

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

**Table of Recommendations**

<b>No</b>	<b>Item</b>	<b>Summary of key Recommendations</b>
<b>1.</b>	Apologies	<b><i>Councillors McAuley and Wallace</i></b>
<b>2.</b>	Declarations of Interest	<b><i>None</i></b>
<b>3.</b>	Minutes of previous meeting held Thursday 16 February 2023	<b><i>Confirmed as a correct record</i></b>
	Change Order of Business	<b><i>Note</i></b>
<b>4.</b>	Notice of Motion proposed by Councillor Callan, seconded by Alderman Fielding, referred from Council Meeting held 7 March 2023	<b><i>Support The Notice of Motion</i></b>
<b>5.</b>	Entertainments Licensing Report	<b><i>Grant</i></b>
<b>6.</b>	Renewal of Indoor Entertainments Licensing Report	<b><i>To recommend that Council grant an entertainment licence for the temporary structure and if minded to, include the proposed conditions above in addition to the standard licence conditions and subject to compliance with any other recommendations of the Councils Licensing Department</i></b>
<b>7.</b>	Lammas Fair Street Trading Applications	<b><i>To recommend that Council suspend the Access NI Criminal Record Check as a requirement for Lammas Fair 2023 street trading applications</i></b>
<b>8.</b>	Commencement of Private Tenancies Act (NI) 2022	<b><i>To recommend that Council note the new legislative powers for</i></b>

No	Item	Summary of key Recommendations
		<b><i>Councils in relation to the private rented sector and agree the proposed fixed penalty levels</i></b>
9.	Affordable Warmth Scheme Update	<p><b><i>To recommend that Council notes the correspondence and commences using this refreshed targeted definition from the 1<sup>st</sup> April 2023.</i></b></p> <p><b><i>To recommended that Council accepts the interim Service Level Agreement offered for the period up to 31<sup>st</sup> March 2024 and that approval be given to the Head of Health and Built Environment to sign and return the document to DfC on behalf of Council</i></b></p>
10.	LiveSmart Community Environmental Grant Programme 2022-23 Applicants	<b><i>Note</i></b>
11.	Amusement Permit Renewals	<b><i>Note</i></b>
12.	Cinema Licence Renewals	<b><i>Note</i></b>
13.	Entertainment Licence Renewals	<b><i>Note</i></b>
14.	Licences Issued Under Delegated Authority	<b><i>Note</i></b>
15.	Petroleum Spirit Licence Renewals	<b><i>Note</i></b>
16.	Society Lottery Registrations	<b><i>Note</i></b>
17.	Building Control Fees Increase	<b><i>Note</i></b>
18.	Matters for Reporting to Partnership Panel	<b><i>None</i></b>
19.	Consultations	<b><i>None</i></b>
20.	Correspondence	<b><i>None</i></b>
	<b><i>'In Committee' (Items 21-27 inclusive)</i></b>	

No	Item	Summary of key Recommendations
21.	Repair to Slipway, North Pier, Portrush Harbour	<p><b>To recommend that Council grant permission for officers to progress to Stage 1 of the procurement gateway at the expense as listed on Page No.1, to carry out a condition and recommendation report, including supporting estimated construction remedial / option costs with regards to the slipway positioned on the North Pier, Portrush Harbour</b></p>
22.	The South Pier, Portrush	<p><b>To recommend that Council grant permission for officers to progress to Stage 1 of the procurement gateway at the expense as listed on Page No.1, to carry out; -</b></p> <ol style="list-style-type: none"> <li><b>1) Specialist surveys and site investigations,</b></li> <li><b>2) Condition Survey of the existing structure and,</b></li> <li><b>3) Production of recommendation report, including technical solutions and their estimated costs</b></li> </ol>
23.	Old Slipway, Portrush Harbour	<p><b>To recommend that Council grant permission for officers to progress to Stage 2 of the procurement gateway at the expense as listed on Page No.1, to carry out detailed design, statutory application submissions, and a public procurement exercise to seek best</b></p>

No	Item	Summary of key Recommendations
		<i>competitive marketplace price.</i>
24.	Portballintrae Harbour Slipway	<i>To recommend that Council grant permission for officers to progress to Stage 2 of the procurement gateway at the expense as listed on Page No.1, to carry out detailed design, statutory application submissions, and a public procurement exercise to seek best competitive marketplace price</i>
25.	Street Trading Licence Renewals	<i>Note</i>
26.	Ballintoy – Multi Stakeholder Meeting	<i>Note</i>
27.	Period 10 – ES Management Accounts and Financial Position 2022/23	<i>Note</i>
28.	Any Other Relevant Business (notified in accordance with Standing Order 12 (0))	
(i)	Letters to Heaven at Cemeteries (Councillor Callaghan)	<i>To recommend to Council that Officers bring back a report</i>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF  
THE ENVIRONMENTAL SERVICES COMMITTEE HELD  
IN THE COUNCIL CHAMBER, CIVIC HEADQUARTERS AND VIA VIDEO  
CONFERENCE, ON TUESDAY 14 MARCH 2023 AT 7:00 PM**

**In the Chair:** Alderman Fielding (Vice Chair)

**Members Present:** Alderman Baird (R), Boyle (C), Knight McQuillan (C), McLean (C); Councillors Beattie (R), Callaghan (C), Holmes (R/C), Hunter (R), McGlinchey (R), McGurk (R), MA McKillop (R), C McQuillan (R), Nicholl (R), Wilson (C)

**Officers Present:** R Baker, Director of Leisure and Development (C)  
S McAfee, Temporary Head of Health and Built Environment (C)  
W Hall, Capital Projects Manager (C)  
S Duggan, Civic Support & Committee & Member Services Officer (C)

**Non-Committee Members in Attendance:** Councillor Callan (Item 4)

**In Attendance:** A Lennox, ICT Mobile Operations Officer (C)  
C Thompson, ICT Operations Officer (C)

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

**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 Leisure and Development undertook a roll call.

The Chair advised Alderman Knight-McQuillan was substituting for Councillor Wallace.

**1. APOLOGIES**

Apologies were recorded for Councillors McAuley and Wallace.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. MINUTES OF PREVIOUS MEETING HELD THURSDAY 16 FEBRUARY 2023**

Summary, previously circulated.

The Minutes of the Environmental Services Committee meeting held Thursday 16 February 2023 were confirmed as a correct record.

## CHANGE ORDER OF BUSINESS

The Chair advised the Notice of Motion would be considered next on the Agenda of Business for the evening.

### 4. NOTICE OF MOTION PROPOSED BY COUNCILLOR CALLAN, SECONDED BY ALDERMAN FIELDING, REFERRED FROM COUNCIL MEETING HELD 7 MARCH 2023

*That this council increase fines for dog fouling, littering and other offences to maximum allowance of £200. This is following powers given to Councils by Stormont officials in the Department for Agriculture, Environment and Rural Affairs to increase Fixed Penalty Notices in December 2022.*

Councillor Callan presented his Notice of Motion.

\* ***Due to sound issues the presentation could not be heard.***

Alderman Fielding seconded the Notice of Motion, he stated a a financial penalty would makes people consider not causing an offence and has to be supported. He advised most complaints are about dog fouling and occurs outside office hours, early in the morning and evening. In response to Alderman Boyle, Alderman Fielding clarified 'other offences', would include fly tipping, littering and dog foul.

Councillor Wilson welcomed the motion which he stated was similar to an AORB item he had submitted. He advised Committee had agreed to write to Stormont to have the fine increased and Legislation has now been changed. Councillor Wilson requested options how there could be more effective patrols in the Borough, outside of hours.

\* **Councillor McGlinchey joined the meeting at 7.11pm.**

Alderman McLean welcomed the motion and referred to Council dealing with the issue of catching offenders.

Councillor MA McKillop welcomed the motion and queried how quickly new signs would be put up.

Councillor Holmes stated regret letting go of the Company who were undertaking this across the Borough and queried employing staff for this specific task.

The Head of Health and Built Environment stated it was the intention to bring a report back to Committee in April to include maximising enforcement and an education campaign. She stated there was a budget for wardens working out of hours, in response to complaints or problem areas; that new signs would be ordered and erected.

**AGREED** - to recommend that Council Support The Notice of Motion and a report is brought back.

## 5. ENTERTAINMENTS LICENSING REPORT

Report, previously circulated presented by the temporary Head of Health and Built Environment.

### (i) ENTERTAINMENTS LICENCE GRANT OF INDOOR ENTERTAINMENTS LICENCE

**Licence No:** EL421

**Premises:** Moyarget Protestant Hall, Kilmahamogue Road, Ballycastle

**Application:** Grant of an Occasional Indoor Entertainments Licence for Dancing, Singing, music or any other entertainment of a like kind

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

Monday – Friday 19:30hrs to 01:00hrs  
Saturday 19:00hrs to 01:00hrs

**Representations:** To be received by 16<sup>th</sup> March 2023

**PSNI & NIFRS:** PSNI have no objections  
NIFRS response to be received by 10<sup>th</sup> March 2023

#### **Recommendation**

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

### (ii) GRANT OF INDOOR ENTERTAINMENTS LICENCE

**Licence No:** EL422

**Premises:** LIR: Native Seafood, 64a Portstewart Road, Coleraine BT52 1RS

**Application:** Grant of an annual indoor entertainments licence

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

Monday to Sunday: 09:00 hrs to 23:00 hrs

**Representations:** Public consultation ends 22<sup>nd</sup> March 2023

**PSNI & NIFRS:** Awaiting responses from PSNI. NIFRS to be consulted once floor plans received

**Recommendation:**

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

**(iii) GRANT OF OCCASIONAL 14 DAYS UNSPECIFIED INDOOR ENTERTAINMENTS LICENCE**

**Licence No:** EL383

**Premises:** Banagher Community Sports Pavillion 663A Feeny Road, Feeny BT47 4SU

**Application:** Grant of Occasional 14 days Unspecified Indoor Entertainments Licence

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

Friday – Sunday 17:00hrs to 01:00hrs

**Representations:** Advert submitted

**PSNI:** No objections  
**NIFRS:** Closing date 24<sup>th</sup> March 2023

**Recommendation**

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

Proposed by Councillor Wilson  
Seconded by Alderman Knight-McQuillan and

**AGREED** – to recommend that Council grant Entertainment Licences i-iii above as set out.

**6. RENEWAL OF INDOOR ENTERTAINMENTS LICENSING REPORT**

Report, previously circulated, presented by the Head of Health and Built Environment.



## Renewal of Indoor Entertainments Licence

<b>Licence No:</b>	EL085
<b>Premises:</b>	The Quays Bar, Eglinton St, Portrush
<b>Application:</b>	Grant of an additional area to Annual Indoor Entertainments Licence  Days and times on which it is applied to provide entertainment:  Monday – Sunday 12:00hrs to 23:00hrs
<b>Representatives:</b>	No objections received
<b>PSNI &amp; NIFRS:</b>	PSNI – no objections received. NIFRS – no objections received

### Background

A renewal application has been received for the above premises. The application includes a request to hold entertainment in a recently built temporary structure of a wood and perspex construction which is located within the beer garden of the premises. The applicant wishes to apply for entertainment consisting of dancing, singing, music and other entertainment of a like kind, until 11pm within the temporary structure.

The applicant has submitted a planning application for the proposed relocation and extension of beer garden approved under C/2013/0432/F and extension to existing public house to provide a function room and ancillary areas (reference LA01/2022/0151/F), both of which are awaiting decision. The applicant has submitted a Noise Impact Assessment in support of this Planning Application dated November 2021. The report identifies the nearest noise sensitive receptors as the Eglinton Lane Apartments, located directly behind the pub at approximately 25m and overlooking the beer garden (where the temporary structure is located).

Due to the structure of the premises, there are concerns regarding noise disturbance to residents in the nearby noise sensitive receptors.

The noise assessment predicts the sound level to be 50db  $L_{Aeq}$  at the nearest noise sensitive dwelling. It should be noted that it is not clear from the report how many patrons were in the beer garden when noise monitoring was undertaken. The monitoring was carried out in November, when the number of patrons may have been much less compared to holiday season. The noise assessment was also completed during covid restrictions, the beer garden was in the open air, with no structure in place.

The World Health Organisation (WHO) Guidelines for external amenity space detail a  $L_{Aeq}$  of 50dB for moderate annoyance, and 55dB as serious annoyance. The noise assessment predicts the sound level to equal that of WHO guidelines.

The Environmental Health Departments records show that there have been 6 noise complaints received between August 2019 and October 2022, with regards to noise from The Quays Bar. To date, the complaints have not been substantiated and at the time of writing this report there are no active noise complaints. Concerns however remain that noise from the premises may result in levels that will cause undue annoyance or a nuisance to those occupiers of nearby residential properties.

### **Legal Position**

In accordance with Schedule 1 Paragraph 3 of The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 states: —

*(1) The council may grant to any applicant, and from time to time renew, a licence for the use of any place specified in it for all or any of the entertainments to which paragraphs 1 and 2 apply.*

*(2) Subject to sub-paragraphs (3) to (5), a licence under this paragraph may be granted—*

- (a) on such terms and conditions; and*
- (b) subject to such restrictions,*

*as may be specified in it.*

*(4) Without prejudice to the generality of sub-paragraph (2), terms, conditions and restrictions may be specified in a licence for the use of any place for an entertainment to which paragraph 1 applies for all or any of the following purposes, namely—*

- (a) regulating the conduct, days and hours of use and general arrangement of the place;*
- (b) securing adequate fire precautions;*
- (c) securing the provision of facilities for the disabled;*
- (d) securing the provision of adequate sanitary appliances and things used in connection with such appliances;*
- (e) preventing persons in the neighbourhood being unreasonably disturbed by noise;*

It is therefore for Council to determine what conditions should apply to each licence. Council may specify the number of days per week or days of the week that entertainment is permitted eg Friday, Saturday and Sundays, bank/public holidays, during special events upon request etc.

### **Proposed Licence Conditions**

In light of the concerns raised regarding potential noise complaints, should Council be minded to grant an Entertainments licence for the additional temporary structure located in the beer garden of these premises, the following conditions are suggested for inclusion, in addition to standard licence conditions:

- (a) Within 4 weeks of an instruction from Council the entertainment licence holder shall at their expense, employ a suitably qualified and competent person to undertake a noise survey. This condition will only be applied when Council is satisfied that a justifiable complaint has been received and informal approaches to resolve the matter have failed.

- (b) Details of the noise monitoring survey to be carried out, shall be submitted to Council for written approval prior to any monitoring commencing and two weeks prior notification of the date of commencement of the survey shall be provided.
- (c) The competent person carrying out the noise monitoring survey shall assess the level of noise emissions from the temporary structure. The duration of such monitoring shall be sufficient to provide comprehensive information on noise levels.
- (d) The noise survey information shall include detail of:
  - Any noise limit/s breaches
  - Recommendation of acoustic mitigation required
  - Confirmation of implementation of mitigation measures and evidence of noise limit/s conformance.
- (e) The noise survey information shall be provided to Council within 4 weeks of the monitoring taking place. Should an extension be required, the request should be made in writing to Council for consideration.

### **Recommendation**

It is recommended that Council consider the grant of an entertainment licence for the temporary structure and if minded to, include the proposed conditions above in addition to the standard licence conditions and subject to compliance with any other recommendations of the Councils Licensing Department.

Councillor Wilson supported the licence and considered a shorter period due to the unknown noise impact.

Alderman McLean referred to paragraph 4.2 and enquired why Council did not employ the noise monitoring individual.

The Head of Health and Built Environment clarified the noise survey would also include recommendations for acoustic mitigation and based on the Polluter Pays principle, to abate the noise if it was a problem. If Council do get complaints Council has its own monitoring and assessment and if a noise nuisance is confirmed Council can serve a noise abatement notice. The Head of Health and Built Environment clarified the fee based on a year's licence and there were powers to revoke or vary.

Councillor Nicholl stated no objections had been received and there should not be prejudicing of this application, in comparison with others.

Proposed by Councillor Hunter  
Seconded by Councillor Wilson and

**AGREED** – to recommend that Council grant of an entertainment licence for the temporary structure and if minded to, include the proposed conditions above in addition to the standard licence conditions and subject to compliance with any other recommendations of the Councils Licensing Department.

## **7. LAMMAS FAIR STREET TRADING APPLICATIONS**

Report, previously circulated presented by the Head of Health and Built Environment.

### **Purpose of Paper**

The purpose of this paper is to seek approval to amend the street trading application process for Lammas Fair 2023.

### **Background**

Further to ES211109 and CM211207 Council decided that the Licensing Team should continue to require the production of Access NI Criminal record checks as a requirement of the application process for Street Trading Licences, Lammas Fair Trading applications and Causeway Market trading including permanent and non-permanent trading.

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

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

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

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

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

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

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

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

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

In accordance with current policy the information provided in criminal record checks is presented to Council along with any other relevant street trading prosecutions when consideration is being given to granting street trading applications.

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

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

### **Lammas Fair Trading Applications**

The Licensing Team will shortly commence preparations for Lammas Fair 2023.

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

Considerable administration and officer time was taken up in the lead up to the Fair in obtaining such checks from applicants.

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

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

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

The basis for this operational decision was as follows:

- Despite all traders being encouraged to make an application in advance of the event, due to the longstanding tradition, traders continue to arrive seeking a trading pitch on the day of the Fair.
- Criminal record checks do not provide details of misconduct or prosecutions relating to trading activities which would provide discretionary grounds to refuse a licence.
- To refuse such traders a licence on the day of the Fair because they did not have a criminal record check would have caused considerable aggravation and potential for conflict.

- Not all of Council Street trading pitches are sold in advance of the Fair and some traders may also be unable to take up their pitch due to unforeseen circumstances e.g. illness. To refuse licences to traders arriving on the day without a criminal record check would have been detrimental to the event due to less stalls being occupied and a considerable loss of street trading revenue for Council.

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

### **Proposal**

In view of preparations for Lammas Fair 2023 commencing imminently approval is sought for the criminal record check requirement to be suspended for Lammas Fair 2023 pending a final decision on such checks as part of the Street Trading Policy review.

### **Recommendation**

It is recommended that Environmental Services Committee recommends to Council to suspend the Access NI Criminal Record Check as a requirement for Lammas Fair 2023 street trading applications.

Alderman McLean considered Council had no choice but to accept the recommendation, however, he stated that it was not ideal.

Councillor Wilson stated there were a number of private pitches with no level of control, and that resources could now be redirected for the event which had received good feedback last year.

Proposed by Councillor MA McKillop  
Seconded by Councillor Nicholl and

**AGREED** – to recommend that Council to suspend the Access NI Criminal Record Check as a requirement for Lammas Fair 2023 street trading applications.

## **8. COMMENCEMENT OF PRIVATE TENANCIES ACT (NI) 2022**

Report, previously circulated presented by the Head of Health and Built Environment.

### **Purpose of Report**

The purpose of this report is to inform members of new legislative powers for Councils in relation to the private rented sector and to set fixed penalty levels.

### **Background**

New provisions contained in The Private Tenancies Act (NI) 2022 received royal assent on the 27<sup>th</sup> April 2022. The Act amends the Private Tenancies Order (NI) 2006 aimed at making the private rented sector a safer and more protected housing option.

This report provides details of Sections 1-6 of the Act which are effective from 1<sup>st</sup> April 2023 and which Council's Environmental Health Department has enforcement responsibility for.

A copy of the Private Tenancies Act (NI) 2022 can be found at:  
<https://www.legislation.gov.uk/nia/2022/20/contents/enacted>

The Council will seek to publicise the new legislative provisions in advance of the commencement date of 1st April 2023 using our media outlets.

### **Proposals**

The Act creates new offences for which the Council will have powers to issue fixed penalty notices. The fixed penalty payable in respect of an offence is an amount determined by the Council, being an amount not exceeding one-fifth of the maximum fine payable on summary conviction of that offence which is currently £2500. The maximum level of fixed penalty fine that the Council can set for the new offences is therefore £500.

Council has previously set the fixed penalty for failure to register as a landlord under the same legislation at £500.

It is therefore proposed that the fixed penalty amounts for new offences introduced under the following sections of the Act and detailed in Appendix 1 are each set at a level of £500.

- Section 1 & 2: Tenant to be given notice of certain matters and certain past matters
- Section 3: Tenant to be provided with a rent receipt for payment in cash
- Section 4: Limit on tenancy deposit amount

### **Amended legislative provisions**

In addition to creating new offences, the following sections of the Act amend existing legislative provisions. These amendments are detailed in Appendix 1 also.

- Section 5: Increase in time limits for requirements relating to tenancy deposits
- Section 6: Certain offences in connection with tenancy deposits to be continuing offences

### **Financial and Resource Implications**

The Private Tenancies Act will provide Council with new enforcement powers to deal with tenancy issues in the private rented sector placing additional duties and demands on our existing resources.

There is no financial support available from the Department for Communities (DfC) to assist Councils with these additional powers. The fixed penalty regime introduced for some of the new offences may provide some income

but it is not anticipated this will be sufficient to cover the additional staffing and administrative resources required.

Setting the fixed penalty fine to the maximum of £500 for each offence is a key consideration in the absence of any financial support to implement this important legislation.

### **Recommendation**

It is recommended that members note the new legislative powers for Councils in relation to the private rented sector and agree the proposed fixed penalty levels.

Proposed by Alderman McLean  
Seconded by Alderman Knight-McQuillan and

**AGREED** – to recommend that Council note the new legislative powers for Councils in relation to the private rented sector and agree the proposed fixed penalty levels.

## **9. AFFORDABLE WARMTH SCHEME UPDATE**

Report, previously circulated presented by the Head of Health and Built Environment.

### **Purpose of Report**

The purpose of this report is to update members in respect of correspondence received from the Department for Communities (DfC) on the Affordable Warmth Scheme and to seek approval to accept an interim Service Level Agreement (SLA).

### **Background**

The Department for Communities (DfC) is responsible for developing policy and implementing programmes to mitigate the effects of fuel poverty and improve the thermal comfort of low-income households across Northern Ireland. The Affordable Warmth Scheme is DfC's primary scheme for tackling fuel poverty. DfC works in partnership with all local councils and the Northern Ireland Housing Executive to deliver the scheme.

DfC issued correspondence to all Councils on 27<sup>th</sup> February 2023 (see Appendix 1 to this report) regarding an Affordable Warmth Scheme interim SLA, Council funding for delivery of the Scheme and a refreshed approach to targeting.

The proposed interim SLA (see Appendix 2 to this report) covers the period up to the 31<sup>st</sup> March 2024, the end date of the existing approved business case for the Affordable Warmth Scheme.

The DfC have indicated that they are not in a position to confirm the budget for 2023/24 but their current planning assumption is for a capital budget of £16m.

In June 2022 DfC reduced the number of referrals Council's Affordable Warmth team can make to the scheme from 30 per month to 20 per month. The latest correspondence has indicated that Councils are to continue making 20 referrals



per month from the 1<sup>st</sup> April 2023 to the 30<sup>th</sup> June 2023 until confirmation of the budget has been received.

The DfC commissioned Business Consultancy Services (BCS) to complete a review of the Affordable Warmth Scheme. The BCS study is attached as annex A to and a report on the pilot is attached as Annex B to the letter from DfC.

The DfC findings have indicated that a refreshed approach using a modified definition is more effective in finding and assisting those in need, makes the best use of Council resources and provides value for money.

DfC have requested that all Councils commence using this refreshed targeted definition from 1<sup>st</sup> April 2023. To assist the Department to evaluate the effectiveness of this revised approach, Councils will be asked to complete and submit a return to the Department on a monthly basis.

### **Recommendations**

It is recommended That Council notes the correspondence and commences using this refreshed targeted definition from the 1<sup>st</sup> April 2023; That Council accepts the interim Service Level Agreement offered for the period up to 31<sup>st</sup> March 2024 and that approval be given to the Head of Health and Built Environment to sign and return the document to DfC on behalf of Council.

Councillor Wilson stated disappointment the wording within the document the Department for Communities capital assumption of £16m, and was not a guarantee, a critical scheme for all Elected Representatives.

Alderman Knight-McQuillan stated referrals reduced from 30 to 20 per month and within the current climate it was likely to see more demand, rather than less demand, and with no confirmed budget, a reduced amount of referrals more people would be disappointed than satisfied. Alderman Knight-McQuillan stated Council and Department for Communities should be looking at getting the figure back up to 30, especially when it comes to heating homes.

## **10. LIVESMART COMMUNITY ENVIRONMENTAL GRANT PROGRAMME 2022-23 APPLICANTS**

Report, previously circulated presented by the Director of Leisure and Development.

### **Purpose of Report**

The purpose of this report is to present findings of the assessment process for the 2022-23 LiveSmart Grant Programme. Recommendations for the allocation of funding to eligible applicants are included in this report.

### **Background**

The LiveSmart Community Environmental Grant Programme is as follows:-

- Applications will focus on waste reduction/reuse, energy saving and sustainability.
- Grant applications will be directly linked to the LiveSmart themes.
- The Environmental Resource Officer Team will provide support to applicants.

- Council's Funding Unit will be responsible for management and administration of the grant programme via Council's online funding hub.
- Total grant funding pot of £10,500 available in 2022-23.
- Maximum grant of £500 available per application.
- Organisations can apply for one grant per year.

A report seeking approval to run the grant programme in 2022-23 was presented to the Environmental Services Committee on 12th April 2022.

Council ratified the decision to run the 2022-23 Community Environmental Grant Programme on 3rd May 2022.

### **An Overview of the Fund**

The purpose of the LiveSmart Community Environmental Grant Programme is to provide small grants up to a maximum of £500 to local community and voluntary organisations. The grants are to give financial assistance to allow groups and organisations to:

- (1) improve the general cleanliness in their local area, particularly in respect of litter
- (2) promote recycling, reuse and waste reduction
- (3) look at ways of reducing carbon footprint by taking simple, practical actions such as planting

There are several specific objectives which applicants must address. An application can address more than one objective but only one is necessary.

- RecycleSmart: aims to reduce waste by educating, engaging and inspiring us all to buy less, reuse more, recycle and compost.
- LitterSmart: aims to reduce litter through education, encouraging responsible disposal and supporting local people to carry out litter lifts.
- ClimateSmart: aims to reduce our carbon footprint by increasing our knowledge of sustainability and empowering change with simple,

practical actions such as planting vegetables, fruit, native shrubs and pollinator plants.

Example projects might include:

- Community litter collection and prevention
- Fruit and vegetable planting
- Gardening projects e.g. planting of pollinator plants
- Native shrub planting
- Recycling, reuse and waste prevention projects

### **Levels of grant award.**

- Applicants can apply for 100% of project costs up to a maximum of £500
- Organisations can only apply for one grant per year.
- In the event of the fund being oversubscribed only the highest scoring projects will receive an award

Assessment & Scoring Criteria used for assessment was circulated within the report.

### **2022/23 Application Process**

The grant closed for applications on Friday 30<sup>th</sup> December 2022 @ 12:00 noon, it received 9 applications.

A stage 1 eligibility check was carried out by the Funding Unit, all applications made it through to scoring. 1 application was deemed ineligible as applicant had received funding in 22-23 Call 1.

On Friday 3<sup>rd</sup> February 2023 all eligible LiveSmart applications were assessed by a panel consisting of officers from the Environmental Resource Officer team.

The Scoring Panel assessed each submission against the criteria within the scoring matrix which was weighted accordingly. The minimum threshold pass rate was applied at 65% as per Council policy.

### **Summary of Applications**

A summary of the applications received with scoring is detailed in Annex A.

The total amount of grants requested through eligible and qualifying applications was £4,446.55.

For the period 2022/23, the allocated budget for the LiveSmart Grant is £10,500 as referenced in Environment Services Committee report dated 12<sup>th</sup> April 2022.

As detailed in **Annex A** –

1 application was deemed ineligible as applicant had received funding in 22-23 Call 1

3 applications failed to meet the minimum threshold of 65% and are therefore ineligible for grant aid.

5 applications passed the minimum threshold rate of 65% requiring grant assistance to the value of £2,500.00

### **Recommendation**

Elected Members are asked to approve the allocation of the LiveSmart Grant Programme Funding to successful applicants as detailed in Annex A (circulated).

Councillor MA McKillop requested whether the Fund could be opened up again as there was a shortfall and queried whether it could be a rolling grant.

Alderman McLean concurred with a rolling grant during the next financial year.

The Director of Leisure and Development advised the funding period was 2022/23 but he would liaise with the Funding Department and report back to Committee.

Proposed by Councillor MA McKillop

Seconded by Alderman McLean and

**AGREED** – to recommend that Council approve the allocation of the LiveSmart Grant Programme Funding to successful applicants as detailed in Annex A (circulated).

The Chair advised the following Items were for information.

## 11. AMUSEMENT PERMIT RENEWALS

Report, previously circulated.

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

#### RENEWAL OF AN AMUSEMENT PERMIT

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

<u>Licence No:</u>	<u>Name of Premises</u>
AP008	Funland
AP004	Flutters Portrush Ltd
AP009	Goldrush Entertainment Centre
AP015	Kiddieland Amusements

Committee NOTED the report.

## 12. CINEMA LICENCE RENEWALS

Report, previously circulated.

### LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NI) ORDER 1985

#### CINEMAS (NORTHERN IRELAND) ORDER 1991

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

<u>Unique Reference Number:</u>	<u>Name of Premises</u>
CL003	Kiwi's Brew Bar Cinema

Committee NOTED the report.

## 13. ENTERTAINMENT LICENCE RENEWALS

Report, previously circulated.

### 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.

<b><u>Unique Reference Number</u></b>	<b><u>Name of Premises</u></b>
EL081	Portstewart Football & Community Club
EL354	Dromboughil Community Association
EL043	Juniper Hill Holiday Park
EL368	Dungiven Sports Centre
EL061	Magherabouoy House Hotel
EL065	Me and Mrs Jones
EL082	Portstewart Golf Club (Variation)
EL372	Benone Holiday & Leisure Park
EL208	Dunloy & Hannah McCracken Memorial Hall
EL042	Carrick Dhu Games
EL191	O'Connor's Bar
EL238	Rasharkin Community Centre
EL311	The Scotch House Bar
EL101	Springhill Bar
EL204	Smugglers Inn
EL037	Dunluce Presbyterian Church Hall
EL258	St Patricks Parish Centre & Youth Hall
EL093	Royal Portrush Golf Club
EL197	Rooks Nest
EL229	The Bridge Bar
EL046	Garvagh Sports and Social Club

Committee NOTED the report.

#### **14. LICENCES ISSUED UNDER DELEGATED AUTHORITY**

Report, previously circulated.

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

#### **Local Government (Miscellaneous Provisions) (Ni) Order 1985**

***Articles 13 &14, Practice Of Acupuncture/Business Of Cosmetic Piercing/Tattooing/Semi-Permanent Skin-Colouring/Electrolysis***

<u>Unique Reference Number:</u>	<u>Name of Premises</u>	<u>Type of Registration</u>
SP/01/2023	Semi-permanent Make-up by Carol	Semi-permanent Make-up

**Marriage Regulations (NI) 2003  
The Marriage (NI) Order 2003**

<u>Unique Reference Number</u>	<u>Premises Name</u>	<u>Approval Type</u>
MA015	Laragh Lodge	Civil Marriage

**The Civil Partnership Regulation (NI) 2005  
The Civil Partnership Act 2004**

<u>Unique Reference Number</u>	<u>Premises Name</u>	<u>Approval Type</u>
CP015	Laragh Lodge	Civil Partnership

Committee NOTED the report.

**15. PETROLEUM SPIRIT LICENCE RENEWALS**

Report, previously circulated.

**Petroleum (Regulation) Acts 1929 and 1937  
Petroleum Spirit Licences**

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

<u>Licence No:</u>	<u>Name of Premises</u>
PL070	Nicholl Auto 365

Committee NOTED the report.

**16. SOCIETY LOTTERY REGISTRATIONS**

Report, previously circulated.

**The Betting, Gaming, Lotteries and Amusements (NI) Order 1985  
Registration of a Society**

The undernoted applications for society lottery registrations have been received, acknowledged and processed during the report period.

<b><u>Registration No:</u></b>	<b><u>Name of Society</u></b>
SL003	St Mary's & St Joseph's Parish
SL011	Ballymoney Homing Pigeon Society
SL018	County Londonderry Horse Breeding Society
SL025	Carnalridge Primary School (PTA)
SL028	Coleraine Versus Arthritis
SL031	The Triciafest Society
SL032	Coleraine Rugby, Football, Cricket & Hockey Club
SL036	Cushendun Building Preservation Trust
SL037	Portstewart Community Association
SL038	Limavady Wolfhounds GAC
SL004	Mother Goose & Jack Horner Playgroup

Committee NOTED the report.

## **17. BUILDING CONTROL FEES INCREASE**

Report, previously circulated.

### **Purpose of Report**

The purpose of this report is to inform members of the increase in Building Regulations Fees effective from the 1<sup>st</sup> April 2023 under The Building (Prescribed Fees) (Amendment) Regulations (Northern Ireland) 2022.

### **Background**

Building Regulations are enforced by Council's Building Control Officers and includes approval of plans as well as site inspections.

The Building (Prescribed Fees) Regulations (Northern Ireland) 1997 (as amended) sets out the prescribed functions for which a district council may charge a fee in relation to applications for building regulation approval for the construction, renovation or alteration of buildings.

The regulations also set the level of fee that may be charged for each function. Other activities undertaken by building control (including other building regulations activities) are rate borne.

The prescribed functions are:

- approval or rejection of plans or building notices;
- inspection of works;
- regularisation of unapproved work; and
- approval or rejection of type approval certificates

In the current Fees Regulations, fees are set out in three schedules to the regulations:

- Schedule 1 for one or more small domestic buildings;
- Schedule 2 for certain small buildings, extensions and alterations; and
- Schedule 3 for all other work.

Although the fees for applications under Schedule 3 are based on the estimated cost of works and have risen as prices have increased, the fees set by Schedule 1 and Schedule 2 are “fixed” and can only be changed through an amendment to the regulations.

Prior to the introduction of The Building (Prescribed Fees) (Amendment) Regulations (Northern Ireland) 2022 last year the fees set by Schedules 1 & 2 of the Fees Regulations had not been reviewed since 2013 and were no longer reflective of the cost to Councils.

The Fees Regulations were reviewed to ensure that the level of fees follows the ‘user pays principle’. Both DfI and district councils recognised that a move to 100% cost recovery ‘user pays’ model should be achieved using a phased approach.

This is the second and final uplift in fees under the legislation. The first uplift in fees was implemented on the 1<sup>st</sup> April 2022.

### **Outcome**

As from the 1<sup>st</sup> April 2023 Building Regulations Fees associated with Schedules 1 & 2 of the Fees Regulations will increase by 17.5%.

This will affect building work associated with fees for one or more small domestic buildings (dwellings under 250m<sup>2</sup>) under Schedule 1 and fees for certain small buildings, extensions and alterations under Schedule 2.

The fees are set out in appendix 1 and 2 to this report. This increase in building control fees was anticipated and accounted for during rate setting.

### **Recommendation**

**It is recommended** that the report be noted.

Committee NOTED the report.

## **18. MATTERS FOR REPORTING TO PARTNERSHIP PANEL**

There were no matters for reporting to the Partnership Panel.

## **19. CONSULTATIONS**

There were no Consultation documents.



## 20. CORRESPONDENCE

There were no Items of correspondence.

### **MOTION TO PROCEED 'IN COMMITTEE'**

Proposed by Alderman Knight-McQuillan  
Seconded by Councillor Callaghan and

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

\* **Press left the meeting at 7.47pm.**

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

## 21. REPAIR TO SLIPWAY, NORTH PIER, PORTRUSH HARBOUR

Confidential report, previously circulated presented by the Capital Projects Manager.

### **Purpose of Report**

The purpose of this report is to request Members approval to grant officers permission to carry out a condition and recommendation report, including supporting estimated construction remedial / option costs with regards to the slipway positioned on the North Pier, Portrush Harbour - (*advancing to stage 1 of the procurement gateway*).

### **Recommendation**

It is recommended that Members grant permission for officers to progress to Stage 1 of the procurement gateway at the expense as listed on Page No.1, to carry out a condition and recommendation report, including supporting estimated construction remedial / option costs with regards to the slipway positioned on the North Pier, Portrush Harbour.

### **Note.**

The findings of the condition survey report, together with the resultant technical solution(s) and estimated costs shall be brought back to Members for consideration thereafter and to seek approval to proceed to stage 2 of the procurement gateway at that point.

Councillor Nicholl stated that with all the capital projects reports presented, Council explore in-house, the most economically advantage cost effective way of undertaking the works.

The Director of Leisure and Development assured Committee that on a monthly basis potential Capital Projects are reviewed by internal capital projects working group, looking at the business case for each, to ensure the need to undertake the work is justified. The Director of Leisure and Development clarified the Chief

Finance Officer also sits on the group from the perspective of affordability in the capital programme and the principle applied across Council.

Councillor Wilson thanked staff for the concise report that Council had no option to accept the proposal and proceed.

Alderman McLean stated the Harbours cost Council a huge amount of money, a seaside area and are required to maintain. Alderman McLean questioned the budget.

The Capital Project Manager stated the budget had been set aside.

Proposed by Alderman McLean  
Seconded by Councillor Wilson and

**AGREED** - to recommend that Council grant permission for officers to progress to Stage 1 of the procurement gateway at the expense as listed on Page No.1, to carry out a condition and recommendation report, including supporting estimated construction remedial / option costs with regards to the slipway positioned on the North Pier, Portrush Harbour. Note: The findings of the condition survey report, together with the resultant technical solution(s) and estimated costs shall be brought back to Members for consideration thereafter and to seek approval to proceed to stage 2 of the procurement gateway at that point.

Councillor McGurk further clarified that Council look at a full specification of works, what would be nice to have and what was absolutely necessary, in order to obtain best value for Council and when the report comes back, that those options are presented to Council.

Councillor Nicholl reiterated Council exploring all feasible options, that Council should be putting money into such projects, however, and the most cost effective way in obtaining best value for the organisation.

## **22. THE SOUTH PIER, PORTRUSH**

Confidential report, previously circulated presented by the Capital Projects manager.

### **Purpose of Report**

The purpose of this report is to request Members approval to grant officers permission to carry out necessary specialist investigatory surveys and production of condition survey report, including technical solution(s) and associated estimated construction costs with regards to the currently closed, *(due to H&S reasons)*, South Pier at Portrush Harbour - *(advancing to stage 1 of the procurement gateway)*.

### **Recommendation**

It is recommended that Members grant permission for officers to progress to Stage 1 of the procurement gateway at the expense as listed on Page No.1, to carry out; -

- 4) Specialist surveys and site investigations,
- 5) Condition Survey of the existing structure and,
- 6) Production of recommendation report, including technical solutions and their estimated costs.

**Note: -**

The findings of the condition survey report, together with the resultant technical solution(s) and estimated costs shall be brought back to Members for consideration thereafter and to seek approval to proceed to stage 2 of the procurement gateway at that point.

Alderman Knight-McQuillan queried whether Council had a programme for inspection, in order to capture before millions of pounds worth of costs occur.

The Capital Projects Manager advised they were currently putting together a life cycle regime of all Harbours and Marinas' including dive surveys, substructure and superstructure surveys that would feed in to the Capital Programme in order to set aside costs for forthcoming years.

Proposed by Councillor Wilson

Seconded by Alderman Knight-McQuillan and

**AGREED** – to recommend that Council grant permission for officers to progress to Stage 1 of the procurement gateway at the expense as listed on Page No.1, to carry out; - Specialist surveys and site investigations, Condition Survey of the existing structure and, Production of recommendation report, including technical solutions and their estimated costs.

## **23. OLD SLIPWAY, PORTRUSH HARBOUR**

Confidential report, previously circulated presented by the Capital Projects manager.

### **Purpose of Report**

The purpose of this report is to request Members approval to grant officers permission to carry out '*Detailed Design and Procurement*', following the comprehensive completion of Stage 1, (*Feasibility & Scoping*) - (*to now advance to stage 2 of the procurement gateway*).

### **Recommendation**

It is recommended that Members grant permission for officers to progress to Stage 2 of the procurement gateway at the expense as listed on Page No.1, to carry out detailed design, statutory application submissions, and a public procurement exercise to seek best competitive marketplace price.

Note.

Completion results of the competitive tender process shall be brought back to Members for consideration thereafter, and to seek approval to proceed to stage 3 of the procurement gateway, (*construction on-site*), at that point.

In response to Councillor Wilson, the Director of Leisure and Development advised he would ask the Head of Performance to liaise with Councillor Wilson with regard to his query surrounding insurance.

Proposed by Alderman McLean  
Seconded by Alderman Boyle and

**AGREED** – to recommend that Council grant permission for officers to progress to Stage 2 of the procurement gateway at the expense as listed on Page No.1, to carry out detailed design, statutory application submissions, and a public procurement exercise to seek best competitive marketplace price.

\* **Councillor Holmes arrived in The Chamber at 8.05pm.**

## **24. PORTBALLINTRAE HARBOUR SLIPWAY**

Confidential report, previously circulated presented by the Capital Projects manager.

### **Purpose of Report**

The purpose of this report is to request Members approval to grant officers permission to carry out '*Detailed Design and Procurement*', following the comprehensive completion of Stage 1, (*Feasibility & Scoping*) - (*to now advance to stage 2 of the procurement gateway*).

### **Recommendation**

It is recommended that Members grant permission for officers to progress to Stage 2 of the procurement gateway at the expense as listed on Page No.1, to carry out detailed design, statutory application submissions, and a public procurement exercise to seek best competitive marketplace price.

Note.

Completion results of the competitive tender process shall be brought back to Members for consideration thereafter, and to seek approval to proceed to stage 3 of the procurement gateway, (*construction on-site*), at that point.

Proposed by Councillor Hunter  
Seconded by Alderman McLean and

**AGREED** – to recommend that Council grant permission for officers to progress to Stage 2 of the procurement gateway at the expense as listed on Page No.1, to carry out detailed design, statutory application submissions, and a public procurement exercise to seek best competitive marketplace price.

The Chair advised the following Items were for Information.

## **25. STREET TRADING LICENCE RENEWALS**

Confidential report, previously circulated.

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>
SST 010	Stationary	Nursery Produce, Potatoes and Eggs.	Between 28-30 Catherine Street, Limavady
SST 014	Stationary	Ice cream, milkshakes, traybakes, cold drinks, sweets, confectionary and tea/coffee	Lay-by (picnic Area) Opposite Bishops Gate On West Side Of A2 (Mussenden Road)

Committee NOTED the report.

## 26. BALLINTOY – MULTI STAKEHOLDER MEETING

Confidential report, previously circulated.

### **Purpose of Report**

To provide feedback to elected members who requested that Council facilitate a multi stakeholder meeting to discuss the situation surrounding the congestion issues being experienced at Ballintoy, i.e., harbour road car park, general harbour area and the Harbour Road leading to the area.

### **Recommendation(s)**

**It is recommended** that the members of the Environmental Services Committee note this report for information.

Committee NOTED the report.

## 27. PERIOD 10 – ES MANAGEMENT ACCOUNTS AND FINANCIAL POSITION 2022/23

Confidential report, previously circulated.

### **Purpose of Report**

The purpose of this report to provide Members with information on the current financial position of Environmental Services Directorate at the end of Period 9.

### **Recommendation**

Members are requested to note the paper.

Committee NOTED the report.

### **MOTION TO PROCEED ‘IN PUBLIC’**

Proposed by Councillor Callaghan  
Seconded by Alderman Knight-McQuillan and

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

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

**(i) Letters to Heaven (Councillor Callaghan)**

*What steps is this council taking to install Letters to Heaven post boxes in council owned cemeteries across the Borough, to assist Children in their grieving process.*

Councillor Callaghan advised the idea arose from a social media post by Councillor Leah Smyth, Deputy Mayor Antrim and Newtownabbey Council who was inspired by the request of a 9 year old to place Letters to Heaven post boxes installed the local Cemetery. He advised a Post Box would be placed in each of the Cemeteries in the Borough, a plaque explaining the post boxes managed by the Cemeteries team and do not require postage stamps and when full, they are taken to recycling centres. Councillor Callaghan stated this would bring comfort to children and adults alike.

Alderman Knight-McQuillan stated this would be of great comfort to young people and also help parents deal with grieving children. Alderman Knight-McQuillan stated it would also be nice if a response could go to the letters, even acknowledgement of receipt.

Proposed by Councillor Callaghan  
Seconded by Alderman Knight-McQuillan and

**AGREED** – to recommend that Council bring a feasibility options report back to include associated costs.

There being no further business the Chair thanked everyone for their attendance and the meeting concluded at 8.15pm.

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Chair