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| LICENSING REPORT ITEMS FOR DECISION | 11th April 2018 |
| TO: ENVIRONMENTAL SERVICES COMMITTEE | |
| FOR DECISION | |

| Linkage to Council Strategy (2015-19) | |
|--|--|
| Strategic Theme | Accelerating Our Economy and Contributing to Prosperity |
| Outcome | Actively develop and promote the economic and social development of the area |
| Lead Officer | Head of Health & Built Environment |
| Cost: (If applicable) | Officer time spend processing application offset by licence fee. |

1.0 THE LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS (NI) ORDER 1985 ENTERTAINMENT LICENCES

1.1 GRANT OF ANNUAL INDOOR ENTERTAINMENTS LICENCE

The undernoted application for the Grant of an Entertainments Licence has been received.

Licence No: EL 46

Premises: St Finlough's Parochial Centre

Application: Grant of annual indoor entertainments licence for St Finlough's Parochial Centre, Loughermore Road, Ballykelly

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

Monday – Saturday 09:00 hrs to 01:00hrs
Sunday - 09:00 to Midnight

Representations: No objections

PSNI and NIFRS: No objections

Recommendation

It is recommended to Grant an Annual Indoor Entertainment Licence subject to compliance with any recommendations of the Councils licensing section.

1.2 GRANT OF ANNUAL INDOOR ENTERTAINMENTS LICENCE

Licence No: EL220

Premises: Ballybogey Community Centre, 8A Wheatfield Park, Ballybogey, BT53 6NY

Application: Grant of annual entertainments licence for Ballybogey Community Centre

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

Monday - Sunday 10:00 hrs to Midnight

Representations: No objections

PSNI and NIFRS: No objections

Recommendation

It is recommended to Grant an Annual Indoor Entertainments Licence subject to compliance with any recommendations of the Councils licensing section.

| Linkage to Council Strategy (2015-19) | |
|--|--|
| Strategic Theme | Accelerating Our Economy and Contributing to Prosperity |
| Outcome | Actively develop and promote the economic and social development of the area |
| Lead Officer | Head of Health & Built Environment |
| Cost: (If applicable) | Officer time spend processing application offset by licence fee. |

2.0 CARAVAN ACT (NORTHERN IRELAND) 1963

2.1 GRANT OF A CARAVAN SITE LICENCE

The undernoted application for the Grant of a Caravan Site Licence has been received.

Premises: Craigahulliar Holiday Park

Application: Grant of a Caravan Site Licence for Craighulliar Holiday Park, 23 Ballymacrea Road, Portrush

Full planning permission has been granted.

Recommendation

It is recommended to Grant the Caravan Site Licence subject to compliance with the Councils Caravan Licence Conditions and any recommendations of the Councils licensing section.

| Linkage to Council Strategy (2015-19) | |
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| Strategic Theme | Accelerating Our Economy and Contributing to Prosperity |
| Outcome | Actively develop and promote the economic and social development of the area |
| Lead Officer | Head of Health & Built Environment |
| Cost: (If applicable) | Officer time spend processing application offset by licence fee. |

3.0 STREET TRADING (NI) ACT 2001

The undernoted application for the grant of a mobile street trading licence has been received during the report period.

| Type of Street Trading Licence | Unique Reference No | Commodities | Location |
|---------------------------------------|----------------------------|------------------------|-------------------------------------|
| Temporary Street Trading Licence | TST 001/2018 | Greeting Cards, Prints | Pavement/layby A2 at Dunluce castle |

PSNI Objection received

“After reviewing the above named application, police have concerns in relation to the siting of this proposal and its impact on traffic flow and road safety. Although the attached map was faded out, there are a number of bends on the A2 close to this location and if cars, etc. are to stop to view the artists wares this may generate a traffic hazard.

Given the heavy flow of vehicles to the nearby tourist sites including numerous coaches and the present ongoing issues with vehicles stopping and causing a danger to other road users, police are unable to support the application at this time.”

Transport NI

“After reviewing the above application, DFI have raised concerns that street trading in this area could cause driver distraction and would therefore create a road safety hazard.”

Recommendation

It is recommended that the Temporary Street Trading Licence not be granted due to concerns raised by both the PSNI and Transport NI that street trading at this location may present a road safety hazard.

| Linkage to Council Strategy (2015-19) | |
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| Strategic Theme | Accelerating Our Economy and Contributing to Prosperity |
| Outcome | Implementation of statutory requirements |
| Lead Officer | Head of Health & Built Environment |
| Cost: (If applicable) | N/A |

4.0 DOG CONTROL ORDER

Background

The Clean Neighbourhoods and Environment Act (NI) 2011 (the Act) came into force in April 2012. The Act enables District Councils to make “Dog Control Orders” to replace existing Council Byelaws. The Order also replaces the dog fouling provisions (Article 4) of the Litter (NI) Order 1994, which is being repealed.

Under Section 42 of the Act a Dog Control Order can be made in respect of any land which is open to the air and to which the public are entitled or permitted to have access either with or without payment.

The Department of Agriculture, Environment and Rural Affairs (DAERA) has specified that forestry lands will be exempt from some or all Dog Control Orders.

The Act provides for 5 offences, namely:

1. Failing to remove dog faeces;
2. Not putting or keeping a dog on a lead when directed to do so by an authorised officer of Council;
3. Not keeping a dog on a lead in a designated area;
4. Permitting a dog to enter land from which dogs are excluded; and
5. Taking more than a specified number of dogs on to land.

The penalty for committing any offence outlined above is a maximum fine of level 3, on the standard scale (currently £1000). Alternatively a fixed penalty may be paid in lieu of prosecution (e.g. £80).

Detail

The Council is the statutory body for enforcing legislation relating to Dog Control including straying, fouling and attacks on people, livestock and domestic pets. Dog Control Orders were implemented in the Legacy Coleraine Borough Council area in 2015. Council also provides and maintains a vast array of public spaces, e.g. public parks, coastal walks, recreation fields, graveyards, beaches and children play parks throughout the Borough to be used by families, walkers, cyclists and those who walk and exercise their dogs.

In order ensure conformity across the new Borough in protecting the health, safety and wellbeing of those who use these facilities the following Dog Control Order is proposed:

- i. The Fouling of Land by Dogs (Causeway Coast and Glens Borough Council) Order 2018
This Order would apply to all land in the open air to which the public are entitled or permitted to have access within the Borough.(with the exemption of DEARA forestry lands)

A copy of the proposed Order is attached at **Appendix 1**.

This Order will ensure consistency in the enforcement approach to dog fouling in the legacy Limavady, Ballymoney and Moyle Council areas in addition to remaking and replacing the existing The Fouling of Lands by Dogs (Coleraine Borough Council) Order 2014.

Procedures for making a Dog Control Order

Before making a Dog Control Order the Council must publish a notice describing the proposed order on the Council website in at least one local newspaper and invite representations from the public or other interested parties on the proposal. The consultation period will be a minimum of 28 days. The Council must be able to demonstrate that the stipulations of a Dog Control Order are necessary and proportionate in response to problems caused by dogs and those in charge of them.

If and when Council publishes a notice of its intention to establish a Dog Control Order it must:

- a) Identify the lands to which the Order will apply;
- b) Summarise the Order;
- c) If the order refers to a map, state where the map can be inspected, free of charge, available at all reasonable hours during the consultation period. A copy will also be available on our website.
- d) A minimum period of 28 days permitted for consultation.

If after consultation there needs to be significant amendments the procedure of consultation will recommence.

When a Dog Control Order is made a period of at least 14 days must elapse before it comes into effect and it must be published in local newspapers and the Council's website before the Order becomes operative.

RECOMMENDATION

It is recommended that Council agree to advertise their intention to make the following Dog Control Orders:

The Fouling of Land by Dogs Causeway Coast and Glens Borough Council Order 2018

This Order would apply to all land in the open air to which the public are entitled or permitted to have access within the Borough (with the exemption of DAERA forestry lands).

Causeway Coast and Glens Borough Council

The Clean Neighbourhoods and Environment Act (Northern Ireland) 2011

The Dog Control Orders (Prescribed Offences and Penalties etc) Regulations (Northern Ireland) 2012 (S.R. 2012 No. 114)

The Fouling of Land by Dogs (Causeway Coast and Glens Borough Council) Order 2018

Causeway Coast and Glens Borough Council hereby makes the following Order:

- 1.** This Order comes into force on **XXXXXXXX**
- 2.** This Order applies to the land specified in the schedule

Offence

3. (1) If a dog defecates at any time on land to which this Order applies and a person who is in charge of the dog at that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless –

- (a) he has reasonable excuse for failing to do so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

(2) Nothing in this article applies to a person who –

- (a) is registered as blind in Northern Ireland in a register maintained by, or on behalf of, a health and social services trust;
- (b) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- (c) has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.

(3) For the purposes of this article –

- (a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;

(b) placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be a sufficient removal from the land;

(c) being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces;

(d) each of the following is a “prescribed charity”-

- (i) Dogs for the Disabled (registered charity number 700454)
- (ii) Support Dogs (registered charity number 1088281)
- (iii) Canine Partners for Independence (registered charity number 803680)

Penalty

4. A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Dated this day of 2018

**The Common Seal of Causeway Coast and Glens Borough Council
Affixed hereto in the presence of:-**

Chief Executive

Schedule

1. Subject to the exemption in paragraph 2 below, this Order applies to all land within the Causeway Coast and Glens Borough Council area which is -

(i) open to the air (which includes land that is covered but open to the air on at least one side), and,

(ii) to which the public have access (with or without payment)

2. Excepted from the description in paragraph (1) above is land held by the Department of Agriculture and Rural Development for the purposes of any of its functions under the Forestry Act (Northern Ireland) 2010 (2010 c. 10 (NI)).