	£30,000

The existing building at Megaw Park, Ballymoney shall be internally altered to facilitate the required standards of such a changing places compartment, whilst a new bespoke prefabricated off-site unit shall be provided alongside the existing public convenience at Rathlin Island.

Proposal

It is proposed, in order to facilitate the required timeframes in respect of funding, that officers now progress simultaneously at the identified professional cost as noted on page no.1 of this report item, with *Stage 1, (Feasibility & Scoping)*, and *Stage 2, (Detailed Design & Procurement)* of the capital procurement gateway in respect of providing essential '*Changing Places Compartments at Rathlin Island & Megaw Park, Ballymoney*'.

Recommendation

It is recommended that Elected Members grant approval for officers to progress simultaneously with *Stage 1, (Feasibility & Scoping)*, and *Stage 2, (Detailed Design & Procurement)* of the capital procurement gateway in respect of providing essential '*Changing Places Compartments at Rathlin Island & Megaw Park, Ballymoney*'.

Upon completion of *Stage 2, (Detailed Design & Procurement)*, officers shall bring before Members, (*full Council in December 2023*), a completed tender conclusion report following a public procurement exercise for '*Works*' at each of the locations identified, with a recommendation to progress to Stage 3 – construction phase.

Councillor Wallace welcomed the news and referred to a similar facility in Limavady.

Councillor Kane said it was important to constantly enhance access and inclusion and felt it was a tight timeframe for works to be undertaken.

The Director of Environmental Services said that if substantial completion had been undertaken by the deadline, it would be acceptable.

Councillor MA McKillop asked if Planning Permission was required.

The Director of Environmental said Megaw Park was an internal adaptation, which was not subject to Planning Permission and the pod at Rathlin could be installed under Permitted Development.

Alderman S McKillop sought reassurance that the Officer would seek to role out these facilities where possible throughout the Borough.

Alderman Hunter concurred and stated she looked forward to more of these facilities in the Borough.

Proposed by Councillor Wallace
Seconded by Councillor Kane and

AGREED – to recommend that Council grant approval for officers to progress simultaneously with *Stage 1*, (Feasibility & Scoping), and *Stage 2*, (Detailed Design & Procurement) of the capital procurement gateway in respect of providing essential '*Changing Places Compartments at Rathlin Island & Megaw Park, Ballymoney*'; Upon completion of *Stage 2*, (Detailed Design & Procurement), officers shall bring before Members, (*full Council in December 2023*), a completed tender conclusion report following a public procurement exercise for '*Works*' at each of the locations identified, with a recommendation to progress to *Stage 3* – construction phase.

11. ENTERTAINMENT LICENCE RENEWALS

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

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NI) ORDER 1985

ENTERTAINMENT LICENCES

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

<u>Unique Reference Number</u>	<u>Name of Premises</u>
EL188	McBride's Bar
EL074	Portballintrae Village Hall
EL083	Portstewart Royal British Legion
EL297	Hilltop Holiday Park – The Hub
EL096	Riverside Theatre
EL257	St Patricks Parochial Hall
EL064	Mary Craig's Bar
EL184	Glenshesk Bar
EL062	Manor House and Golf Club
EL221	Ballymaconnelly Hall
EL358	United Services Club
EL200	Toberdoney Presbyterian Church Hall
EL032	Coronation Sports and Social Club
EL092	Royal Court Hotel
EL004	Agherton Parish Centre
EL059	Lodge Hotel
EL017	Bushtown House Hotel
EL253	St Olcan's Parish Centre
EL393	Coleraine Grammar School (Castlerock Road)

Committee NOTED the report.

12. APPROVAL OF PREMISES AS A VENUE FOR CIVIL MARRIAGE

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

MARRIAGE REGULATIONS (NI) 2003

THE MARRIAGE (NI) ORDER 2003

Approval of premises as a venue for Civil Marriage.

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

<u>Unique Reference Number</u>	<u>Premises Name</u>	<u>Approval Type</u>

MA011	The Brown Trout Golf and Country Inn	Civil Marriage
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Committee NOTED the report.

13. APPROVAL OF PREMISES AS A VENUE FOR CIVIL PARTNERSHIP

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

THE CIVIL PARTNERSHIP REGULATION (NI) 2005

THE CIVIL PARTNERSHIP ACT 2004

Approval of premises as a venue for Civil Partnership.

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

<u>Unique Reference Number</u>	<u>Premises Name</u>	<u>Approval Type</u>
CP011	The Brown Trout Golf and Country Inn	Civil Partnership

Committee NOTED the report.

14. LICENCES ISSUED UNDER DELEGATED AUTHORITY

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

The below licences were issued under Delegated Authority during the last report period;

The Local Government (Miscellaneous Provisions) (NI) Order 1985

<u>Reference No</u>	<u>Premises:</u>	<u>Licence</u>
EL025	Coleraine Leisure Centre, 26a Railway Road, Coleraine	Grant of a Variation to the Occasional Entertainments Licence Days and times on which it is applied to provide entertainment: Monday to Friday 06:00hrs to 24:00hrs Saturday 08:00hrs to 24:00hrs Sunday 10:00hrs to 24:00hrs

Delegated authority was used to issue licences for the above applicants due to time constraints and to enable the premises to provide entertainment.

Decisions to grant or vary entertainment licences will continue to be brought before Council with delegated authority used only in exceptional circumstances.

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>
CP/06/2023	Celi Aesthetics, 32 Railway Road, Coleraine	Cosmetic Piercing

The Road Traffic Regulation (Northern Ireland) Order 1997

<u>Reference Number</u>	<u>Special Event on Road</u>	<u>Prohibition/restriction of use of public roads</u>
EH827852	Ballymoney Christmas Lights Switch-On	Application to hold a Special Event on Thursday 16 th November 2023
EH828067	Coleraine Christmas Lights Switch-On	Application to hold a Special Event on Friday 24 th November 2023

Committee NOTED the report.

15. PETROLEUM SPIRIT LICENCE RENEWALS

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

PETROLEUM (REGULATION) ACTS 1929 AND 1937

PETROLEUM SPIRIT LICENCES

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

<u>Licence No:</u>	<u>Name of Premises</u>
PL063	Spar Castle Street
PL062	Burnfoot Stores
PL052	Eurospar Dungiven Ltd
PL044	Spar Stranocum
PL011	Somerset Service Station

Committee NOTED the report.

16. FOOD STANDARDS AGENCY AUDIT REPORT

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

Purpose of Report

The purpose of this report to inform Council of the findings of an audit by the Food Standards Agency (FSA) on Council's delivery of official food controls and pre-packed for direct sale activities.

Background

The FSA is the *central competent authority* for feed and food law in the UK with powers to set standards and monitor food law enforcement services.

The FSA audits Enforcement Authorities (District Councils in Northern Ireland) to provide assurance that local delivery of official controls for feed and food is compliant with legal requirements and official guidance.

In June 2023 the FSA carried out an audit of Council's food law enforcement activities delivered by Environmental Health Officers in the Food Team with a specific focus on activities related to food businesses providing products Pre-Packed for Direct Sale (PPDS).

Attached as Appendix 1, previously circulated, is the FSA's audit report which made two minor recommendations and gave the overall audit opinion of 'Substantial', the definition of which is detailed below.

Substantial	The sections of the Competent Authority's system for delivering official controls and official control activities covered by the scope of this audit report demonstrate effective implementation of planned arrangements suitable to achieve the objectives of the relevant legal requirements and guidance.
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An action plan outlining planned improvements to address the recommendations made is contained within annex A of the report.

Recommendation

It is recommended that Councils notes the audit report.

Committee NOTED the report.

17. UNDERAGE SALES TESTS PURCHASE EXERCISES – TOBACCO AND NICOTINE INHALING PRODUCTS

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

Purpose of Report

The purpose of this report is to update Council on the outcome of underage sales test purchase exercises for tobacco and nicotine inhaling products undertaken during 2022-23.

Background

District Councils in Northern Ireland have a statutory duty to enforce the legislation relating to the sale of certain age-restricted products such as cigarettes, tobacco products, nicotine inhaling products (i.e. e-cigarettes/vapes) and cigarette lighter refill products.

The Children and Young Persons (Protection from Tobacco) (NI) Order 1991 and Children & Young Persons (Sale of Tobacco) Regulations (NI) 2008 make it an offence to supply any cigarettes or tobacco products to any person under the age of 18. Both the salesperson and the business owner can be liable for any illegal sales, even if they thought the purchase was being made on behalf of an adult, or if the person looked like they were over 18.

The Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations (NI) 2021 contain provisions making it an offence to sell nicotine inhaling products to persons aged under 18 and for an adult to purchase nicotine inhaling products on behalf of a person aged under 18.

The Tobacco Advertising and Promotion (Display) Regulations (NI) 2012 make it an offence to display tobacco products on sale in public view in all tobacco retail premises. Where appropriate, age checks **must** be carried out before any tobacco product is shown to a customer who asks to buy or asks for information about a tobacco product. Temporary display is permitted following requests to purchase tobacco products by customers over 18; incidental displays while staff are actively assessing stock levels, restocking, undertaking staff training, cleaning, maintaining or refurbishing the storage unit or upon request by an enforcement officer.

To raise awareness of the above legislation and assess compliance by commercial premises test purchase exercises were conducted throughout the borough during 2022-23.

Test Purchase Exercise Protocol

All test purchase exercises are carried out in accordance with Local Government Regulation (formerly LACORS) 'Code of Best Practice' on test purchasing as endorsed by the Home Office.

The test purchase involved sending a young person under 18 years of age into retail premises to ask for cigarettes or nicotine inhaling products.

As per Council policy all retailers selling relevant products are written to once per year reminding them of their legal responsibilities with guidance on how to prevent the underage display/sale of age restricted goods and advising they may be subject to a test purchase exercise.

Outcome

A total of 29 test purchase visits were carried out at premises for tobacco and 31 visits made for nicotine inhaling products throughout the Borough during 2022/2023 resulting in the following:

- 1 underage sale of cigarettes
- 2 premises displayed cigarettes
- 6 underage sales of nicotine inhaling products

The above represents an 89.6% compliance rate by the retailers tested in relation to the selling of tobacco and an 80.6% compliance rate for the retailers tested in relation to selling nicotine inhaling products.

Decisions on the appropriate course of action when a premises fails a test purchase are made in accordance with Council's Enforcement Policy. These decisions consider whether all necessary precautions were taken and due diligence exercised to prevent the commission of an offence, as well as whether reasonable steps were taken to verify the individual's age.

Taking into consideration all relevant factors at each premises all retailers and sellers who failed the cigarette test purchase exercise received warning letters.

One fixed penalty was issued to, and paid, by a retailer for the underage sale of nicotine inhaling products and warning letters issued to the remainder of retailers and sellers. The Fixed Penalty amount is £250 which is reduced to £187.50 if paid within 14 days.

Discussion

The overall compliance rate shows that the majority of retail premises are diligent in applying the legislation. This is attributable to the ongoing commitment of the Environmental Health Department in this education and enforcement programme which includes raising awareness of the legislation by mailshot and advisory visits by Council's Tobacco Control Officer.

Failures are disappointing, and those in relation to nicotine inhaling products may partly be due to the legislation being relatively recent, coming into effect in 2022.

Council's test purchase programme for 2023-24 is ongoing.

Recommendation

It is recommended that the report is noted.

Councillor Kane said he felt that 29 test purchases for the whole year was low and referred to the previous discussion in the meeting around concerns of vaping and asked if enough was being done.

The Head of Health and Built Environment advised there were exercises undertaken 3 or 4 times a year and that repeat test purchases were undertaken for failures, she advised Officers act on intelligence and carry out one off exercises, in addition.

The Head of Health and Built Environment said there were a lot of visits and activity which included reinforcement of obligations and a resource element which included obtaining child volunteers. She stated yearly targets were being

met. The Director of Environmental Services confirmed there was a compliance visit weekly with 60 per year.

Committee NOTED the report.

18. NOISE COMPLAINT STATISTICS FOR NORTHERN IRELAND 2022-2023

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

Purpose of Report

The purpose of this report is to advise members of the recent publication of Noise Complaint Statistics for Northern Ireland 2022-2023 by the Department of Agriculture Environment and Rural Affairs (DAERA).

Background

DAERA publishes noise complaint statistics to inform central government, district councils, the general public and any other interested parties as to the number and nature of noise complaints received each year by district councils across Northern Ireland. The report for 2022-2023 can be found at:

<https://www.daera-ni.gov.uk/publications/noise-complaint-statistics-northern-ireland-2022-2023>

The DAERA report analysed noise complaint data supplied by all 11 councils between 1 April 2022 and 31 March 2023. During this period 11,338 noise complaints were received in Northern Ireland of which 454 (4%) were received by Causeway Coast and Glens Borough Council compared to 596 in the previous year.

During 2022-23 the total number of noise complaints received across Northern Ireland decreased by 14.5% from the previous year.

Analysis of the data reveals that domestic noise accounted for 77% of all complaints, followed by complaints relating to commercial and leisure (11%), noise in the street (5%) and construction (3%).

During 2022-2023 there was a 34.6% decrease in the number of noise abatement notices served by Councils (225 compared to 344 served in 2021-22). There were 4 prosecutions for the 2022/23 year, compared to no prosecutions in 2021/22 and 2 prosecutions in 2020/21.

The information in this report is an important indicator of the increasing public awareness of noise issues and the effectiveness of current noise controls. The statistics provided by district councils enable the DAERA to target policy development, such as through the application of the powers in the Noise Act 1996 following the introduction of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 in April 2012.

Causeway Coast and Glens Borough Council's Environmental Health team continues to participate in the Nightsafe initiative in partnership with NIHE, Ulster University, PSNI and the local community. Council Officers and the PSNI carry joint patrols of residential student areas in Portrush/Portstewart

between the hours of 8pm and 2am. These patrols are undertaken during the University's academic semester and focus on issues such as noise, antisocial behaviour, littering, drinking in public places, personal and property safety.

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

Recommendation

It is recommended that the report be noted.

Committee NOTED the report.

19. PERIODSMART – REUSABLE PERIOD PRODUCTS

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

Purpose of Report

The purpose of this report is to advise members of an initiative, PeriodSmart, to reduce waste around period products.

Background *(to include any previous decisions of Council)*

Individuals with periods use more than 11,000 disposable menstrual products in their lifetime (based on an average 38 years of menstruation using 22 items of sanitary products per cycle, 13 cycles per year).

Disposal of single use menstrual products – tampons, pads and applicators generates c.240 tonnes of waste annually in Causeway Coast and Glens.

Most menstrual pads are made from 90% plastic, which can take hundreds, if not thousands of years to decompose in landfills or the ocean.

The initiative supports PlasticSmart and the aim to reduce single use plastics.

Proposal

Similar to NappySmart, under the PeriodSmart initiative, council would offer a refund voucher for people living in the Borough who submit a receipt for reusable period products i.e. cloth sanitary pads, menstrual cups and period pants.

Council would issue a voucher to be spent in a local business where zero waste period products can be purchased.

Value of refund would be 75% of purchase cost of product(s). This mirrors the refund available in respect of NappySmart and cloth nappy purchases.

The initiative would be run on a trial basis to ascertain uptake and demand, with a maximum allocated budget of £1,000.

Recommendation(s)

It is recommended that the Environmental Services Committee note the initiative, PeriodSmart, to be run on a trial basis with a maximum allocated budget of £1,000 and with the aim to reduce both the generation of single use plastic and waste going to landfill.

Committee NOTED the report.

20. WASTE DATA RETURN APRIL TO JUNE 2023

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

Purpose of Report

The purpose of this report is to advise Members on the publication of provisional waste statistics on 26th October 2023 by the Department of Agriculture, Environment and Rural Affairs (DAERA) for the April to June 2023 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 April to June 2023 reporting period as follows.

Household waste sent for preparing for reuse, dry recycling and composting was 53.3%. The Northern Ireland average was 53.8%. Council ranked 7th for reporting period.

Household waste dry recycling rate was 21.1%. The NI average was 21.6%. Council ranked 7th for reporting period.

Household waste composting rate was 31.8%. The NI average was 31.9%. Council ranked 7th for reporting period.

Municipal waste sent for preparing for reuse, dry recycling and composting was 52.2%. The Northern Ireland average was 53.6%. Council ranked 8th for reporting period.

Waste from households (WfH) preparing for reuse and recycling including composting was 51.6%. The Northern Ireland average was 53.2%. Council ranked 7th 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.

Recommendation

It is recommended that the Environmental Services Committee note the provisional recycling statistics for April to June 2023 reporting period published by DAERA.

Committee NOTED the report.

21. ES BUSINESS PLAN 6 MONTH UPDATE

For information 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 2023/2024 Environmental Services (ES) Business Plans 6 month review for information.

Introduction

Council approved the ES Business Plans in May 2023. Progress on achieving the objectives can be viewed in each of the service area reports below. The business plans represented a continuation of work from the 22/23 period, as well as, new targets for 23/24 for each of the service areas:

- Estates
- Health & Built Environment
- Infrastructure
- Operations

The plans for each of the aforementioned service area were 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 2022 / 23 period.

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 at Period 6

Council has approved the annual budget for Environmental Service and delegated authority to officers to utilise this budget in the provision of services to the rate payers. ES budget for 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.

The Environmental Services position at Period 6 shows a £384,513.08 positive variance. This includes predicted increases in employee costs based on the proposed National Pay Award which is greater than the predicted budget increase.

Head of Service Description	2024 Spend YTD	2024 Budget YTD	2024 Budget Variance	Sum of Annual Budget 2024
Estates	2,449,821.36	3,062,806.32	612,984.96	6,160,075.00
Health and Built Environment	1,100,074.92	1,229,852.74	129,777.82	2,422,277.12
Infrastructure	(411,880.53)	(84,753.20)	327,127.33	112,563.66
Operations	9,838,075.03	9,177,363.22	(660,711.81)	19,254,231.00
ES Business Support	349,433.06	319,715.54	(29,717.52)	639,662.00
ES Centrally Managed	62,314.26	67,366.56	5,052.30	142,287.00
			384,513.08	28,731,095.78

Risk Matrix – August 2022

The Environmental Services Risk Matrix, previously circulated, was used to establish the Corporate Risk Register.

Recommendation

The ES Committee is asked to note the ES business plans 6 month review for the 2023 / 24 period.

Committee NOTED the report.

22. ES MANAGEMENT ACCOUNTS AND FINANCIAL POSITION PERIOD 6

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

Purpose of Report

The purpose of this report to provide Members with information on the current financial position of Environmental Services Directorate at the end of Period 6.

Background

Council has approved the annual budget for Environmental Service and delegated authority to officers to utilise this budget in the provision of services

to the rate payers. ES budget for 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.

The Environmental Services position at Period 6 shows a £384,513.08 positive variance. This includes predicted increases in employee costs based on the proposed National Pay Award which is greater than the predicted budget increase.

The Chief Finance Officer has stated that Council is currently adverse against budget in terms of staffing, and this is expected to be the case as the current pay award offered to employees exceeds the budgetary provision included by Council in the rates estimates. An accrual has been included in these accounts for the pay award based on the current employer's side offer, it is vital to estimate what the eventual effect will be and include in the accounts to avoid significant false positive variances at this stage which would become significant negative variances once the pay award is implemented.

The main costs and income attributing to the ES P6 position are summarised as follows as variances against budget.

Head of Service Description	2024 Spend YTD	2024 Budget YTD	2024 Budget Variance	Sum of Annual Budget 2024
Estates	2,449,821.36	3,062,806.32	612,984.96	6,160,075.00
Health and Built Environment	1,100,074.92	1,229,852.74	129,777.82	2,422,277.12
Infrastructure	(411,880.53)	(84,753.20)	327,127.33	112,563.66
Operations	9,838,075.03	9,177,363.22	(660,711.81)	19,254,231.00
ES Business Support	349,433.06	319,715.54	(29,717.52)	639,662.00
ES Centrally Managed	62,314.26	67,366.56	5,052.30	142,287.00
			384,513.08	28,731,095.78

Estates

P6 Actual Expenditure	P6 Budget Expenditure	P6 Actual Income	P6 Budget Income	Net Expenditure Variance
2,592,550.21	3,169,982.18	(142,728.85)	(107,175.86)	612,984.96

£613k favourable mainly due to Employee costs which are £403k favourable.

This is a result of difficulty in recruiting the number of seasonal grounds maintenance staff. A number of vacant posts within the Estates section remain unfilled. Income is positive by £36k.

Health and Built Environment

P6 Actual Expenditure	P6 Budget Expenditure	P6 Actual Income	P6 Budget Income	Net Expenditure Variance
1,937,988.22	1,918,841.30	(837,913.30)	(688,988.56)	129,777.82

£130k positive. Employee costs are £57k favourable. Fee Income is favourable by £115k including £82k from Building Control and £55k grant from Consumer Protection at P6.

Infrastructure

P6 Actual Expenditure	P6 Budget Expenditure	P6 Actual Income	P6 Budget Income	Net Expenditure Variance
931,414.95	1,101,553.34	(1,343,295.48)	(1,186,306.54)	327,127.33

£327k favourable mainly due to income favourable by £157k. Car Park income is favourable by £99k and Harbour and Marina income is favourable by £48k. Employee costs are £60k favourable mainly due to the Asset Realisation Officer post not having been filled and Harbour and Marina structure not permanently filled.

Operations

P6 Actual Expenditure	P6 Budget Expenditure	P6 Actual Income	P6 Budget Income	Net Expenditure Variance
11,238,924.34	10,187,276.16	(1,400,849.31)	(1,009,912.94)	(660,711.81)

£661k adverse variance in Period 6. Employee costs are adverse by £429k as per Section 2.0 above in bold. However, this includes an accrued pay award which was underprovided for in the budget estimates agreed by Members as per Section 2.0 above in bold. Seasonal profiling has not been completed. A breakdown of the variances are as follows

Function	Variance	Comments
Waste Collection & Street Cleansing	£457k Adverse	Employee cost pay award increase and profiling not complete.
Landfill & Compost Site	£90k Adverse	On Target – 3 rd party waste income to be added in P7
HRC's	£186k Adverse	Employee cost pay award increase and profiling not complete.
Waste Disposal Contracts	£49k Favourable <ul style="list-style-type: none"> o Black Bin Contract - £2k (adv) o Blue Bin Contract - £15k (adv) o Brown Bin Contract £105k (fav) o Other Waste Contracts - £108k (fav) 	On target Variations on predicted tonnages and price increases due to energy costs.
Transfer Stations	£8k Adverse	On target
Depots	£9k Adverse	On target

Public Conveniences	£49k Adverse	Employee cost pay award increase and profiling not complete.
Ops Management	£57k Adverse	Employee cost pay award increase.

ES Business Support

£30k adverse due to increased employee costs.

ES Centrally Managed

£5k positive variance.

In-year Savings

Officers have and will continue to manage and scrutinise the budget to identify opportunities for reducing expenditure and increasing income. This includes

- not filling vacant posts,
- reducing season staff durations,
- not filling staff on sick leave in all non-essential service areas.
- completing only essential maintenance on ES properties.

Therefore, at Period 6 ES financial position has a positive variance of **£384,513.08**.

Recommendation

Members are requested to note the paper.

The Director of Environmental Services drew Elected Members' attention to the £384,513.08 positive variance at Period 6 which was on target and within budget which included the Pay Award which had not been previously included, he stated this was good news and hoped to keep on track as the year progresses.

Committee NOTED the report.

23. MATTERS FOR REPORTING TO PARTNERSHIP PANEL

There were no matters for reporting to partnership panel

24. CONSULTATIONS

There were no consultations.

25. CORRESPONDENCE

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:

(i) **Keep Northern Ireland Beautiful, date 27th October 2023**

Summary

Keep Northern Ireland Beautiful have written to give an update on the Live Here Love Here campaign and outline how Keep Northern Ireland Beautiful and Causeway Coast & Glens Borough Council can work together in the years ahead.

In the next financial year, Keep Northern Ireland Beautiful are asking for Causeway Coast & Glens Borough Council to begin supporting Live Here Love Here by investing £21,000 and to at least retain the budget of £2,975 for Eco-Schools. They appreciate that budgets at the local government level remain under pressure. The money invested will be used to support local community groups, businesses and the wider economy. Using an collaborative approach, Keep Northern Ireland Beautiful will be able to make the money invested go further by working with other funders and stakeholders.

Recommendation

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

The Director of Environmental Services advised Council had decided not to support in previous years as Council had set its own grant aid programme which was a similar amount of £10,500. Keep Northern Ireland Beautiful had intended to spend in a similar manner. Council considered it better value for money, saving £10,500 in the process and currently provide funding for Keep Northern Ireland Beautiful for Blue Flag Awards which was an element of costs, not referred to in the letter.

Councillor Wallace spoke of the work of Keep Northern Ireland Beautiful which he witnessed during his term as Mayor, considering Council had not provided financial support. He stated that when the decision was taken not to support them it was known that they would continue with the work, irrespective.

Following a question from Councillor Wallace, the Director of Environmental Services said the Council grant funding had recently been launched, it was not known how much uptake there would be, but confirmed that last year approximately £7,000 of £10,500 grant aid was used by Community Groups.

Councillor Wallace suggested giving Keep Northern Ireland Beautiful £10,500.

The Director of Environmental Services stated the request was as stated in the correspondence and that this option would have to be included in response to the correspondence. The Director said that in recent years Councils had moved away from providing funding which was potentially why they were lobbying for support and said it was difficult to weigh up giving £10,500 and not seeing the benefit as the monies being used for running costs and overheads for this business.

Alderman S McKillop said she applauded the ethos of Keep Northern Ireland Beautiful and pointed to the collaborative work which included community groups and said she was not opposed to Council supporting it financially. Alderman S McKillop said she would like to see the continuation of the Eco School scheme.

Councillor Callaghan said he concurred with Councillor Wallace, referring to his involvement with groups with whom he was impressed by their Eco Flag work and the great work undertaken by the children. He stated that if Council do not continue with support, the scheme could be affected adversely.

Following a question from Councillor MA McKillop, the Director of Environmental Services provided a summary of the funding provided. Councillor MA McKillop said she liked the idea of Council having their own grant scheme but wanted to support the group also.

The Director of Environmental Services stated he would respond to Keep Northern Ireland Beautiful advising of the suggestion of part funding as requested by Elected Members and bring a report back for consideration in advance of rates setting process.

All Elected Members were in agreement.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Councillor McAuley
Seconded by Councillor Stirling and

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

- * **The Press left the meeting remotely at 8.55 pm.**
- * **The Public left the meeting remotely at 8.55 pm.**

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.

26. REQUEST FROM CAUSEWAY COAST MARITIME HERITAGE LTD TO WAIVE SERVICE FEES AT COUNCIL HARBOUR AND MARINA FACILITIES

By virtue of paragraph(s) 5 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.

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

Purpose of Report

For Members to consider a request, which has been made by Causeway Coast Maritime Heritage Ltd to waive mooring / berthing and storage fees (request attached – appendix 1, previously circulated).

Background

Causeway Coast Maritime Heritage Ltd (formed in 1997) have included the background to the organisation within the attached request. The organisation have included additional context within the request as to what benefits they feel they are bringing to the community and economy.

The Harbour and Marinas team have consulted with Councils Economic Development department within the Leisure & Development directorate to provide an overview to aid Members consideration of the community and economic benefits mentioned and also to advise on KPI's that would be required to monitor against possible benefits where present.

Proposals

Option 1 - agree to waiver fees

Members support the request by waiving the requested berthing, mooring and storage fees (listed above) relating to Causeway Coast Maritime Heritage Ltd. At a cost of £4082.78. See legal consideration below.

Circulated was a list of services and standard charges requested to be waived.

Council Solicitor Legal Opinion / Comments (option 1) was circulated within the confidential report.

Harbour & Marina Team Comments were circulated within the confidential report.

Economic & Social Benefits Overview were circulated within the confidential report.

Option 1 - Summary Considerations

Consideration A (option 1)

If Members decide to proceed with option 1, Members also agree that the Environmental Services report, Environmental Services /Council minutes pertaining to the decision shall be sent to DFC for approval by same under Section 96.

Consideration B (option 1)

Members will need to set out their reasoning for not charging the commercial fee to ensure consistency to manage any new / further applications of fee waiving.

Option 2: do not agree to waiver fees

Members decline the request to support Causeway Coast Maritime Heritage Ltd and they are charged standard costs for services received.

Recommendation(s)

It is recommended that the Environmental Services committee approve Option 2 based on the advice provided.

Proposed by Councillor Callaghan

Seconded by Councillor McAuley and

AGREED – To recommend that Council approve Option 2 - that Council Members decline the request to support Causeway Coast Maritime Heritage Ltd and they are charged standard costs for services received.

27. PROCUREMENT OF BIODEGRADABLE LINERS FOR HOUSEHOLD FOOD CADDY

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

Confidential 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 purchase biodegradable liners for household food waste caddy.

Background

Since the introduction of the mixed food and garden waste recycling service (brown bin collection), Council has supplied householders with biodegradable caddy liners.

Householders can obtain a roll (50 liners) of caddy liners by tying a liner to the handle of their brown bin when it is due for collection or from their local Household Recycling Centre.

Biodegradable caddy liners are procured from ESPO Framework 860 – Refuse and Recycling Products.

ESPO is a public sector owned professional buying organisation, specialising in providing a wide range of goods and services to the public sector. Customers include education authorities, local & central government, NHS and the wider public sector.

Procurement

It is intended to place an order for 45,000 rolls.

Value of order is £26,550.

Recommendation

It is recommended that the Environmental Services Committee approve the procurement of food waste caddy liners to facilitate food waste recycling in the home.

At the request of Councillor Kane the Director of Environmental Services advised that other Councils used similar caddy liners but not necessarily the same type used by Causeway Coast and Glens Borough Council.

At the request of Councillor McAuley the Director of Environmental Services confirmed that providing free liners was proven to enhance recycling tonnage.

The Director of Environmental Services said that it was previously explored not to provide caddy liners but that Elected Members had agreed that use of them would enhance recycling.

At the request of Alderman Hunter the Director of Environmental Services agreed to find out if a larger caddy liner could be provided but said this would increase the cost.

Proposed by Councillor Kane
Seconded by Councillor Wallace and

AGREED – To recommend that Council approve the procurement of food waste caddy liners to facilitate food waste recycling in the home.

28. REQUEST TO RELINQUISH CONCESSIONARY TRADING LICENCE DUE TO HEALTH REASONS

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

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

Purpose of Report

To consider a request from a concessionary trader to relinquish their licence agreement early due to health reasons.

Background was provided within the confidential report.

Officers have consulted with its Legal Department who provided advice surrounding verification of the health condition.

Recommendation

It is recommended that the Environmental Services Committee consider the request and make a recommendation to Council regarding the request from the concessionary trader to relinquish his concessionary trading licence four months early on the ground of ill health and cancel the last instalment.

Proposed by Councillor Wallace
Seconded by Councillor Kane and

AGREED – To recommend that Council permit the concessionary trader to relinquish his concessionary trading licence four months early on the ground of ill health and cancel the last instalment as set out.

29. COLERAINE MARINA ECONOMIC APPRAISAL

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

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

- * The time being 9.09pm the Director of Environmental Services advised a member of the public had not been ejected from the meeting.
- * **The member of the public was ejected at 9.09 pm.**

Purpose of Report

To bring back the previous report for further consideration and decision, relating to Coleraine Marina's economic appraisal. The previous report is attached for ease of reference (appendix 1, previously circulated).

Background (circulated within the confidential report).

Members previously (September Environmental Services meeting) requested a workshop on the findings of the economic appraisal relating to Coleraine Marina in advance of deciding on an option contained within same. Notes are attached from the workshop which was carried out on the 19th of October (appendix 2, previously circulated)

Proposal

The economic appraisal circulated, has examined the socio economic, tourism destination and financial merits of Councils ownership of the marina. Detail was set out within the confidential report.

Councillor Kane referred to the Workshop which had taken place stating it was useful and enlightening but questioned how a Marina facility which was not able to meet and supply the demand continued to work at a loss and said that increasing prices to that of other local authorities would improve sustainability.

Councillor Kane wished to note that he was unhappy with the wording of Option 1 advising that if the resource was retained, consideration should be given to making it more sustainable. Councillor Kane suggested looking to a 10/20 year plan.

The Director of Environmental Services advised the Marina was in profit year on year based on revenue alone. However, due to the cost of maintenance and capital works in a marine environment, there was a requirement to take an holistic look at the whole life term of the asset. The Director of Environmental Services said that it may not be viable to increase berthing fees as it could result in losing vessels and making mooring less attractive.

The Director of Environmental Services advised on feedback from the Harbour Master on other facilities on the River Bann including coastal areas were running at full capacity and an alternative would be difficult for users to source.

The Director of Environmental Services clarified consultation had been undertaken as part of the Economic Appraisal conducted by a Consultant with no further consultation undertaken since.

Councillor Stirling stated support for the Marina which required investment and users may happily pay for and stated that a town with a River and no Marina was not acceptable.

Following queries from Councillor Stirling and Councillor Bateson the Director of Environmental Services confirmed that an expression of interest was received from a Public Sector Body. Councillor Stirling suggested that the Public Sector Body could present to the Committee.

Alderman S McKillop suggested all Directorates contribute to a discussion on the potential for the asset.

Councillor C Archibald sought advice on whether he should declare an interest.

The Director of Environmental Services advised that it was a matter for the Member to decide if they wished to declare an interest.

Proposed by Councillor Stirling
Seconded by Councillor Bateson and

AGREED - to recommend that Council invite the Public Sector Body to present to the Environmental Services Committee '*In Committee*'.

30. STREET TRADING LICENCE RENEWALS

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

Confidential, for information report, previously circulated, was presented by the Director of 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>
MST 002	Mobile	Hot food and Drinks	Borough of Causeway Coast and Glens

Committee NOTED the report.

31. LEGAL ADVICE ON LICENSING OF PAVEMENT CAFES (NI) ACT 2014

By virtue of paragraph 5 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.

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

Purpose of Report

The purpose of this report is to advise members of legal advice in relation to the application of the Licensing of Pavement Cafes (NI) Act 2014 to privately

owned lands such as parts of pavements, Council owned walkways and other walkways open to public access and used by pedestrians.

Background

Further to ES230111 and CM230207 Council previously took the decision not to apply the Licensing of Pavement Cafes (NI) Act 2014 to privately owned lands.

Councils' Environmental Health Department has implemented this policy decision by not seeking licences for pavement cafes situated in public areas on privately owned lands and refunding fees for those already issued in 22-23.

Following implementation of the policy decision, Council has been challenged on the legality of enforcement action taken against a business prior to the above Council decision and compensation/refund of costs is currently being sought. In addition, two other businesses are currently disputing the need for a Pavement Café Licence at their premises citing the land to be under private ownership and requesting Council provides evidence to the contrary.

Further legal advice was sought on this matter and is attached as Appendix 1, previously circulated.

Recommendation

It is recommended that Committee Members consider the above information.

Councillor Bateson sought clarity on the extent to which Council and Elected Members from the previous mandate were liable.

The Director of Environmental Services referred to the decision taken by Council not to apply licences to privately owned lands which has the potential for challenges on enforcements prior to this decision being implemented and confirmed Council were, however, refuting these challenges.

The Director of Environmental Services referred to Council Legal Advice.

The Director of Environmental Services reminded Elected Members they made a decision contrary to Officers recommendation, which was ratified at Full Council.

Some Elected Members raised concerns regarding surcharge.

The Director of Environmental Services implored Elected Members to read the report fully, in order to be well informed, and advised that based on legal opinion it would be prudent to re-consider not applying legislation to privately owned pavement cafes.

Proposed by Councillor Bateson
Seconded by Alderman Hunter and

AGREED – To recommend, that, in the light of the information available, Council revisit the current Policy of licencing for Pavement Cafes.

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Councillor Kane
Seconded by Councillor Callaghan and

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

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

There being no further business the Chair thanked everyone for their attendance.

The meeting concluded at 9.55 pm.

Chair

UNCONFIRMED