



**ENVIRONMENTAL SERVICES COMMITTEE MEETING  
WEDNESDAY 11 JANUARY 2023**

**Table of Recommendations**

<b>No</b>	<b>Item</b>	<b>Summary of key Recommendations</b>
<b>1.</b>	Apologies	<b><i>Councillor McGlinchey</i></b>
<b>2.</b>	Declarations of Interest	<b><i>Nil</i></b>
<b>3.</b>	Minutes of Environmental Services Committee meeting held 13 <sup>th</sup> December 2022	<b><i>Confirmed as a correct record</i></b>
<b>4.</b>	Amusement Permit Application	<b><i>to recommend that Council grant an Amusement Permit subject to compliance with any recommendations of the Council's Licensing Section</i></b>
<b>5.</b>	Entertainments Licensing Report	<b><i>to recommend that Council grant an Occasional Entertainments Licence subject to compliance with any recommendations of the Council's Licensing Department or NIFRS</i></b>
<b>6.</b>	Funding Offer from Department of Business Energy and Industrial Strategy (BEIS) 2022-2023	<b><i>to recommend that Council accepts this grant offer and authorises the Head of Health and Built Environment to sign and return the grant acceptance form on behalf of Council</i></b>
<b>7.</b>	Vehicle, Plant and Machinery Asset Policy	<b><i>to recommend to Council adoption of the Policy for the management of</i></b>

No	Item	Summary of key Recommendations <i>vehicles, plant and machinery</i>
	<b>For Information (Items 8-10)</b>	
8.	Entertainment Licence Renewals	<b>Information</b>
9.	Noise Complaint Statistics for Northern Ireland 2020-2021	<b>Information</b>
10	Castlerock Footbridge Update	<b>Information</b>
11.	Matters for Reporting to Partnership Panel	<b>Nil</b>
12.	Consultations	<b>Nil</b>
13.	Correspondence	<b>Nil</b>
14.	Notice of Motion Proposed by Councillor Mulholland, Seconded by Councillor Quigley, referred from Council Meeting 6 <sup>th</sup> December 2022 (re dog run Portstewart)	<b>Motion Lost</b>
	<b>'In Committee' (items 15-20 (ii) inclusive)</b>	
15.	Efficiency Saving and Income Generating Proposals	<b>to recommend that Council seek expressions of interest from other Councils for additional garden waste tonnage with potential £100,000 increased income;</b>  <b>to recommend that Council apply a15% increase in Harbour and Marina fees for the 2023/24 season (less diesel sales)</b>
16.	Car Park Infrastructure – Essential H&S Capital Works – further options	<b>Glenhead Road car park - Option 1 - £78,345.00 – full resurfacing;</b> <b>Lansdowne Road car park - Option 2 - £40,730.00 – resurface trading area, carry out patch repairs in</b>

No	Item	Summary of key Recommendations
		<p><b>Summary of key Recommendations</b>  <i>remainder of car park.</i>  <b>Note - nugaratory costs for mobilisation and demobilisation, (approx£18, 200.00) will be incurred when having to come back and replace said surface, between years 3/5.</b>  <b>Bridge Street car park - Option 1 - £129,710.00 – full resurfacing</b></p>
17.	Street Trading Licence Renewals	<b>Information</b>
18.	Licencing of Pavement Cafes (NI) Act 2014 Application to Private Lands	<b>to recommend that Council do not implement application of the Licencing of Pavement</b>
19.	Period 8 – ES Management Accounts and Financial Position 2022/23	<b>Information</b>
20.	Any Other Relevant Business (notified in accordance with Standing Order 12 (0))	
(i)	Recommended for Confidential Consideration Trading Concession West Strand Car Park, Portrush (Alderman Hillis)	<b>Update provided by Director of Environmental Services</b>
(ii)	Recommended for Confidential Consideration Drumaduff Dump (Councillor Nicholl)	<b>Update provided by Director of Environmental Services</b>
(iii)	Riverside Park, Ballymoney (Councillor Wallace)	<p><b>to recommend that Council carry out necessary repairs and continue with process of tender for works to be completed in Autumn 2023; The Director of Environmental Services to provide an options paper for provision of solar lights; the Director</b></p>

No	Item	Summary of key Recommendations
		<b><i>of Environmental Services to provide a paper detailing work duty and hours of staff operating at Riverside Park.</i></b>

**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 11 JANUARY 2023 AT 7:00 PM**

**In the Chair:** Councillor McAuley (C)

**Members Present:** Alderman Boyle (R), Fielding (C), McLean (C),  
A McQuillan (C); Councillors Beattie (R), Callaghan (C),  
Holmes (C), Hunter (R), McGurk (R), MA McKillop (R), C  
McQuillan (R), Nicholl (R), Wallace (C), Wilson (C)

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

**Non-Committee  
Members in  
Attendance:** Alderman Hillis (C) (Item 20)  
Councillor Quigley (C) (Item 14), Mulholland (C) (Item 14)

**In Attendance:** Press (1 no.) (R)

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

The Director of Environmental Services undertook a roll call.

The Chair opened the meeting and extended a welcome to members of the press and public in attendance and provided guidance in relation to Council's Remote Meetings Protocol and audio recordings.

**1. APOLOGIES**

Apologies were recorded for Councillor McGlinchey.

**2. DECLARATIONS OF INTEREST**

There were no declarations of Interest.

**3. MINUTES OF ENVIRONMENTAL SERVICES COMMITTEE MEETING HELD  
13 DECEMBER 2022**

Summary, previously circulated.

**AGREED** – to recommend that the Minutes of the Environmental Services Committee meeting held 13 December 2022 were confirmed as a correct record.

#### 4. AMUSEMENT PERMIT APPLICATION

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

##### AMUSEMENT PERMIT APPLICATION

**Ref:** AP005

**Premises:** Station Arcade, 68 Railway Road, Coleraine BT52 1PG

**Application:** Grant of an Amusement Permit

Days and times on which it is applied to be open:

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

**Representations:** No representations (2x's advert placed: 7th and 8th December 2022)

**PSNI:** No objection

##### Recommendation

It is recommended to grant an Amusement Permit subject to compliance with any recommendations of the Council's Licensing Section.

Proposed by Councillor Hunter  
Seconded by Councillor MA McKillop and

**AGREED** – to recommend that Council grant an Amusement Permit subject to compliance with any recommendations of the Council's Licensing Section.

#### 5. ENTERTAINMENT LICENCING APPLICATION

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

##### GRANT OF INDOOR ENTERTAINMENTS LICENCE

**Licence No:** EL266

**Premises:** Stranocum Community Centre, 65 Main Street,  
Stranocum, Ballymoney, BT53 8PH

**Application:** Grant of an Occasional (14 Unspecified days within 12 months) Indoor Entertainments Licence

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

Monday - Sunday 08:00 – 00:00

**Representations:** No Objections received

**PSNI:** No Objections received

**NIFRS:** No Objections received

**Recommendation:**

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

Proposed by Alderman A McQuillan  
Seconded by Alderman McLean and

**AGREED** – to recommend that Council grant an Occasional Entertainments Licence subject to compliance with any recommendations of the Council's Licensing Department or NIFRS.

**6. FUNDING OFFER FROM DEPARTMENT OF BUSINESS ENERGY AND INDUSTRIAL STRATEGY (BEIS) 2022-2023**

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

**Purpose of Report**

The purpose of this report is to seek approval to accept an offer of grant monies from the Department of Business Energy and Industrial Strategy (BEIS) up to the value of £55,000.

**Background**

The Office for Product Safety and Standards (OPSS) is the national regulator for product safety and is part of BEIS. It was established to lead and co-ordinate the UK product safety system to deliver improved protections for consumers and better support for industry across the UK. It is responsible for developing and building national capacity and capability for product safety that is consistent and applied uniformly across the UK.

Correspondence was received from BEIS on the 13<sup>th</sup> December 2022 offering a grant to Council to build capacity and capability to ensure the safety of consumers. The grant is to fund targeted and prioritised regulatory activity on non-food consumer products as part of BEIS' approach to ensure robust market surveillance across the UK.

Council has been offered a grant of up to £55,000 for expenditure incurred between 1<sup>st</sup> July 2022 and 31<sup>st</sup> March 2023. A copy of the grant offer is attached as Appendix 1 to this report.

The Grant is being offered to all District Councils in Northern Ireland to enhance enforcement capacity and capability to support their development of effective mechanisms to protect consumers and the UK internal market.

The funding may be used for a range of activity on non-food products, including to:-

- build on previous product safety capacity and capability building work
- ensure access to enforcement equipment and facilities;
- provide advice and support to local businesses to meet their obligations under product safety legislation for importing and appropriate labelling/marketing of goods;
- define work processes;
- develop officers' understanding of local supply chains and their associated risks; and
- ensure adequate prioritisation of effort and resource against OPSS policy and National regulatory interests
- ad hoc requests for case studies or other additional information.

Reporting Arrangements are expected to include inputs to relevant databases; quarterly submission of records of activity (format to be agreed); and a review meeting at the end of the grant funding year. OPSS may seek information about operational methods, activities, engagement with businesses and outcomes.

This funding would support Council's statutory responsibilities under Consumer Safety legislation.

### **Recommendation**

**It is recommended** that Council considers acceptance of this grant offer and if grant is to be accepted authorises the Head of Health and Built Environment to sign and return the grant acceptance form on behalf of Council.

The Director of Environmental Services advised the Head of Health and Built Environment was in attendance to answer questions.

At the request of Alderman A McQuillan, the Head of Health and Built Environment advised she was unable to comment on the relevance of the protocol in the issuing of funding, that the issuing department was newly established and funding was to compliment limited resources in place to meet with statutory, legislative requirements.



Proposed by Councillor Hunter  
Seconded by Councillor MA McKillop

– To recommend that Council accepts this grant offer and authorises the Head of Health and Built Environment to sign and return the grant acceptance form on behalf of Council.

Alderman A McQuillan requested a Recorded Vote.

The Chair put the Proposal to the Committee to Vote.  
9 Members voted For; 6 Member voted Against; 0 Members Abstained.  
The Chair declared the Motion Carried.

**AGREED** – to recommend that Council accepts this grant offer and authorises the Head of Health and Built Environment to sign and return the grant acceptance form on behalf of Council.

#### Recorded Vote Table

For (9)	Alderman Boyle
	Councillors Beattie, Holmes, Hunter, McGurk, MA McKillop, C McQuillan, Nicholl, Wilson
Against (6)	Alderman Fielding, McLean, A McQuillan
	Councillors Callaghan, McAuley, Wallace

## 7. VEHICLE PLANT AND MACHINERY ASSET POLICY

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

### **Purpose of Report**

To seek Council approval for the introduction of a policy on the management of vehicles, plant and machinery.

### **Background**

An Internal Audit identified improvements which could be made in the management of vehicles, plant and Machinery. The audit suggested the introduction of formal policy/procedures for the consistent management, monitoring, safeguarding and control of these high value items.

The attached policy (Appendix A) addresses these concerns formalising the procedures to be used across all departments for purchase, maintenance, use, tracking and disposal of vehicles, plant and machinery.

## Recommendation

**It is recommended** that the Environmental Services Committee recommends to Council the adoption of the Policy for the management of vehicles, plant and machinery.

Proposed by Alderman Boyle  
Seconded by Councillor MA McKillop and

**AGREED** – to recommend to Council adoption of the Policy for the management of vehicles, plant and machinery.

The Director of Environmental Services advised that Items 8-10 were for information.

## 8. ENTERTAINMENT LICENCE RENEWALS

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

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

#### ENTERTAINMENT LICENCES

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

<u>Unique Reference Number</u>	<u>Name of Premises</u>
EL089	Portrush Memorial Services Club
EL225	Ballyweaney Presbyterian Church Hall
EL139	Patsy's Bar
EL049	Harbour Bar & Bistro
EL357	Angler's Rest

**AGREED** – to recommend that Council note the above information.

Alderman A McQuillan referred to a previous meeting, an objector spoke in relation to noise complaints at Kilrea Golf Club. Alderman A McQuillan advised that on two occasions since, the objector has had attacks on her property. Alderman A McQuillan asked that anyone with any information should provide it to PSNI who are carrying out an investigation.

## 9. NOISE COMPLAINT STATISTICS IN NORTHERN IRELAND 2020-2021

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

### **Purpose of Report**

The purpose of this report is to advise members of the recent publication of Noise Complaint Statistics for Northern Ireland 2020-2021 by the Department of Agriculture Environment and Rural Affairs (DAERA).

### **Background**

DAERA publishes noise complaint statistics to inform central government, district councils, the general public and any other interested parties as to the number and nature of noise complaints received each year by district councils across Northern Ireland. The report for 2020-2021 can be found at

<https://www.daera-ni.gov.uk/publications/noise-complaint-statistics-northern-ireland-2020-2021>

The DAERA report analysed noise complaint data supplied by all 11 councils between 1 April 2020 and 31 March 2021. During this period 10,494 noise complaints were received in Northern Ireland of which 5.3% were received by Causeway Coast and Glens Borough Council (553 noise complaints).

During 2020-21 the total number of noise complaints received across Northern Ireland decreased by 7.6% from the previous year. Despite this reduction eight out of eleven District Councils reported an increase in total noise complaints for this reporting year with many indicating this was a result of large proportions of the population working from home and spending more time at home in general. Noise complaints for certain sectors saw a significant increase compared to the previous reporting year. Complaints related to transport were up by 41%.

During 2020-2021 there was a 63.2% decrease in the number of noise abatement notices served by Councils (210 compared to 570 served in 2019/20). Two prosecutions took place during 2020/21, compared to four prosecutions in 2019/20 and five in 2018/19.

The information in this report is an important indicator of the increasing public awareness of noise issues and the effectiveness of current noise controls. However, the impact of the COVID-19 restrictions on the reporting of this year's statistics should be borne in mind.

The statistics provided by district councils enable the Department of Agriculture, Environment and Rural Affairs to target policy development, such as through the application of the powers in the Noise Act 1996 following the introduction of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 in April 2012

Causeway Coast and Glens Borough Council's Environmental Health team continues to participate in the Nightsafe initiative in partnership with NIHE, Ulster University, PSNI and the local community. Council Officers and the PSNI carry out joint patrols of residential student areas in Portrush/Portstewart between the hours of 9pm and 4am. These patrols are undertaken during the University's academic semester and focus on issues such as noise, antisocial behaviour, littering, drinking in public places, personal and property safety.

Council subscribes to the Noise App which is free to download and enables real time audio recordings to be submitted directly to Councils Environmental Health team as part of ongoing noise complaint investigations. Further information on the Noise App can be found on Council's website at <https://www.causewaycoastandglens.gov.uk/live/health-and-built-environment/environment-health-and-well-being/environmental-protection/noise-control/recording-noise-nuisance-the-noise-app>

### **Recommendation**

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

**AGREED** – to recommend that Council note the above information.

## **10. CASTLEROCK FOOTBRIDGE UPDATE**

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

### **Purpose of Report**

The purpose of this report is to update members on the status of Castlerock Footbridge.

### **Background**

In 1996 Coleraine Borough Council entered into a 10,000 year lease with NI Transport Holding Co. (NITHC) for the upkeep of the footbridge at Castlerock Railway Station. In 2017 Council approved the contract for the removal and assessment of the bridge with a view to ascertaining can it be restored and at what cost. Note NIEA has been actively involved in this decision process.

### **Update since last meeting**

In January 2022 Council approved the further assessment of the bridge by Translink's consultant with cost to be shared by both parties and Council's share limited to a maximum of £10,000. This was done in an effort to provide Translink with the assurance that the bridge, with remedial work, is capable of being returned to its' location over the railway line. To date they had expressed concerns over its' long-term future.

The detailed assessment has been completed and the report made available to Council. In summary, the consultant's have found that with a significant amount of repair work and ongoing routine maintenance, the bridge can be made fit to return to its' original location over the railway line.

Officers are currently working on tender documents for the repair, protection and re-installation of the bridge. A report will be brought back on completion of this process.

### **Recommendation**

Committee are asked to note the above information.

At the request of Alderman A McQuillan, the Director of Environmental Services advised that a verbal update on the timescales involved would be provided at the February Council meeting.

The Director of Environmental Services, in response to Councillor Holmes, explained the process was elongated due to multiple stakeholders involved.

**AGREED** – to recommend that Council note the above information.

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

There were no matters for reporting to Partnership Panel.

### **12. CONSULTATIONS**

There were no consultations.

### **13. CORRESPONDENCE**

There was no correspondence.

### **14. NOTICE OF MOTION PROPOSED BY COUNCILLOR MULHOLLAND, SECONDED BY COUNCILLOR QUIGLEY, REFERRED FROM COUNCIL MEETING HELD 6 DECEMBER 2022**

*'We propose that this Council cancels the plans to erect a dog run in the St John's area in Portstewart due to the public outcry and lack of public consultation.'*

The Chair invited Councillor Mulholland as Proposer to present:-

Councillor Mulholland advised there had been a lack of public consultation prior to the decision process and she had requested her concerns to be vocalised to Elected Members, including the Mayor. She stated the area was not sufficiently large enough for a dog run and will have a large impact on other users. Councillor Mulholland advised elderly people and children often use this area, it is too close in proximity to residential properties and will cause nuisance and noise issues. She stated the number of those who have signed the petition has reached 78 and there have been some technical issues accessing the survey at present. The area could be put to better use by facilitating a family picnic area, outdoor gym or playpark.

The Chair invited Councillor Quigley as Seconder to present.

Councillor Quigley advised she was in support of the Motion and that although it was not within her District Electoral Area, she was very familiar with the area. She advised that if the area is used for a dog run the grass will not be cut and there will be dog excrement, which relies on the goodwill of dog owners to remove. The posts with fencing could be harmful to children and the area may not be cleaned or maintained. The area is not large enough for a dog run and it is hoped that Elected Members will support this Notice of Motion.

Alderman Fielding said he was in support of the dog run and advised it was unanimously passed in March 2021 to establish Dog runs within the main towns/centres in the Borough. He advised there has been a successful dog run for many years at Riverside Park Ballymoney. In March of this year five established open spaces which met the criteria were unanimously passed with no concerns raised by any Councillors.

In Portstewart, St John's Close, known locally as Cashlandoo Park meets the criteria identified by Council Officers. The few people who have objected have named other sites but their locations only further highlight that there are no alternatives when they suggested a smaller area on a hill in Mill Road.

While speaking to dog owners at St Johns close while doing the community monthly litter pick, there were in favour of the dog run. It was also discussed at the public meeting of the Portstewart Community Association held on 7 November 2022 and approved. There is no legislative requirement to consult on this. I think we should all try and make it work.

Councillor Wallace said he undertook a site visit at St John's Close and spoke with dog walkers who indicated they welcomed the dog run and had no objections. The dog walkers would not be causing a disturbance and the residential housing is some distance away and said that social media petition had no bearing.

Councillor Mulholland summarised, she said that a petition was a petition in any form whether door to door or by social media and the views of local people should be taken into account, that at least 78 people were unhappy with a dog run at St John's Close.

Councillor Mulholland proceeded to address Committee, Councillor Quigley raised Point of Order 18.4 and cites from it, 'When a member is speaking he/she should not be interrupted.'

The Chair referred to an incident involving Councillor Quigley and the Mayor, Councillor Quigley provided clarity on the matter referred to. Councillor Quigley said she was appalled the Chair had used his position to raise unrelated business at the meeting. Alderman Boyle concurred with Councillor Quigley's Point of Order and made reference to discussions at the Women's Working Group on women's issues.

The Chair reminded Elected Members that when someone was speaking, others in the Chamber should not be heard and it was a matter of interpretation

on this occasion, as he believed Councillor Mulholland could be heard clearly. Councillor Mulholland stated disagreement.

Councillor Wilson referred to the need for mutual respect in the Chamber, that he had concerns for the well-being of Elected Members and staff, there was a forum for dealing with wrong doing and threats and bullying was not acceptable in any form.

In advance of taking a vote, the Chair asked Councillor Mulholland to sum up.

Councillor Mulholland said she had been asked by residents in Portstewart, due to lack of public consultation regarding designation of St John's Close as a dog run to bring concerns to all Elected Members including the Mayor. She said she was acting within her role, which is what she was elected to do.

Councillor Quigley requested a Recorded Vote.

The Mayor put the Motion to the Committee to Vote.

0 Members voted For; 15 Members voted Against; 0 Members Abstained

The Chair declared the Motion Lost.

#### Recorded Vote Table

Against (15)	Alderman Boyle, Fielding, McLean, A McQuillan
	Councillors Beattie, Callaghan, Holmes, Hunter, McGurk, McAuley, MA McKillop, C McQuillan, Nicholl, Wallace, Wilson

- \* **Councillor Mulholland and Quigley left the Chamber at 7.55 pm.**

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

Proposed by Councillor Wilson

Seconded by Councillor Callaghan and

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

- \* **Press were disconnected from the meeting at 8.00pm.**

***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.***

#### **15. EFFICIENCY SAVING AND INCOME GENERATING PROPOSALS**

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

##### **Purpose of Report**

The purpose of this report to provide Members with further information on the Efficiency Saving and income Generating Proposals for Estimates 2023/24.

### **Background**

Council has approved the annual budget for Environmental Service and delegated authority to officers to utilise this budget in the provision of services to the rate payers. ES budget for 2022/23 is £ 26,388,082.00.

The Environmental Services position at Period 8 shows a £798,697.22 positive variance. This includes predicted increases in employee costs based National Pay agreements and Member decisions to date. But does not include the final pay award which has not been agreed. The end of year position is estimated to come in on budget.

At the Environmental Services Estimates workshop held on 13<sup>th</sup> December 2022 members requested that detailed options be brought to the next meeting to mitigate against the increases.

### **Proposals**

Appendix A, previously circulated, provides a summary of the proposals presented for consideration. Appendix B, previously circulated, provides detail on the Operations Proposals.

Appendix C, previously circulated, provides details on the Infrastructure Proposals.

### **Recommendation**

It is recommended that Members consider the proposed options tabled.

The Chair advised that he would take proposals from the floor.

At the request of Councillor Holmes, the Director of Environmental Services advised that only waste collected at refuse centres was treated at Letterloan and further confirmed that it would be cost prohibitive to build a treatment facility inhouse.

Discussion ensued regarding the 3 weekly bin collections, for which the Director of Environmental Services confirmed was currently part of a trial.

At the request of Councillor Holmes, the Director of Environmental Services advised that the capacity at Craighulliar was approximately 3 years at present.

At the request of Alderman Boyle, the Director of Environmental Services advised that there was a policy in place for provision of a second bin for those with disabilities and/or families of six or more.

Councillor Nicholl pointed to the enormity of the decision being taken and the likelihood of them being revisited at the Council meeting and Rates setting process. Alderman A McQuillan concurred with these remarks, that the Council Meeting forum would allow Elected Members to have a recess and re-group, as necessary.



The Director of Environmental Services urged Elected Members to reach decisions as soon as possible. Alderman McLean felt that the Council Meeting was the forum for further discussion regarding car parking charges.

Councillor McGurk felt earlier discussion and further consultation was required with Chambers of Commerce and traders around car parking charges. The Director of Environmental Services advised that the first raft of proposals were provided to Elected Members in early October 2022.

At the request of the Director of Environmental Services, the Head of Capital Works, Energy and Infrastructure advised that consultation had taken place in the past with Town Teams and referred to some of the issues identified including the need to displace town centre workers and create more spaces for those wishing to trade.

At the request of Elected Members, the Director of Environmental Services confirmed the net savings, should funding to Limavady Community Development Initiative be terminated, and agreed to explore options for providing a similar service including volunteers already involved.

At the request of Alderman Fielding, the Director of Environmental Services advised that the income generated from Cruise Ships was nominal and priced per passenger.

At the request of Councillor Holmes, the Head of Capital Works, Energy and Infrastructure confirmed that Harbours and Marinas operated at a loss to the value of £900,000 this financial year, one factor being the sea defence element and mooring costs.

Proposed by Councillor Holmes  
Proposed by Councillor Hunter and

**AGREED** – to recommend that Council seek expressions of interest from other Councils for additional garden waste tonnage with potential £100,000 increased income.

The Director of Environmental Services advised he would provide figures on Craighulliar.

Proposed by Councillor Holmes  
Proposed by Alderman A McQuillan and

**AGREED** – to recommend that Council apply a 15% increase in Harbour and Marina fees for the 2023/24 season (less diesel sales).

Alderman Boyle recommended 3 weekly collection service option pending the outcome of the Equality Screening process, however the Chair advised there was no seconder

## 16. CAR PARK INFRASTRUCTURE – ESSENTIAL H&S CAPITAL WORKS – FURTHER OPTIONS

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

### Purpose of Report

The purpose of this report is to request that Members consider further options explored by the Capital Works Team in relation to minimum costs associated with essential repairs in 3no car parks namely, Glenhead Road, Ballykelly, Lansdowne Car Park, Portrush & Bridge Street, Garvagh and to give permission to progress to Stage 2 of the procurement gateway, detail design and procurement.

### Background

At the ES Committee on 8<sup>th</sup> November 2022 members asked the Director of the Environmental Services to ascertain the minimum costs for essential repairs to take place in the 3 car parks, i.e., Glenhead Road Ballykelly, Lansdowne Road Portrush and Bridge Street Garvagh.

### Proposals

As requested the Capital Works division investigated the minimum costs for essential repairs in each of the car parks.

They have provided options, costs, expected lifespan of repairs and comments which can be found in;

Appendix A (previously circulated) - Glenhead Road car park Ballykelly.

Appendix B (previously circulated) - Lansdowne Road car park Portrush.

Appendix C (previously circulated) - Bridge Street car park Garvagh.

### Options

#### Glenhead Road car park

Option 1 - £78,345.00 – full resurfacing.

Option 2 - £55,685.00 – 2 coats of slurry seal.

#### Lansdowne Road car park

Option 1 - £206,660.00 – full resurfacing.

Option 2 - £40,730.00 – resurface trading area, carry out patch repairs in remainder of car park. **Note** - nugatory costs for mobilisation and demobilisation, (approx. £18, 200.00) will be incurred when having to come back and replace said surface, between years 3/5.

#### Bridge Street car park

Option 1 - £129,710.00 – full resurfacing.

Only option due to condition of wearing course, base course and sub strata make up no technical alternative exists.

**Note** – please see appendices, previously circulated, for lifespans and further comments.

### **Recommendation(s)**

It is recommended that Members select from the options provided and grant permission for officers to progress to Stage 2 of the procurement gateway.

A full tender report will be brought back to Members in due course for the final investment decision to be made.

At the request of Councillor Nicholl, the Director of Environmental Services confirmed that cost would be capitalised.

During debate, it was Proposed by Councillor Nicholl to recommend to Council:  
Glenhead Road car park - Option 1 - £78,345.00 – full resurfacing, Lansdowne Road car park - Option 1 - £206,660.00 – full resurfacing, Bridge Street car park - Option 1 - £129,710.00 – full resurfacing.

Councillor Holmes said he was in agreement with the proposal, however asked the proposer to consider Option 2 for Lansdowne Road carpark. The Proposer was in agreement.

Proposed by Councillor Nicholl  
Seconded by Alderman McQuillan and

**AGREED** – to recommend that Council approve:

Glenhead Road car park - Option 1 - £78,345.00 – full resurfacing;  
Lansdowne Road car park - Option 2 - £40,730.00 – resurface trading area, carry out patch repairs in remainder of car park. Note - nugatory costs for mobilisation and demobilisation, (approx. £18, 200.00) will be incurred when having to come back and replace said surface, between years 3/5.  
Bridge Street car park - Option 1 - £129,710.00 – full resurfacing.

## **17. STREET TRADING LICENCE RENEWALS**

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

### **STREET TRADING (NI) ACT 2001**

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

<u>Unique Reference Number</u>	<u>Type of Licence</u>	<u>Commodity</u>	<u>Location</u>
MST 010	Mobile	Ice Cream & Confectionary	Borough of Causeway Coast and Glens

**AGREED** – to recommend that Council note the above information.

## 18. LICENCING OF PAVEMENT CAFES (NI) ACT 2014 APPLICATION TO PRIVATE LANDS

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

### **Purpose**

The purpose of this report is to advise members of how the Licencing of Pavement Cafes (NI) Act 2014 applies to privately owned lands such as parts of pavements, Council owned walkways and other walkways open to public access and used by pedestrians.

### **Background**

The Licencing of Pavement Cafes Act (Northern Ireland) 2014 came into effect on the 1<sup>st</sup> October 2016. All Councils in Northern Ireland deferred implementation of the Act until July 2019 when the Department for Communities (DfC) published their “Guidelines to the Licencing of Pavements (Northern Ireland) Act 2014”.

The guidelines which can be found at the link below were prepared by DfC to assist district councils with the implementation of the statutory licensing scheme. The guidelines highlight the key legislative responsibilities of district councils, the criteria to be met, and procedures to be followed, when dealing with applications and the conditions under which pavement café areas should operate.

<https://www.communities-ni.gov.uk/publications/guidelines-licensing-pavement-cafes-act-northern-ireland-2014>

Section 2 of the Licencing of Pavement Cafes Act (Northern Ireland) 2014 Act (the Act) made it an offence to operate a pavement café in a public area without a Pavement Café licence granted by Council.

A Pavement Café Licence authorises a person carrying on a business involving the supply of food or drink (in or from premises) to place furniture (tables, chairs, etc.), temporarily, on a public area for use by customers. Relevant businesses includes cafés, restaurants, pubs, retail outlets providing refreshments, takeaways, supermarkets with a deli counter, etc.

Further to ES170404 and CM C170425 Council previously set Pavement Café fees as noted below with a 20% reduction for small businesses that qualify for the Small Business Rate.

- Grant of a 3-year Pavement Café Licence £375
- Renewal of a 3-year Pavement Café Licence £285
- Variation of a 3-year Pavement Café Licence Free

The purpose of regulating pavement cafes through a licensing scheme is primarily in the interests of public safety to ensure there is no risk to visually impaired people using public areas and no impediment to pedestrians or vehicles. A response submitted by the Royal National Institute for the Blind NI in 2016 during a public consultation outlines the issues facing people with sight loss when using the streetscape and is attached as appendix 1 for information. Responses to the 2016 consultation were also received from Guide Dogs NI and Causeway and Glens Campaigners Active Network (CAN).

Public safety is ensured through the pavement café licensing scheme by only permitting pavement café in suitable locations and ensuring such furniture is maintained within a defined area within suitable barriers.

#### **Definition of a public area**

The requirement for a licence extends to pavement cafes located in a public area.

Section 1(2) of the Act defines a public area as meaning a place in the open air to which the public has access, without payment, as of right and which is not in a market area.

#### **Initial operational position**

During the initial implementation of this legislation an operational decision was taken that this definition would not include privately owned pieces of land. As a consequence at that time, some proprietors of pavement cafes on privately owned lands were either not engaged with by Council in relation to the operation of a pavement café or were explicitly advised that they did not need to apply for a pavement café licence.

#### **Review of this decision**

A review of this operational position was taken in 2022 and a view was formed that the definition of a public area did not exclude privately owned parcels of land and that pavement cafes operating on lands which met the definition of 'a public area' would fall under the remit of the legislation.

This position was based on the following:

- There is no exemption to the requirement for a licence specified in the legislation for privately owned land.
- The legislation does not specify that it applies only to pavements or pavements owned by the Department for Infrastructure.
- Public areas are defined in terms of their use not ownership.

A view was taken that under the definition of public areas within the legislation non-Department for Infrastructure lands, including privately owned lands, where pedestrians have access could and should be regulated to provide the same degree of control and safety as other pavement cafes.

### **Similar interpretations of other legislation**

The statutory licensing scheme contained in the Act follows the model used in the Street Trading Act (NI) 2001 which similarly allows for the regulation of street trading on privately owned lands due to the definition of “public place” being specified as a place in the open air within 10 metres of a road or footpath to which the public has access without payment.

The Fouling of Lands by Dogs (Causeway Coast and Glens Borough Council) Order 2018 specifies that it is an offence to fail to remove dog foul from “All lands open to the air to which the public have access”. This is interpreted to include privately owned parcels of land to which the public have access.

The Litter (Northern Ireland) Order 1994 specifies it to be an offence for a person to throw down, drop or otherwise deposit in, into or from any place open to the air, and leave, anything whatsoever in such circumstances as to cause, or contribute to, or tend to lead to, the defacement by litter of any such place except if proven to do so was authorised by law, or done with the consent of the owner or the person in control of the place. Again this is interpreted to include privately owned parcels of land to which the public have access

Legal Opinion was circulated within the confidential report.

Consultation with Belfast City Council was provided within the Confidential report.

Current position was circulated within the confidential report.

### **Recommendation**

It is recommended that Committee Members consider the above information.

Councillor McGurk questioned the rationale for a change of approach and was advised by the Director of Environmental Services it was down to the interpretation of legislation as part of an internal review and the potential for non compliance with legislation.

At the request of Councillor McGurk, the Director of Environmental Services referred to Belfast City Council as current practice and asked that Council take a phased approach to implementation of this legislation.

The Director of Environmental Services agreed to discuss specific concerns with Councillor McGurk outside of the meeting.

At the request of Councillor Holmes the Director of Environmental Services explained the definition of ‘pavement café.

Councillor Wallace referred to the additional cost incurred by businesses in addition to the licensing cost.

Alderman A McQuillan referred to the interpretation aspect of the legislation and said charges should not be introduced to those trading on private land.

At the request of Councillor Holmes the Director of Environmental Services advised that the justification for implementation of this legislation was that it was a legal requirement.

Proposed by Alderman A McQuillan  
Seconded by Councillor Wallace and

**AGREED** -to recommend that Council do not implement application of the Licencing of Pavement Cafes (NI) Act 2014 to privately owned lands.

The Chair put the Proposal to the Committee to Vote.  
13 Members voted For; 2 Members voted Against; 0 Members Abstained.  
The Chair declared the Motion Carried.

**19. PERIOD 8 – ES MANAGEMENT ACCOUNTS AND FINANCIAL POSITION 2022/23**

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

**Purpose of Report**

The purpose of this report to provide Members with information on the current financial position of Environmental Services Directorate at the end of Period 8.

Background was circulated within the confidential report.

The Director of Environmental Services provided commentary of the current position and advised Elected Members that the figures did not take account of the recent agreed pay award for which Finance had not yet provided figures.

Alderman A McQuillan welcomed the positive figures, thanked the Director and asked that his comments be passed on to his staff.

**AGREED** – to recommend that Council note the above information.

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

The Chair advised of a change in the order of business to consider 'in committee' Items first.

**(i) Trading Concession West Strand Car Park, Portrush (Alderman A Hillis)**

*I am informed that a vendor who has a trading concession at West Strand Car Park Portrush was told via email on 23/08/2022 that his permission to trade was withdrawn for 24 hours on 28/08/2022. This was the day of the Mini Car event.*

*As the vendor was not asked to cease trading during the North West 200 week, nor the Raft Race Weekend, nor the Ford event why was he asked to not trade on the Mini Event Day?*

*I know that the notice seeking extra vendors during events in Portrush does state that there are already two vendors one hot Drinks and one Ice Cream already at West Bay Car Park and that they would be permitted to trade at events within that location. Why did that change for this one event?*

*The Land and Property Committee was consulted on officers recommendations to allow concession holders to remain on site during the time there was a temporary transfer of land including West Strand Car Park to Coleraine Motor Club at the time of the North West 200. The Land and Property committee recommended that the concession holders remain on site during the event.*

*Why was there was a change in policy at the Mini Event and why was Land and Property not consulted on the occasion of the Mini Event?*

The Director of Environmental Services advised the Vendors Condition of Contract state that he/she may be required to leave the site and were provided with 5 days notice.

The Director of Environmental Services acknowledged there may have been conflicting information between Directorates which will be reconsidered in next round of applications.

The Head of Capital Works, Energy and Infrastructure confirmed that terms were explicit stating that Vendors cannot trade at major events and specific events were listed. Direction had been given by Leisure and Development Directorate to provide notice to the Vendor which was duly given. Having attempted to liaise with a Vendor who indicated he would not be moving off the site, a final written warning was issued.

The Car Parks Manager said he had engaged with the Vendor, who had not been agreeable and reported the situation to his Line Manager.

Some Elected Members felt the approach by Council had been heavy handed but confirmed their support for staff who were doing a difficult job and felt that Vendors should be allowed to trade for the duration of all events in the area.

Alderman A McQuillan suggested that matters of this nature should be brought before the Licencing Committee for consideration by the Head of Capital Works, Energy and Infrastructure and pointed to issues of credibility with Vendors which currently exists.



The Director of Environmental Services refuted these remarks and advised that Officers need to have an element of ability to deal with matters expediently and rationally. The Director of Environmental Services agreed to bring the policy and conditions of contract in advance of next round of auctions to the Environmental Services Committee for agreement, after which, administration and operation of contract could be delegated to Officers.

**(ii) Drumaduff Dump (Councillor Nicholl)**

*Can I have an update on the vesting of Drumaduff dump and the delay in paying the turf plot owners.*

The Director of Environmental Services advised that Solicitors for both parties had been in communication in September and that a response was awaited by the applicant for one plot with no evidence shown to date to prove ownership of the other two. The applicant is aware of the level of detail needed to make a claim of land ownership.

**MOTION TO PROCEED 'IN PUBLIC'**

Proposed by Councillor Wilson  
Seconded by Councillor Callaghan

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

\* **Press were reconnected to the meeting at 10.00pm.**

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

**(iii) Riverside Park, Ballymoney (Councillor Wallace)**

*In Riverside Park Ballymoney there is no street lighting from the Bravellan Road end to the train station. Could we get a paper back on the possibility of this being done?*

Councillor Wallace raised the issue of those using this route early morning and early evening on the shorter days and requested costings to provide lighting in the interests of safety. The Director of Environmental Services agreed to bring back a paper with costing in due course.

Alderman McLean asked for an update on the planned works on the two bridges and the Director of Environmental Services invited the Head of Capital Works, Energy and Infrastructure to advise accordingly.

The Head of Capital Works, Energy and Infrastructure advised that in terms of a full repair of both bridges, documents had been prepared, contractual arrangements would take a three week turnaround and a report of costings could be brought to the February Environmental Services Committee meeting.

Councillor McAuley said it would be prudent to have the condition of the wood assessed on all the bridges.

Proposed by Alderman McLean  
Seconded by Councillor Wilson and

**AGREED** – to recommend that Council carry out necessary repairs and continue with process of tender for works to be completed in Autumn 2023; The Director of Environmental Services to provide an options paper for provision of solar lights; the Director of Environmental Services to provide a paper detailing work duty and hours of staff operating at Riverside Park.

There being no further business the Chair thanked everyone for their attendance and the meeting concluded at 10.10 pm.

---

Chair