



Environmental Services Committee Tuesday 2nd February 2016

Table of key Recommendations

| No | Item | Recommendation |
|------------------|--|----------------------------------|
| 2. | Declarations of Interest | <i>Councillor McCaul Item 10</i> |
| 3. | Minutes of Previous Meeting held 1 st December 2015 | <i>Confirmed</i> |
| 4 & 5 | Legacy landfill Sites Closure and Aftercare Presentation RPS Consultants – Revised Closure Plans for Drumaduff & Crosstagherty Landfill Sites | <i>Adopt</i> |
| 6. | Waste Working Groups Terms of Reference | <i>Approve</i> |
| 7. | Licensing Working Group Terms of Reference | <i>Approve</i> |
| 8. | Petroleum Licencing 8.1 Convergence of Petroleum Licence Conditions 8.2 Adoption of Document – Petroleum Licencing | <i>Adopt</i> <i>Adopt</i> |
| 9. | Civil Marriages and Civil Partnerships Applications | <i>Approve</i> |
| 10. | Safety at Sports Ground Report | <i>Approve</i> |
| 11. | Entertainment Licensing Report 11.1 Grant of Occasional Licence 11.2 Grant of Annual Licence 11.3 Grant of Occasional Licence 11.4 Variation of Licence 11.5 Mobile Street Trading | <i>Granted</i> |
| 12. | Consumer Protection Act 1987 and the Furniture and Furnishing (Fire) (Safety) Regulations 1988 | <i>Approve</i> |

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| | | |
| 13. | The Street Trading Act (Northern Ireland) 2001 – 4 No Street trading Pitches Landsdowne, Portrush | <i>Approve</i> <i>Write to Transport NI to request</i> <i>introduction of 20mph speed limit</i> <i>Proceed with planning permission for</i> <i>new proposed pitches</i> |
| | | |
| 14. | Lough Foyle Ferry Service Update | <i>Approve</i> |
| | | |
| 15. | Harmonisation of Cemetery Rules & Regulations | <i>Approve</i> <i>and Amend Item 10.2 to include ‘That</i> <i>artificial grass will not be placed over</i> <i>the area of the grave’</i> |
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| 16. | Environmental Services Quarterly Report | <i>Noted</i> |
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| 17. | Items for Information 17.1 Food Hygiene Rating Bill 17.2 Implementation of the Licensing of Pavement Cafes Act (NI) 2014 17.3 Local Government (Miscellaneous Provisions) (NI) Order 1985 Entertainment Licences 17.4 Applications for Petroleum Spirit Licences 17.5 Application for the Renewal of Society Registrations 17.6 Applications to Sell Non-Medicinal Poisons 17.7 Private Tenancies (NI) Order 2005 – Certificates of Fitness 17.8 Home Accident Prevention Group Workshop 17.9 Public Health Agency Funding | <i>Noted</i> |
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| 18. | Licensing Information Report 18.1 Applications for Occasional Licences (Liquor Licenses) 18.2 Applications for Transfer of Licences 18.3 Applications for Entertainment Licences | <i>Noted</i> |
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| 19. | Outcome of Legal Proceedings | <i>Noted</i> |
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| 20. | Correspondence 20.1 Discussion Document on Options to Develop the Better Management and control of Bonfires | <i>that Council adopt Option 1, continuing and developing current best practice as detailed below with the provision that the Housing Executive be included as a statutory consultee.</i> |
| 21. | Matter for Reporting to Partnership Panel | <i>that the procedure for Matters for Reporting to the Partnership Panel be included on the agenda for discussion at the full Council Meeting.</i> |
| 22. | Refuse Collection Vehicle | <i>Approve proposal report to be brought back within 4 months outlining leasing options for Refuse Collection Vehicles</i> |
| 23. | Tractor 100 BHP | <i>Approve</i> |
| 24. | Hook Loader | <i>Approve</i> |
| 25. | Ice Cream Trading and Other Concessions | <i>Approve</i> |
| 26. | Improvements to Town Hall Ventilation, Ballymoney | <i>Look into alternatives and bring back report</i> |
| 27. | Any Other Relevant Business | <i>None</i> |

Environmental Services Committee

Minutes of the Meeting of Causeway Coast and Glens Borough Council Environmental Services Committee, held in Council Chamber, Civic Headquarters, Coleraine Office on Tuesday 2nd February at 7.00 pm.

In the Chair: Councillor Fielding

Members present: Alderman Campbell, Cole, King, Mullan
Councillor Baird, Douglas, Duddy, Holmes, MA McKillop, McCaul, McLean, Mulholland, Watton

In attendance: A McPeake, Director of Environmental Services
B Edgar, Head of Health & Built Environment
G Doyle, Head of Estates
K Doherty, CC&G Borough Council
D Bader, Committee and Member Services Officer

Also in Attendance: D Doyle, RPS Consultants

Press (4 No)

Public (3 No)

1. Apologies

Apologies were received from Councillor Hunter and Councillor Chivers and notification was received from Councillor Watton¹ that he would be delayed.

2. Declarations of Interest

Councillor McCaul declared an Interest in Item 10 – Safety at Sports Grounds Report as he is a Treasurer of O'Briens GAA Club Foreglen.

3. Minutes of Environmental Services Committee Meeting held on 1st December 2015

The minutes of the meeting held on 1st December 2015 and ratified by Council on 15th December 2015, were confirmed as a correct record.

Councillor Mulholland entered the meeting at 7.05 pm.

¹ Councillor Watton entered the meeting at 7.50pm

Councillor Douglas entered the meeting at 7.07pm.

4. Legacy Landfill Sites Closure and Aftercare

Kieran Doherty, Causeway Coast and Glens Borough Council delivered the report for information, circulated and summarised as undernoted;

Landfill sites have been operated by Limavady and Ballymoney Borough Councils in their respective Boroughs since the 1970's; the Limavady site at Drumaduff and the Ballymoney site at Crosstagherty. Both sites ceased accepting waste in 2003, however both sites require to be closed and suitable aftercare arrangements put in place in accordance with The Landfill Regulations (NI) 2003. The Northern Ireland Environment Agency (NIEA) being the enforcing authority in these matters issued Compliance Notices in 2013 on both Limavady and Ballymoney Councils to make the necessary arrangements to have the sites restored as required by the legislation.

Drumaduff Site – Limavady

The site at Drumaduff extends to approximately 6.7 hectares (17 acres). The lands are leased from a local landowner and while the Council has attempted over many years to purchase the lands this has proven problematic. To effect the restoration works, Council will require ownership or a long lease of at least 30 years, in order to finance and implement any eventual closure plan. The site and some adjoining lands are currently the subject of a second vesting application made by the Council in April 2013.

A site closure plan was prepared for the site in 2005 by RPS Consulting Engineers, this was superseded by a revised version in 2004, which is the current NIEA approved plan.

In summary, this plan involves the re-profiling of the existing body of waste to include additional lands outside the existing landfilled area, the installation of a synthetic liner and a one meter thick clay cap which would in turn be top soiled and sown in grass. Issues however, have arisen with the multiple owners of the additional lands required who have refused to sell the required lands to allow the works to progress.

The requirement to submit a planning application for the extension of the site arising from the placing of municipal waste into previously unfilled land and the need to engineer this part of the site, remains to be clarified.

Landfill gas would be handled through passive ventilation shafts, no formal leachate treatment is proposed.

Crosstagherty Site - Ballymoney

The site at Crosstagherty extends to approximately 14 hectares (35 acres) which includes a leachate treatment compound and the civic amenity site and transfer station. All lands are in the ownership of Council.

A site closure plan was prepared for the entire site and submitted to NIEA in May 2015.

In summary the plan involves limited re-profiling of the existing body of waste within the existing landfilled area, the installation of a synthetic liner and a one metre thick clay cap which would be top soiled and sown in grass.

Landfill gas is to be handled through passive ventilation shafts and leachate would be treated through the existing leachate treatment works before discharge to a water course.

Cost arise in 2 respects, namely:

Capital Costs associated with the engineering and site works in re-profiling the sites, installation of landfill gas venting infrastructure, the synthetic liner, site drainage, clay overlay, top soiling and final grassing of the sites; and

Revenue Costs associated with ongoing maintenance, site supervision, leachate treatment and sampling costs.

These costs are projected for a period of 30 years which is the current timescale over which the Council is expected to actively manage the restoration of both sites.

Current Costings

| | <u>Drumaduff Site</u> | <u>Crosstagherty Site</u> |
|---------------|------------------------------|----------------------------------|
| Capital cost: | £4,256,669 | £2,794,500 |
| Revenue cost: | £2,567,676 | £905,701 |

Amended Proposals

Drumaduff Site – Limavady

The original strategy outline at 1.1 above has proven to be inoperable for many reasons, particularly the difficulty in gaining the additional lands to re-profile the waste over the proposed larger site.

The current proposal is to re-profile the waste within lands largely contained within the footprint of the existing landfilled area and entirely within land owned by the one landowner.

Advantages:

- ***No need to vest additional lands from numerous landowners***
- ***No need to make a planning application for an extended landfill***
- ***Restoration of “rights of way” on a contested bog road***
- ***Some reduction in costs due to a smaller cap and less compensation in purchasing additional lands***

Disadvantages:

- ***More material to be moved within the curtilage of the site***
- ***Potentially a higher on-site profile, particularly as viewed from Drumaduff Road***
- ***Disappointed landowners***

Discussions with NIEA on revisions to the previous approved closure plans in 2009 have been very positive both in terms of the level of environmental protection afforded by the revised proposals but in the increased likelihood that should vesting of existing landfilled lands continue to be necessary the mechanics of proceeding against one landowner are much more straightforward.

Discussions will be required with Council’s Planning officials when the extent of the elevations of the re-profiling are complete.

Crosstagherty Site - Ballymoney

The original strategy outlined at 1.2 above essentially proposed a full “Landfill Directive” compliant cap to the whole of the 12.5 hectare site. The legal vires for such a solution is driven by the requirements of The Landfill (Amendment) Regulations (NI) 2011 which critically amended the deadline for closed sites accepting waste from 2003 to 2001. The Crosstagherty site closed in November 2003 in order to avoid the onerous requirements of closure, capping and aftercare contained within The Landfill Regulations (NI) 2003. The amendments contained within the 2011 Regulations therefore meant that the site was subject to the higher standards of closure and aftercare.

Unlike the Drumaduff site the Crosstagherty site operated between 2001 and 2003 in a discrete part of the site and there will only be a limited need to re-profile waste over other parts of the site. This permitted discussions to take place with NIEA proposing that the site be treated as 2 separate legal entities, one part which ceased operation before 2001 and another which operated between 2001 and 2003.

These discussions have been very positive and the draft amended closure plan now relates to an area of approximately 50% of the site subject to some final trial pit results being considered. The remaining 50% of the site will require some capping and restoration works, however these can largely be undertaken in-house. Subject to NIEA approval this will be a combination of some additional cover material being applied across the relevant part of the site, land drainage works and a sow-out in grassland. It is also proposed to include a small nature reserve extending to approximately 2 hectares to be created and managed by Council's bio-diversity officer in conjunction with local primary schools.

Significant cost savings are anticipated to arise out of the proposed amendments, these will be calculated on final approval of the Closure Plan prior to placing a tender for completion of this work which is likely to be in the 2017/2018 year.

RPS Consultants, who are preparing the revised closure plan for submission to NIEA, will be in attendance at Committee to present the amended draft plans for both the Drumaduff and Crosstagherty Sites.

It was recommended that Council:

- (i) Approve the Draft Closure Plans in principle for the Drumaduff and Crosstagherty landfill sites and authorise the submission of both plans to NIEA for approval;
- (ii) Authorise the withdrawal of current vesting proceedings for lands at Drumaduff;
- (iii) Acquire the necessary interest in the lands at Drumaduff to affect the Closure Plan as approved, and
- (iv) Approve the creation of a nature reserve at Crosstagherty led by Council Bio-diversity officer.

5. Presentation by RPS Consultants – Revised Closure Plans for Drumaduff & Crosstagherty Landfill Sites

The Chairman invited Donal Doyle from RPS Consultants to present the revised closure plans for Drumaduff & Crosstagherty Landfill sites in relation to Item 4 followed by questions from Members.

Matters discussed relating to the Drumaduff site included vesting orders to the landowner, leasing of the land, valuation of the land, restoration of the shared laneway, regeneration of the site, legal costs and revenue expenditure and leachate at Drumaduff and Crosstagherty landfill sites.

In relation to a Members query Kieran Doherty clarified that no work could be undertaken at the Drumaduff site until the land issues had been sorted and confirmed that all current vesting applications would be withdrawn if Members agreed to the recommendation, as a negotiated settlement could then be reached with the landowner. Other landowners would then be informed and there would be no vesting orders to obtain as the land would be in the confines of the current site.

He also confirmed that Council would reinstate a substantially improved Right of Way on the site at Drumaduff.

It was proposed by Councillor Baird seconded by Alderman Cole: **to recommend that Council:**

- (i) Approve the Draft Closure Plans in principle for the Drumaduff and Crosstagherty landfill sites and authorise the submission of both plans to NIEA for approval;**
- (ii) Authorise the withdrawal of current vesting proceedings for lands at Drumaduff;**
- (iii) Acquire the necessary interest in the lands at Drumaduff to affect the Closure Plan as approved, and**
- (iv) Approve the creation of a nature reserve at Crosstagherty led by Council Bio-diversity officer.**

The Chair put the motion to the vote, 11 Members voted for, 0 Members voted against and 2 members abstained. The Chair declared the motion carried.

6. Waste Working Group Terms of Reference

The Director of Environmental Services delivered the report for information, circulated as undernoted;

Councils Environmental Services directorate includes waste management operations, environmental health, building control, estate management and capital project delivery. The Waste Management working group is comprised of 16 no elected members from the Environmental Services Committee

The work of the Waste Management working group is as follows:-

- (i) To provide strategic direction to Environmental Services and Senior Management;***
- (ii) To advise on Waste Management policy;***
- (iii) To bring recommendations in relation to Strategic Waste Management issues to Council for decision.***

It is proposed that the meetings are held every 3 months. Additional meetings can be called, on an ad-hoc basis with the consent of the Chair. The meetings will be arranged and facilitated by the Director of Environmental Services.

Meetings will take place in the Council Chamber Cloonavin after the Environmental Services Committee. The Chair shall present action minutes of the Working Group to the Environmental Services Committee.

It was recommended that the Terms of Reference are presented to the Environmental Services Committee for approval.

It was proposed by Councillor Holmes seconded by Councillor MA McKillop and **AGREED: to recommend to Council that the Working Group Terms of Reference be approved.**

7. Licensing Working Group Terms of Reference

The Director of Environmental Services delivered the report for information, circulated and summarised as undernoted;

Council's Environmental Services directorate includes waste management operations, environmental health, building control, estate management and capital project delivery.

The Licensing Working Group is comprised of 16 elected members from the Environmental Services Committee.

The work of the Licensing working group is as follows:-

- i) To provide strategic direction to Environmental Services and Senior Management;***
- ii) To advise on Licensing policy;***
- iii) To bring recommendations in relation to Licensing issues to Council for decision.***

It is proposed that the meetings are held every 3 months. Additional meetings can be called on an ad-hoc basis with the consent of the Chair.

The meetings will be arranged and facilitated by the Director of Environmental Services.

Meetings will take place in the Council Chamber Cloonavin after the Environmental Services Committee.

The Chair shall present action minutes of the Working Group to the Environmental Services Committee.

It was recommended that the Licensing Working Group Terms of Reference are adopted.

It was proposed by Councillor Holmes seconded by Councillor MA McKillop and **AGREED: to recommend to Council that the Licensing Working Group Terms of Reference be adopted.**

8. Petroleum Licensing

The Director of Environmental Services delivered the report for information, circulated and summarised as undernoted;

CONVERGENCE OF PETROLEUM LICENCE CONDITIONS

Causeway Coast and Glens Borough Council is designated as a Petroleum Licensing Authority under the Petroleum (Consolidation) Act (Northern Ireland) 1929 and as such grants licences annually to persons wishing to keep petroleum spirit. As permitted by the Act, conditions are imposed by the Council on the licensee in order to ensure the safe operation of the licensed site.

There is a variance in the petroleum licence conditions of the legacy councils and consistency in petroleum licences issued across the Borough is essential. The proposed petroleum licence conditions for Causeway Coast and Glens Borough Council are attached in Appendix II (previously circulated). These conditions are already in use in three of the four legacy Council areas. Their adoption therefore will alter the existing licence conditions for licensees in just one of the four legacy council areas.

The proposed conditions are consistent with the Dangerous Substances & Explosive Atmospheres Regulations (Northern Ireland) 2003 (DSEAR). When introduced these regulations, which are risk assessment based, effectively removed much of the responsibility for controlling the routine operation of petrol filling stations from the Petroleum (Consolidation) Act (Northern Ireland) 1929 and therefore required less prescriptive control measures to be contained in conditions. The reduction in the number of licence conditions for petrol stations in the legacy council area for which convergence represents a change does not diminish the licensee's responsibilities. Neither does it place any additional burden on them.

DSEAR does not however apply to non-workplace situations, and petroleum licensing is still therefore the primary mechanism by which such non-workplace petroleum-spirit storage is controlled. These proposed licence conditions are therefore only intended at this stage to address the licensing of retail and non-retail Petrol Filling Stations, where a work activity is undertaken.

It was recommended that Council adopt the Petroleum Licensing conditions attached as Appendix II for retail and non-retail Petrol Filling Stations, where a work activity is undertaken.

It was proposed by Alderman King seconded by Councillor McLean and AGREED: **to recommend that Council adopt the Petroleum Licensing conditions attached as Appendix II for retail and non-retail Petrol Filling Stations, where a work activity is undertaken.**

ADOPTION OF DOCUMENT - PETROLEUM LICENSING

It is proposed that the current version of the IP/APEA publication 'Design, Construction, Modification, Maintenance and Decommissioning of Filling Station' be adopted by Council as the standard for all new sites and existing sites that are modified/refurbished.

The document: -

- ***provides technical information on the storage and dispensing of petroleum products***
- ***covers issues relating to planning, design, construction, commissioning, modification, maintenance and decommissioning of filling stations***
- ***provides information aimed at minimising the risks from fire and explosion***
- ***describes good practice and certain legal requirements***

The document is recognised by all stakeholders, the petrol retail industry, Petroleum Licensing Authorities and the Health and Safety Executive as the only current national guidance that should be followed.

Anyone wishing to depart from such guidance during the design, build or operation of a filling station would have to justify the decision on the basis of a robust and justifiable risk assessment.

In response to a Member's query the Head of Health and Built Environment clarified that the Petroleum Licensing Conditions would be to a National standard and would be applied to existing business where an upgrade or modification of a premises was required.

It was recommended to adopt the IP/APEA publication Design, Construction, Modification, Maintenance and Decommissioning of Filling Station' as the standard required for all new sites and existing sites that are modified/refurbished.

It was proposed by Councillor Mullan seconded by Councillor Baird and AGREED: to recommend that Council adopt the IP/APEA publication Design, Construction, Modification, Maintenance and Decommissioning of Filling Station' as the standard required for all new sites and existing sites that are modified/refurbished.

9. Civil Marriages and Civil Partnerships Applications

The Director of Environmental Services delivered the report for information, circulated and summarised as undernoted;

| <u><i>Applicant</i></u> | <u><i>Name of Premises</i></u> |
|-------------------------|--|
| <i>Shirley McKinley</i> | <i>Marquee located at The Scenic Inn, 38 Fivey Road, Armoy, Ballymoney</i> |

The above applicant has made application for a marquee, located on their premises (The Scenic Inn), to be approved as a new venue for Civil Partnerships and Civil Marriages.

A wedding has been booked for 26th February 2016. As the venue to be approved is a temporary structure, licensing officers are unable to inspect the premises until the 24th February 2016 when the marquee should be erected and the required paperwork e.g. electrical test certificates, available.

This application is for approval of a temporary structure, therefore a condition of approval will include that a similar structure be used for any future Civil Partnerships and Civil Marriages taking place at The Scenic Inn. In addition, the applicant will be required to notify Causeway Coast & Glens Borough Council each time the temporary structure is to be used for Civil Partnerships or Civil Marriages, so as an inspection, by licensing officers, can take place.

In response to a Member's query the Head of Health and Built Environment confirmed that more than 10 premises had been granted licences to hold Civil Partnerships and Civil Marriages.

It was recommended that delegated authority be given to the Director of Environmental Services and/or Head of Health and Built Environment so as approval for the venue may be granted when an inspection can be carried out and relevant paperwork available.

It was proposed by Councillor Mulholland seconded by Councillor Baird and AGREED: to recommend that Council delegate authority to the Director of Environmental Services and/or Head of Health and Built Environment so as approval for the venue may be granted when an inspection can be carried out and relevant paperwork available.

10. Safety at Sports Ground Report

The Director of Environmental Services delivered the report for information, circulated and summarised as undernoted;

Council is in receipt of guidance issued by the Department of Culture Arts and Leisure which requires Council to implement the remaining provisions of the Safety of Sports Grounds legislation to introduce a Safety Certificate scheme, similar to that which already exists in Great Britain, for non-temporary spectator stands in its area.

Following the successful introduction of Part II of the Safety of Sports Grounds Order, the Department now wish to proceed with the implementation of Part III with respect of the Safety of Stands at non designated Sports Grounds.

A regulated stand is defined as one that:

- a) Provides covered accommodation for 500 or more spectators, and***
- b) Is not located in a designated sports ground.***

Investigations by Officers have identified that the respective stands at John Mitchel's GAC Glenullin and O'Briens, Foreglen GAC grounds meet the criteria as set by guidance issued by DCAL/SNI made under the provisions of Article 13(7) of the aforementioned legislation and as such is required to be regulated by Causeway Coast and Glens Borough Council.

Causeway Coast and Glens Borough Council is required to issue a Safety Certificate for these stands listed previously. This certificate will stipulate the maximum number of spectators that can be accommodated within these stands at the Sports ground, the entry and exiting arrangements, safety management arrangements and contingency plans in the event of an incident. Viewing capacity will be based on the circumstances pertinent at the time of the inspection of the grounds and will be influenced by two key factors:

- (i) The physical conditions of, and facilities at, the stand e.g. exiting and entry, capacity, the design and construction of terracing and physical crowd management "fixtures" such as crush barriers; ('P' factors); and***
- (ii) The management arrangements for the stand. ('S' factors)***

The Safety Certificate is a formal document relating to all sports events at the relevant grounds and is served on the person who is responsible for the management of the ground.

The Regulated Stand General Safety Certificate including its terms and conditions if properly applied should ensure the reasonable safety of spectators attending specified activities at the Regulated Stand at the venue.

It was recommended that Council Regulate respective stands at John Mitchel's GAC *Glenullin and O'Briens*, Foreglen GAC sports grounds in accordance with Article 13 of the Order and address the administrative process accordingly.

It was proposed by Councillor Mulholland seconded by Councillor Holmes and **AGREED: to recommend that Council Regulate respective stands at John Mitchel's GAC *Glenullin and O'Briens*, Foreglen GAC sports grounds in accordance with Article 13 of the Order and address the administrative process accordingly.**

11. Entertainment Licensing Report

The Director of Environmental Services delivered the report for information, circulated and summarised as undernoted;

11.1 Grant of Occasional Licence

Premises: *Coleraine Rugby Football Club, 1 Rugby Avenue, Coleraine, BT52 1JL*

Applicant: *Mr Glenn Anderson*

Application: *Grant of an occasional entertainment licence for a marquee 'Clash of the Codes' adjacent to Coleraine Rugby Football Club, 1 Rugby Avenue, Coleraine, BT52 1JL*

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

Thursday 7th April 2016 12:00 – 01:00

Friday 8th April 2016 12:00 – 01:00

Saturday 9th April 2016 12:00 – 01:00

Sunday 10th April 2016 12.00 - Midnight

Representations: *Closing 20th January 2016*

PSNI and NIFRS: *Awaiting response*

It was recommended to Grant an Occasional Entertainment Licence subject to compliance with any recommendations of the Councils licensing department inclusive of the following special conditions:

- 1) No representations
- 2) No objections from PSNI or NIFRS
- 3) All requirements as contained within Nightsafe Coleraine Code of Best Practice 2012.
- 4) All door supervisors employed must be licensed with a scheme recognised by Causeway Coast and Glens Borough Council.

It was proposed by Alderman King seconded by Councillor McLean and AGREED: to recommend that Council Grant an Occasional Entertainment Licence subject to compliance with any recommendations of the Councils licensing department inclusive of the following special conditions:

- 1) No representations
- 2) No objections from PSNI or NIFRS
- 3) All requirements as contained within Nightsafe Coleraine Code of Best Practice 2012.
- 4) All door supervisors employed must be licensed with a scheme recognised by Causeway Coast and Glens Borough Council.

11.2 Grant of Annual Licence

Premises: *The Bridge Bar, 19 Waterside, Coleraine, BT51 3DP*

Applicant: *Messrs Michael and Steven Wilson*

Application: *Grant of an entertainment licence for The Bridge Bar, 19 Waterside Coleraine, BT51 3DP.*

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

Monday – Wednesday 20:00 – 01:00

Thursday – Friday 19:00 – 01:00

Saturday 19:00 – 01:00

Sunday 19:00 – Midnight

Representations: *No representations received*

PSNI and NIFRS: *No objection from PSNI. Awaiting response from NIFRS.*

It was recommended to Grant an Annual Entertainment Licence subject to compliance with any recommendations of the Councils licensing department inclusive of the following special conditions:

- 1) No representations
- 2) No objections from PSNI or NIFRS
- 3) All requirements as contained within Nightsafe Coleraine Code of Best Practice 2012.
- 4) All door supervisors employed must be licensed with a scheme recognised by Causeway Coast and Glens Borough Council.

It was proposed by Alderman King seconded by Councillor McLean and AGREED: to recommend that Council Grant an Annual Entertainment Licence subject to compliance with any recommendations of the Councils licensing department inclusive of the following special conditions:

- 1) No representations
- 2) No objections from PSNI or NIFRS
- 3) All requirements as contained within Nightsafe Coleraine Code of Best Practice 2012.
- 4) All door supervisors employed must be licensed with a scheme recognised by Causeway Coast and Glens Borough Council.

11.3 Grant of Occasional Licence

Premises: *The Arcadia, East Strand, Portrush, BT56 8JE*

Applicant: *Ms Tanya Gillen*

Application: *Grant of an entertainment licence for The Arcadia, East Strand, Portrush, BT56 8JE.*

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

*Monday – Saturday 12:00 – 01:00
Sunday 12:00 – Midnight*

Representations: *Closing 4th February 2016*

PSNI and NIFRS: *Awaiting response from PSNI and NIFRS.*

It was recommended to Grant an Occasional Entertainment Licence subject to compliance with any recommendations of the Councils licensing department inclusive of the following special conditions:

- 1) No representations
- 2) No objections from PSNI or NIFRS
- 3) All requirements as contained within Nightsafe Coleraine Code of Best Practice 2012.
- 4) All door supervisors employed must be licensed with a scheme recognised by Causeway Coast and Glens Borough Council.

It was proposed by Alderman King seconded by Councillor McLean and AGREED: to recommend that Council Grant an Occasional Entertainment Licence subject to compliance with any recommendations of the Councils licensing department inclusive of the following special conditions:

- 1) No representations
- 2) No objections from PSNI or NIFRS
- 3) All requirements as contained within Nightsafe Coleraine Code of Best Practice 2012.
- 4) All door supervisors employed must be licensed with a scheme recognised by Causeway Coast and Glens Borough Council.

11.4 Variation of Licence –The Golf Links Hotel, Bushmills Road, Portrush

Premises: *The Atlantic Hotel*

Applicant: *Mr Peter Wilson*

Application: *Variation of entertainment licence for The Golf Links Hotel, Bushmills Road, Portrush*

Days and times on which variation is applied for to provide entertainment in addition to the existing licence:

Saturday-Sunday 26th/27th December 2015 02:00 – 02:30

Saturday-Sunday 5th/6th March 2016 02:00 – 02:30

Easter Monday 29th March 2016 01:00 – 02:30

Representations: *No objections received*

*PSNI and Awaiting response
NIFRS:*

It was recommended to grant a Variation of an Occasional Entertainment Licence subject to compliance with any recommendations of the Councils licensing department inclusive of the following special conditions:

- 1) No representations
- 2) No objections from PSNI or NIFRS
- 3) All requirements as contained within Nightsafe Code of Best Practice 2012.
- 4) All door supervisors employed must be licensed with a scheme recognised by Causeway Coast and Glens Borough Council.

It was proposed by Alderman King seconded by Councillor McLean and **AGREED: to recommend that Council grant a Variation of an Occasional Entertainment Licence subject to compliance with any recommendations of the Councils licensing department inclusive of the following special conditions:**

- 1) No representations
- 2) No objections from PSNI or NIFRS
- 3) All requirements as contained within Nightsafe Code of Best Practice 2012.

- 4) All door supervisors employed must be licensed with a scheme recognised by Causeway Coast and Glens Borough Council.

11.5 Mobile Street Trading Licences

Applications have been received for the grant of MOBILE STREET TRADING LICENCES and are listed below for consideration.

| | Application | Applicant | Reg No | Commodity |
|----|--------------------|----------------------|-----------------|------------------|
| 1. | GRANT | Daniel O’Kane | INZ 3187 | Ice Cream |
| 2. | GRANT | Daniel O’Kane | UNZ 2356 | Ice Cream |

In line with Council Street Trading Policy, all applicants have been requested to produce Access (NI) criminal record checks valid to within 1 year of the application.

It was recommended that Council grant the Mobile Street Trading licences as detailed at 1 and 2.

It was proposed by Alderman King seconded by Councillor McLean and **AGREED: to recommend that Council grant the Mobile Street Trading licences as detailed at 1 and 2.**

12. Consumer Protection Act 1987 and the Furniture and Furnishing (Fire) (Safety) Regulations 1988

The Director of Environmental Services delivered the report, circulated and summarised as undernoted;

On 8th September 2014 the Environmental Services Department of Causeway Coast and Glens Borough Council received a complaint from a member of the public regarding fire retardant safety concerns they had relating to a suite of furniture purchased from a retailer within the Borough. This complaint was investigated by the Environmental Services Department under the Consumer Protection Act 1987 and the Furniture and Furnishing (Fire) (Safety) Regulations 1988. The complainants concerns were raised following a media piece on this issue.

The aim of the Consumer Protection section of the Environmental Services Department is to protect the consumer against the risk of injury from unsafe goods. This complaint was investigated by the Environmental Services Department in line with documented procedures relating to Consumer Protection and relevant legislation. At the conclusion of the investigation the following facts were established;

- ***The suite of furniture which was the subject of the complaint was purchased on 17th May 2010, four years before the complaint was lodged***
- ***The product was first imported into the UK by a business based in Ballymena which is no longer in operation, having gone into receivership***
- ***The manufacturer of the furniture is based in China. Attempts were made to contact the manufacturer but these proved to be unsuccessful***
- ***No documentation was available from the retailer relating to the furniture which was the subject of the complaint***
- ***No batch codes were available on the item in question***

A full investigation was undertaken in accordance with relevant documented Consumer Protection procedures, legislation and the Environmental Services Enforcement Policy. In conclusion it was determined that due to the following facts the Environmental Services Department were not in a position to pursue this matter further.

- ***The length of time between the purchase of the item and complaint, over 4 years***
- ***The lack of Batch Code on the product to facilitate matching furniture to any Test Certification***
- ***Difficulty in contacting the manufacturer and contacting the original Importer***
- ***Any testing to prove whether the Furniture complied would be destructive testing***

In this context it would be extremely difficult in criminal proceedings to prove beyond all reasonable doubt that offences were committed. The outcome of this investigation was communicated to the complainant and they were advised that they may wish to consider a civil recourse should they wish to progress the matter.

Correspondence was exchanged between the complainant and the Environmental Services Department from November 2014 following the conclusion of the complaint. In June 2015 a letter was received from an MLA representing the complainant requesting a review of the investigation based on correspondence the complainant received from the Department for Business Innovation and Skills in London indicating that ‘the enforcement authority can seek a prosecution against anyone in the supply chain they consider has supplied non-compliant products.’

In the interests of transparency and to ensure the robustness of the investigation this matter was referred to Council’s legal team for their guidance. As a result of this referral Council’s legal representatives have advised that this matter should be brought before the members for decision.

Options for resolution

(i) No further action

(ii) Prosecute the retailer under relevant legislation

It was recommended that no further action is taken in relation to this matter.

The Environmental Services Department of Causeway Coast and Glens Borough Council has conducted a full investigation under relevant Consumer Protection procedures, legislation and the Environmental Services Enforcement Policy. As part of this graduated enforcement approach the retailer has been reminded of their obligations under the relevant legislation and a press release has been issued to increase public awareness of Furniture Fire Safety. While the legislation does allow a prosecution to be sought against anyone in the supply chain, in this case it would be extremely difficult to prove beyond all reasonable doubt that an offence was committed based on the reasons outlined above. To this end Council must bear in mind whether it would be in the Public Interest to pursue this matter in line with the Code for Crown Prosecutors.

The Head of Health and Built Environment confirmed that all furniture marketed for sale was required to be labelled as fire retardant and have a Certificate of Compliance which should be passed on to the new purchaser when the item had been resold. In relation to a query raised by a Member with reference to how long this would be valid for, the Head of Health and Built Environment replied that he would bring this information back to the Committee.

It was proposed by Councillor Holmes seconded by Alderman Cole and AGREED:
to recommend to Council that no further action is taken in relation to this matter.

13. The Street Trading Act (Northern Ireland) 2001 4 No. Street Trading Pitches Landsdowne, Portrush

The Director of Environmental Services delivered the report, circulated and summarised as undernoted;

Following the introduction of the Street Trading Act (Northern Ireland) 2001, Coleraine Borough Council designated 4 pitches at Lansdowne, Portrush as locations for street trading (2 x Ice cream, 2x Hot Food).

In 2012 Roads Service issued correspondence to Council raising their concerns about the authorisation of trading at this location and public safety. At a subsequent meeting with a representative of DRD (Roads Service) concern was raised about how customers of the traders had moved off the footpath to stand/queue on the roadway and also cross to and from vendors in a haphazard manner. Additionally, Road Service were concerned as to the

number of car parking spaces that were being denied to motorists because of the parking arrangements employed by these vendors.

In response Council had written to all vendors requesting they trade onto the footpath, however Officers remain concerned that even after taking such a measure the risk of a road traffic accident at this location remained high and gave consideration to the creation of an off street trading location. Unfortunately, at this time a suitable alternative off street trading site at this location could not be identified.

As a consequence of Local Government reform and the Introduction of the Off Street Parking (Functions of District Councils) Act (NI) 2015 Council officers have taken the opportunity to review this matter and in consultation with Council Planning Department and Transport NI have now determined such a location at Lansdowne. The proposal is attached at Appendix IV (previously circulated).

In order to ensure public safety and the success of an off street Trading location it will however be necessary for Council to review the determination to designate 4 street trading pitches at this location and if approved revoke the designating resolution approved by Coleraine Borough Council to authorise Street trading at Lansdowne.

Coleraine Borough Council have through a designating resolution in accordance with Section 4 of the Street Trading Act (NI) 2001 established street trading at this location. The legislation allows for Council to rescind or vary such a resolution. However in considering to do so, Council are required by the legislation to notify its intentions by publishing a notice in 2 newspapers circulating in the district, consult with Police and Transport NI and existing Licence holders and consider any representations.

It was recommended that the Committee authorise 'the intention' to consider a rescinding designation with respect to the 4 No. Street Trading Pitches at Lansdowne, Portrush.

If approved at the conclusion of the consultation exercise a further report with recommendations will be prepared for the Committee's consideration.

The Director of Environmental Services clarified that the traders concerned would trade from their existing pitches for the incoming season, until such time the new pitches had been prepared for trading. They would transfer to the new pitches until the end of their term, at which point the new pitches would be auctioned.

It was proposed by Alderman King seconded by Councillor Holmes and AGREED: to recommend that Council authorise 'the intention' to consider a rescinding designation with respect to the 4 No. Street Trading Pitches at Lansdowne, Portrush. It was also agreed to recommend that Council write to TransportNI requesting an introduction of a 20 mile per hour speed limit at this location.

At the conclusion of the consultation exercise a further report with recommendations to be prepared for the Committee's consideration. Members also agreed to recommend that Council proceed with planning permission for the new proposed pitches.

14. Lough Foyle Ferry Service - Update

The Head of Infrastructure delivered the report, circulated and summarised as undernoted;

Legacy Limavady Borough Council has a lease agreement with Lough Foyle Ferry Company to provide a pier, slipway and ferry terminal to deliver a ferry service between Magilligan and Green Castle. This agreement commenced on the 21st October 2014 and terminates 30th March 2016 with an option to extend the term on two occasions for a period of 2 years on each occasion.

The Foyle Ferry Company has given notice not to extend the contract and will no longer be providing the ferry service as of 30 March 2016.

Donegal County Council (DCC) & Limavady Borough Council (LBC) have collaborated over many years to secure a ferry service between Magilligan Point and Greencastle.

Officers have met with Donegal County Council on several occasions since November 2015 and have agreed to ask Members (DCC & CC&GC) to seek expressions of interest to seek a new operator to provide a service between Magilligan & Greencastle. Tender documentation, including qualifications stipulations will be prepared together with a new lease.

It was recommended that Members approve seeking expressions of interest via public tender to procure a new ferry operator to provide this service in conjunction with Donegal County Council. The results of this tender and procurement process will be brought to Council for decision at a later date.

In response to a Member's query the Director of Environmental Services clarified that no subsidies will be offered as part of the tendering process. He also confirmed that Council would be willing to offer slipways and Harbour infrastructure at no extra cost and that this would be built into the tender.

The Director of Environmental Services also clarified that the criteria and mechanism for marketing the tender would be a joint effort with Donegal County Council and the results of the tender would be brought back for approval.

It was proposed by Councillor McCaul seconded by Alderman King: **to recommend that Council approve seeking expressions of interest via public tender to procure a new ferry operator to provide this service in conjunction with Donegal County Council. The results of this tender and procurement process will be brought to Council for decision at a later date.**

The Chair put the motion to the vote, 9 Members voted for, and 3 Members voted against. The Chair declared the motion carried.

15. Harmonisation of Cemetery Rules & Regulations

The Head of Estates delivered the report, circulated and summarised as undernoted;

Three out of the four legacy councils provided burial grounds which operated under their own Rules and Regulations. New Rules and Regulations have been drafted to provide a consistent, coherent and equitable approach to the administration and management of cemeteries under the control of Causeway Coast & Glens Borough Council.

The proposed new Rules & Regulations (attached at Appendix III, previously circulated) were drafted following consultation with the Registrar's office and local Funeral Directors. They were presented to Members at a workshop on 5th January 2016. Key points include:

- 1. Strict adherence to a 'lawn system' for cemetery layouts. This restricts the available space for memorials and floral arrangements. It allows for the efficient use of mechanised equipment for grave digging and cemetery maintenance. (presentation will be given to highlight lawn system benefits)***
- 2. No pre-purchase of graves. Graves will be allocated on an "as needed" basis. Note that Funeral Directors include for grave purchase within their Funeral Plans which allow for all financial arrangements to be completed prior to death.***

Historically since the introduction of the 'lawn system' in legacy council areas, there has been good compliance with the Rules and Regulations requirements. However, there are a number of graves, specifically in Ballymoney and to a lesser extent, Coleraine where a number of graves now feature a variety of unapproved additions (surrounds, limestone chippings, artificial grass etc).

Over the years many non-compliances in Coleraine cemetery have sensitively been addressed and this process of having unapproved additions removed is ongoing. It is anticipated that with the approval of new Rules and Regulations efforts would continue to work with families to have the 'lawn cemetery system' respected.

It was recommended that Council approve the implementation of the proposed new Rules and Regulations for the administration and operation of Council cemeteries and encourage the sensitive resolution of unapproved memorials and other grave adornments within designated lawn cemeteries.

The Head of Estates delivered a presentation on the current layouts in existing cemeteries and concerns and also highlighted the merits of using the 'lawn system' for all cemeteries.

Items of discussion included burial of multiple bodies in one grave, unauthorised and unapproved headstones and surrounds, maintenance and upkeep of graves, sinking of graves, old burial grounds, oversize coffins to be committed, the displaying of Rules and Regulations and the introduction of fobs.

The Head of Estates clarified that the Rules and Regulations maintain the pre purchase of graves and it is included as part of the purchase of a Funeral Plan.

Councillor Homes suggested that there be an additional paragraph inserted into Item 10 of the Rules and Regulations relating to the maintenance and upkeep of the graves, 'That artificial grass will not be allowed to be placed over the area of the grave'.

It was proposed by Councillor McLean seconded by Alderman King: **to recommend that Council approve implementation of the proposed new Rules and Regulations for the administration and operation of Council cemeteries and encourage the sensitive resolution of unapproved memorials and other grave adornments within designated lawn cemeteries, with the amendment to Item 10.2 of the Rules and Regulations 'That artificial grass will not be allowed to be placed over the area of the grave'.**

After further discussion Councillor Mulholland proposed an amendment seconded by Councillor McCaul: **to recommend that Council approve the implementation of the proposed new Rules and Regulations for the administration and operation of Council cemeteries and encourage the sensitive resolution of unapproved memorials and other grave adornments within designated lawn cemeteries but to be amended to include that the Head of Estates comes back with a clause whereby Officers would allow families of the bereaved interned at pre-2016 to avail of an opt-out from Council maintenance of the grave so that they would be able to continue with whatever surrounds and memorials, within reason, that they wished so long as they continuously maintained the grave to an agreed standard. This agreement to be renewed on an annual basis.**

The Chair put the amendment to the vote, 4 Members voted for, 8 Members voted against and 1 Member abstained. The Chair declared the amendment lost.

The Chair put the substantive motion to the vote, 8 Members voted for, 2 Members voted against and 3 Members abstained. The Chair declared the motion carried.

16. Environmental Services Quarterly Report

The Director of Environmental Services presented the Food safety Performance Quarter for October to December 2015 as previously circulated.

Members noted the report.

17. Information Report

Director of Environmental Services presented the report circulated and summarised as undernoted;

17.1 Food Hygiene Rating Bill

The Food Hygiene Rating Bill passed the final consideration stage in Stormont in December 2015 and is due to receive Royal Assent and become law in Northern Ireland. The change in the law will mean that food businesses who sell food directly to the public, and who receive a rating under the statutory Food Hygiene Rating Scheme, will be legally required to display their food hygiene rating sticker at their premises. This includes restaurants, takeaways, mobile caterers, schools, hospitals, residential care homes, delicatessens and supermarkets. To date the display of the food hygiene rating at food business premises has been voluntary.

17.2 Implementation of the Licensing of Pavement Cafes Act (NI) 2014 (NI) 2014

Further to Committee report ES 150804 item 6, correspondence has been received from the Department of Social Development advising that the implementation date of the above Act is to be deferred for 6 months, to give time to finalise draft guidelines and technical regulations. The Act will commence on the 1st October 2016.

17.3 Local Government (Miscellaneous Provisions) (NI) Order 1985 Entertainment Licences

Entertainment Licences

The undernoted applications for entertainment licences have been received, acknowledged and processed during the report period.

| <u>Applicant</u> | <u>Name of Premises</u> |
|---|--|
| Mr Stephen and Mrs Sharon McKillop | Blackwater Bar and Restaurant |
| Mr Sean Carey Church Secretary | St James' Presbyterian Church Main/Minor Halls and Annexe |
| Mr Gerry McAleese | Ballymoney Utd Football Social & Recreation Club |
| Mr William J Kirkpatrick | Cloughmills Memorial Orange Hall |
| Mr Danny Coulter | Manor Hotel |
| Mr Samuel Mullan | Molly's Bar and Restaurant |
| Mrs Maureen McCook | Ballybogy Community Centre |
| Mrs Shirley McKinley | The Scenic Inn |
| Mr Anthony O'Hanlon | The Corner House Bar |
| Mr Mark Johnston | The Port Hotel, 53-57 Main Street, Portrush |
| Mr George and Ms Jane McAlpin | The Harbour Bar, The Harbour, Portrush, BT56 8DF |
| Mr Hunter McClelland | Coleraine Football Club, 61-65 Ballycastle Road, Coleraine, BT52 2DZ |
| Mr William Eakin | Potters Snooker & Pool Club, 76 Long Commons, Coleraine, BT52 1LJ |
| Mrs Irene Dobbin | Dunluce Presbyterian Church Hall, 23 Priestland Road, Bushmills, BT57 8XB |
| Mr Sean McLaughlin | Springhill Bar, 15-17 Causeway Street, Portrush, BT56 8AB |
| Mr Colin Thompson | St Patrick's Hall, 110 Causeway Street, Portrush, BT56 8JE |
| Ms Elaina Crawley | Quays Bar, 63 Eglinton Street, Portrush, BT56 |

Occasional Licences (Liquor Licences)

The undernoted applications for occasional licences have been received, acknowledged and responded to without objection during the report period:-

| <u>Applicant</u> | <u>Purpose</u> | <u>Dates</u> |
|--|---|--|
| Mr Conor Connolly Dunvale Arms Unit 2 Dunclug Shopping Centre Ballymena | Occasional Licence for Ruairi Og GAC Fundraising Dance St Mary's Parish Centre 20 Chapel Road Cushendall | Saturday 27th December 2015 8.00pm to 1.00am |
| Mr Darrel Stevenson and Ms Stephaine Gray | Occasional licence for Ballinlea Orange Hall | Friday 11th December from 19:00 – 01:00 |
| Messrs William Huey and Charles Dobbins | Occasional licence for Stranocum Orange Hall | Thursday 31st December from 18:00 – 01:00 |

Transfer of Licence

The undernoted applications for transfer of licence have been received, acknowledged and responded to without objection during the report period.

| <u>Applicant</u> | <u>Purpose</u> |
|--------------------------------|--|
| Mr Paul Crawley | Transfer of licence for 58 Main Street Ballymoney |
| Endeavour Strategic Ltd | Transfer of licence for premises at Ballinlea Road, Stranocum, Ballymoney |

17.4 Petroleum (Regulation) Acts (NI) 1929 and 1937 Petroleum Spirit Licence

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

| <u>Applicant</u> | <u>Name of Premises</u> |
|--------------------------|--------------------------------------|
| Mr Seamus Bradley | C B Fuels Ltd |
| Mr Thomas Coyle | Golden Plough Filling Station |

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

The undernoted applications for renewal of a society registration have been received, acknowledged and processed during the report period.

| <u>Applicant</u> | <u>Name of Society</u> |
|-------------------------------|--|
| <i>Ms Janet Schofield</i> | <i>Compass Advocacy Network</i> |
| <i>Mr Benny Knight</i> | <i>Friends of the Armour Day Centre</i> |
| <i>Mr John Fall</i> | <i>Ballymoney United Youth Academy</i> |
| <i>Ms Yvonne Hanna</i> | <i>County Londonderry Horse Breeding Society</i> |
| <i>Mrs Elizabeth Anderson</i> | <i>Ballymoney Voluntary Welfare</i> |
| <i>Mr Frank McClure</i> | <i>Ballinagarvey Independent ILOL33</i> |
| <i>Mr Seamus Cassley</i> | <i>Cloughmills Vintage Club</i> |
| <i>Mr Shane Calvin</i> | <i>Dunaghy Flute Band</i> |
| <i>Mr Derek McMullan</i> | <i>Ballymoney Homing Pigeon Society</i> |
| <i>Mr Warner Kirkpatrick</i> | <i>Ballymoney Borough Twinning Association</i> |

**17.6 Poisons Regulations (Northern Ireland) 1983
Registration of Persons Entitled to sell Non-Medical Poisons included in
Part II of the Poisons List**

The undernoted registrations of persons entitled to sell non-medicinal poisons have been received, acknowledged and processed during the report period.

| <u>Applicant</u> | <u>Name of Business</u> |
|-----------------------------|---------------------------------|
| <i>Mr George Pollock</i> | <i>James Pollock & Sons</i> |
| <i>Mr Alan Neill</i> | <i>Ashwood Garden Centre</i> |
| <i>Mr Timothy McFadden</i> | <i>Stranocum Post Office</i> |
| <i>Mr Mark Alexander</i> | <i>John McElderry Ltd</i> |
| <i>Mr David Christie</i> | <i>David Christie & Son</i> |
| <i>Mr Ken Storey</i> | <i>Aquasun</i> |
| <i>Mr Christopher Logan</i> | <i>Logans Hardware</i> |
| <i>Mr Brian McCullough</i> | <i>Taggart & Co Ltd</i> |
| <i>Mr Ray Boyland</i> | <i>North Antrim Potatoes</i> |

| <u>Applicant</u> | <u>Name of Business</u> |
|------------------------------|------------------------------------|
| Mr John Steele | Steele Farm Supplies |
| Mr William Moore | Workman Hardware |
| Mr John McCloskey | Willis McCloskey's |
| Mr Roy Warke | Asda Stores Coleraine |
| Mr Fergal Bradley | J Bradley & Sons |
| Ms Sarah-Ann McHugh | B & Q Coleraine |
| Mr David Coils | Mr David Coils |
| Ms Emma Archibald | Boots The Chemist Coleraine |
| Mr Roy McAllister | Martins, Kilrea |
| Mr Stewart McLenaghan | Tesco Stores Coleraine |
| Mr Ivan Wright | Ivan Wright |

17.7 The Private Tenancies (Northern Ireland) Order 2005

The following Certificate of Fitness has been granted under Article 36(4) of the above legislation, the dwelling has been inspected and deemed to meet the fitness standard for human habitation as set out in Article 46 of the Housing (Northern Ireland) Order 1981.

| <u>Landlord</u> | <u>Dwelling House</u> |
|--|---|
| Mr and Mrs Peter Mackie Lissanoure Farms Ltd. | 72 Ballyveely Road Loughguile BALLYMENA BT44 9JW |
| Mr and Mrs Peter Mackie Lissanoure Farms Ltd. | 74 Ballyveely Road Loughguile BALLYMENA BT44 9JW |
| Melanie McConaghie First for Homes/CRM | 35 Henry Street BALLYMONEY BT53 6HX |
| Mr Frank McKenna | 28 Coleraine Road BALLYMONEY BT53 6BS |
| Mr Robert Wilson | 18 Warnock's Lane Coleraine BT52 1TH |

| <u>Landlord</u> | <u>Dwelling House</u> |
|-------------------------|---|
| Mrs Ann Hourican | 51 Mount Street Coleraine BT52 1HG |

17.8 Home Accident Prevention Group Workshop

Further to Committee Minute ES 151201.7, the first available date for the above workshop is the 2nd March 2016 at 7.00pm. A meeting agenda will be circulated in advance and will be held in the large Committee Room, Cloonavin.

17.9 Public Health Agency Funding

The Public Health Agency have recently confirmed the continuation of contracts beyond 31st March 2016 for 12 months subject to earlier termination in accordance with the terms of the contracts and subject to ongoing satisfactory performance being delivered. The Public Health Agency will be reviewing joint priorities with Councils during the incoming year.

Members noted the report.

18. Licensing Information Report

The Director of Environmental Services delivered the report, summarised and circulated as undernoted;

18.1 Occasional Licences (Liquor Licences)

The undernoted applications for occasional licences have been received, acknowledged and responded to without objection during the report period:-

| <u>Applicant</u> | <u>Purpose</u> | <u>Dates</u> |
|--|---|--|
| Mr Conor Connolly Dunvale Arms Unit 2 Dunclug Shopping Centre Ballymena | Occasional Licence for Ruairi Og GAC Fundraising Dance St Mary's Parish Centre 20 Chapel Road Cushendall | Saturday 27th December 2015 8.00pm to 1.00am |

| | | |
|--|---|---|
| Mr Darrel Stevenson and Ms Stephaine Gray | Occasional licence for Ballinlea Orange Hall | Friday 11th December from 19:00 – 01:00 |
| Messrs William Huey and Charles Dobbins | Occasional licence for Stranocum Orange Hall | Thursday 31st December from 18:00 – 01:00 |

18.2 Transfer of Licence

The undernoted applications for transfer of licence have been received, acknowledged and responded to without objection during the report period.

| <u>Applicant</u> | <u>Purpose</u> |
|--------------------------------|--|
| Mr Paul Crawley | Transfer of licence for 58 Main Street Ballymoney |
| Endeavour Strategic Ltd | Transfer of licence for premises at Ballinlea Road, Stranocum, Ballymoney |

18.3 Entertainment Licences

The undernoted applications for entertainment licences have been received, acknowledged and processed during the report period.

| <u>Applicant</u> | <u>Name of Premises</u> |
|--------------------------------------|--|
| Mr Mark Johnston | The Port Hotel, 53-57 Main Street, Portrush |
| Mr George and Ms Jane McAlpin | The Harbour Bar, The Harbour, Portrush, BT56 8DF |
| Mr Hunter McClelland | Coleraine Football Club, 61-65 Ballycastle Road, Coleraine, BT52 2DZ |
| Mr William Eakin | Potters Snooker & Pool Club, 76 Long Commons, Coleraine, BT52 1LJ |
| Mrs Irene Dobbins | Dunluce Presbyterian Church Hall, 23 Priestland Road, Bushmills, BT57 8XB |
| Mr Sean McLaughlin | Springhill Bar, 15-17 Causeway Street, Portrush, BT56 8AB |
| Mr Colin Thompson | St Patrick's Hall, 110 Causeway Street, Portrush, BT56 8JE |

Members noted the report.

19. Outcome of Legal Proceedings

The Director of Environmental Services provided members with an update in relation to recent enforcement actions relating to:

19.1 *Allowing a dog to attack a person contrary to Article 29 (2) of the Dogs (NI) Order 1983.*

The defendants were charged with allowing a dog to attack a member of the public contrary to Article 29 (2) of the Dogs (NI) Order 1983.

The defendants were subsequently fined and ordered to pay legal and court costs. The dog to be muzzled should it reappear in this jurisdiction.

19.2 *Breach of the Motor Vehicle Tyre (Safety) Regulations 1994*

The defendant was charged with two offences:

- (i) Penetration damage to the centre of the tyre which extended through to the interior which may have resulted in vehicle instability. The tyre was therefore considered to be in an unsafe condition.
- (ii) The absence of part worn identification which is a contravention of the aforementioned regulations.

The defendant entered a guilty plea to both offences and was ordered to pay a fine for each offence plus summons and court costs.

Members noted the report.

20. Correspondence

A discussion document regarding Options to Develop the Better Management and Control of Bonfires was received from the Department of the Environment and circulated to Members. Members were informed that any comments were to be received by the Department of the Environment by Friday 5th February 2016, in order for all views for all Councils can be collated.

It was proposed by Alderman Mullan seconded by Councillor McCaul: **to recommend that Council adopt Option 3, Licensing of Bonfires as detailed below.**

The proposal would be to require a temporary licence in order to create and burn a bonfire above a certain size [NB] this would not include small garden bonfires. The licence could only be issued subject to the landowner's permission and would specify the location, size, structure, types of material allowable to be burnt along with any conditions relating to safety measures as appropriate. It is proposed that District Councils would be the licensing authority and that statutory consultees would include the PSNI, NIFRS and the NIEA. Enforcement with respect to the licensing option would require a multi-Agency approach.

Councillor Baird proposed an amendment seconded by Alderman Cole: **to recommend that Council adopt Option 1, continuing and developing current best practice as detailed below with the provision that the Housing Executive be included as a statutory consultee.**

At present, the best practice identified in relation to the management of bonfires is a council led multi-agency approach as adopted by councils such as Belfast City Council. Such initiatives seek to take a strategic approach to reduce adverse impacts on people and the environment. However, participation is voluntary and some bonfire organisers choose not to participate. As a result, there are still a number of bonfires which are having a detrimental impact and which are not necessarily supported fully by the local communities impacted upon. If this option was chosen, it would be beneficial for all of the 11 new councils to participate in a broadly consistent manner. One vehicle for such an approach would be for Councils to collectively use their Community Planning and Wellbeing powers to plan for bonfires in a strategic manner in order to gain both political and community support. Such a strategic approach could perhaps be incentivised by funding from the carrier bag levy for communities who set a good example on the management of local bonfires. However, this approach would need to be suitably balanced by multi agency enforcement action against those bonfires that are non-compliant or do not have the necessary political and community support.

The Chair put the amendment to the vote, 11 Members voted for, and 2 Members voted against. The Chair declared the motion carried.

21. Matters for Reporting to Partnership Panel

Alderman Cole sought clarification as to whether the Partnership Panel had responded to the problems raised in June 2015 relating to Japanese Knot Weed.

Councillor Watton sought clarification as to whether the Partnership Panel had responded to the issue of the practice of some GPs charging their patients for processing and authenticating postal vote applications which he had previously raised in November 2015

The Director of Environmental Services confirmed that he had received no information from the Partnership Panel and would follow up to try to get a resolution.

It was proposed by Councillor Holmes seconded by Councillor Baird and AGREED: **to recommend to Council that the procedure for Matters for Reporting to the Partnership Panel be included on the agenda for discussion at the full Council Meeting.**

Councillor Holmes proposed seconded by Councillor McLean and AGREED: **that the meeting be continued 'In Committee'.**

22. Refuse Collection Vehicle

The Director of Environmental Services delivered the report, summarised and circulated as undernoted;

Causeway Coast and Glens own and operate a fleet of 20no Refuse Collection Vehicles and lease a further 5no Refuse Collection Vehicles. One of the existing fleet is in need of replacement and has been utilised as a spare lorry since 2010. Due to the age and make of this refuse lorry it is increasingly difficult to source parts as the body was taken out of production in 2005.

This lorry is fitted with a high entry cab whereas newer vehicles address Health and Safety concerns regarding access with a low entry cab.

It is essential that Council operate a fleet of vehicles that are both efficient and meet the current environmental and legislative standards.

Council tendered for a Refuse Collection Vehicle and received one return from Castlereagh Motors Ltd.

The cost of the Refuse Collection Vehicle from Castlereagh Motors Ltd. is £147,705.

It was recommended that Council purchase the Refuse Collection Vehicle from Castlereagh Motors Ltd at a cost of £147,705.

It was proposed by Alderman Campbell seconded by Holmes and AGREED: **to recommend that Council purchase the Refuse Collection Vehicle from Castlereagh Motors Ltd. at a cost of £147,705. It was also agreed that a report be brought back within four months outlining leasing options for Refuse Collection Vehicles.**

23. Tractor 100 BHP

The Director of Environmental Services delivered the report, summarised and circulated as undernoted;

Causeway Coast and Glens Borough Council own and operate a fleet of 10 no. tractors. One of the existing fleet has become increasingly unreliable and is therefore in need of replacement. It is essential that Council operate a fleet of vehicles that are both efficient and meet the current environmental and legislative standards.

Council tendered for a tractor and received 6 tenders.

It was recommended that Council purchase the replacement tractor from D A Forgie at a cost of £31,800.

In response to a Members' query relating to maintenance costs and the current miles of the existing tractor the Director of Environmental Services confirmed that these details would be forwarded to him.

It was proposed by Alderman Campbell seconded by Councillor McCaul and **AGREED: to recommend that Council purchase the replacement tractor from D A Forgie at a cost of £31,800.**

24. Hook Loader

The Director of Environmental Services delivered the report, summarised and circulated as undernoted;

Causeway Coast and Glens Borough Council operate 11 no. Civic Amenity Sites. Council has been developing these sites over the years to accommodate roll on roll off skips rather than standard skips.

Roll on roll off skips are serviced by Hook Loading Lorries and standard skips are serviced by 'Big Bite' Lorries. As roll on roll off containers have a larger capacity, Council are able to accommodate a greater number of waste streams in each site.

One of the existing fleet, a 'Big Bite' Refuse Collection Vehicle is in need of replacement. This vehicle will be replaced with a Hook Loader.

It is essential that Council operate a fleet of vehicles that are both efficient and meet the current environmental and legislative standards.

Council tendered for a 8x4 Hook Loader and received seven tenders.

It was recommended that Council purchase the 8x4 Hook Loader from McCreath Taylor at a cost of £105,621.

It was proposed by Councillor Holmes seconded by Councillor McLean and AGREED: **to recommend that Council purchase the 8x4 Hook Loader from McCreath Taylor at a cost of £105,621.**

25. Ice Cream Trading and Other Concessions

The Director of Environmental Services delivered the report, summarised and circulated as undernoted;

In March 2015 the rights to trade on Council owned car parks and beaches in the Causeway Coast and Glens Borough Council area was undertaken through an application and auction process. These rights operated from 1st April 2015 with an option to extend the Licence on an annual basis up to 31st March 2018. The rights were awarded for the following locations:

| <i>Location</i> | <i>Rights to Trade</i> |
|--|------------------------------------|
| <i>1. Ballintoy Harbour</i> | <i>Photography/Pictures</i> |
| <i>2. Waterford Slip, Cushendall</i> | <i>Hot Food</i> |
| <i>3. Waterford Slip, Cushendall</i> | <i>Ice cream</i> |
| <i>4. Portaneevy Car Park, Ballintoy</i> | <i>Hot Food</i> |
| <i>5. Portaneevy Car Park, Ballintoy</i> | <i>Ice cream</i> |
| <i>6. Ballycastle Sea Front</i> | <i>Childrens Amusements</i> |
| <i>7. Garron Road Car Park, Glenariffe</i> | <i>Ice Cream</i> |
| <i>8. Legge Green Car Park, Cushendall</i> | <i>Ice Cream</i> |
| <i>9. Pier Yard Car Park, Ballycastle</i> | <i>Ice Cream</i> |
| <i>10. Quay Road Play Park, Ballycastle</i> | <i>Ice Cream</i> |
| <i>11. Riada Stadium, Ballymoney</i> | <i>Hot Food</i> |
| <i>12. East Strand Car Park, Portrush</i> | <i>Ice Cream</i> |
| <i>13. West Strand Car Park, Portrush</i> | <i>Ice cream</i> |
| <i>14. White Rocks Car Park, Portrush</i> | <i>Ice Cream</i> |
| <i>15. Promenade Car Park, Castlerock</i> | <i>Ice cream</i> |
| <i>16. The Beach, Downhill</i> | <i>Ice Cream</i> |
| <i>17. Magheracross Car Park, Portrush</i> | <i>Ice Cream</i> |
| <i>18. Benone Beach</i> | <i>Ice Cream</i> |

Those who hold the rights are currently being consulted as to whether they wish to retain or surrender these rights for the 2016-2017 season. In the event that they wish to surrender their rights on 1st April 2016 then the following administrative processes will be employed.

1. **Advertisement placed in local press to invite applications to take part in a public auction week commencing 29th February 2016**
2. **Closing date for successful applications 23rd March 2016**
3. **Auction for successful applicants 30th March 2016**
4. **Successful bidders provide an Access NI Criminal Record Check Valid to 12 months of 1st April 2016**
5. **Payment received and License agreement signed for period of trading**

Council have had a number of enquiries from operators of mobile coffee vehicles retailing coffee/tea and sandwiches. The administrative process outlined above could also be utilised to seek expressions of interest from operators of such mobile coffee vans to trade at the following locations from 1st April 2016-31st March 2018

**East Strand Car Park, Portrush
West Strand Car Park, Portrush
The Beach, Down Hill
Magheracross Car Park, Portrush
Benone Beach**

It was recommended that Committee approve the procedures as outlined.

In response a Members' query the Director of Environmental Services clarified that additional licenses would be required for trading at the Lammas Fair.

It was proposed by Councillor McLean seconded by Councillor MA McKillop and **AGREED: to recommend that Council approve the procedures as outlined.**

26. Improvements to Town Hall Ventilation, Ballymoney

The Director of Environmental Services delivered the report, summarised and circulated as undernoted;

Ballymoney Borough Council approved the undertaking of a study by Council's M&E consultant to provide options and costings for the upgrade of the existing ventilation system in the auditorium in Ballymoney Town Hall.

Following the study by Council's M&E consultant, a number of options were put forward as possible solutions. The M&E consultant subsequently sought quotes from 8 contractors for the lowest cost option. Five compliant quotations were received.

Quote 1. £30,134

Quote 2. £33,963

Quote 3. £34,314

Quote 4. £36,356

Quote 5. £40,788

Having invited quotes from 8 contractors it is felt inviting further quotations through public tender would not lead to a more competitive price – especially as the lowest quotation is from a contractor with intimate knowledge of the buildings' existing services.

It was recommended that Council are asked to approve the above quotation process as providing the most competitive price and consider if it offers best value.

It was proposed by Councillor Holmes seconded by Councillor Baird: **to recommend to Council that this item be revisited in one year.**

The Director of Environmental Services confirmed that the auditorium held up to 300 people and complaints had been received that the existing ventilation was not adequate on hot days.

In relation to a Members' query the Head of Estates confirmed that no Bill of Quantities had been prepared for this scheme.

Alderman Campbell proposed an amendment seconded by Councillor McLean: **to recommend to Council that the Head of Estates explores alternatives and brings this information back to the Committee.**

Councillor Holmes withdrew his proposal with the agreement of his seconder.

It was AGREED: **to recommend to Council that the Head of Estates explores alternatives and brings this information back to the Committee.**

Councillor Holmes proposed seconded by Councillor McCaul and AGREED; **that the meeting be continued 'Out of Committee'.**

27. Any Other Relevant Business (notified in accordance with Standing Order 12 (o))

There was no other relevant business.

This being all the business the meeting closed at 10:57pm.