

**ENVIRONMENTAL SERVICES COMMITTEE MEETING  
TUESDAY 11 JUNE 2024**

**Table of Recommendations**

<b>No</b>	<b>Item</b>	<b>Summary of key Recommendations</b>
1.	Apologies	<b><i>Alderman Hunter, Councillors Bateson, Callaghan, McGlinchey, Stirling</i></b>
2.	Declarations of Interest	<b><i>None</i></b>
3.	Minutes of previous meeting held Tuesday 14 May 2024	<b><i>Confirmed as a correct record</i></b>
4.	Caravan Licencing Report	<b><i>to recommend that Council grant a Caravan Licence subject to compliance with any recommendations of the Council's Licensing Department</i></b>
5.	Entertainments Licensing Report	<b><i>to recommend that Council grant an Annual Entertainments Licence subject to compliance with any recommendations of the Council's Licensing Department</i></b>
6.	The Shops (Sunday Trading etc) (Northern Ireland) Order 1997 – Request to Designate Towns as “Holiday Resorts”	<b><i>to recommend that Council hold a consultation on whether to progress the procedure to designate Coleraine and Ballymoney as “holiday resorts” under the Shops (Sunday Trading etc)</i></b>

No	Item	Summary of key Recommendations
		<b>(Northern Ireland) Order 1997.</b>
7.	Waste Management Plan Addendum	<b>to recommend that Council accept and adopt the Addendum, following approval by NWRWMG Joint Committee, as an update to the existing North West Region Waste Management Plan</b>
8.	CEF ToR adoption Report	<b>to recommend that Council approve and adopt the updated terms of reference for the CEF.</b>  <b>To further recommend that Council approve the completed NICCAP2 template and grant permission that this is submitted to Climate NI.</b>
9.	Cinema Licence Renewals	<b>Noted</b>
10.	Entertainment Licence Renewals	<b>Noted</b>
11.	Licences Issued Under Delegated Authority	<b>Noted</b>
12.	Petroleum Spirit Licence Renewals	<b>Noted</b>
13.	Dangerous Dogs – New Legislative Controls for XL Bully Dogs	<b>Noted</b>
14.	Waste Data Return - October to December 2023	<b>Noted</b>
15.	Update to Members on the changes at Household Recycling Centres	<b>to recommend that Council approves paid targeted advertising on Facebook with information on the changes. It should be targeted to 18 – 75 year olds and businesses in the Borough and should</b>

No	Item	Summary of key Recommendations
		<b>contain information on opening hours, how to differentiate between household and commercial waste, where and how to dispose of it, and the cost involved.</b>
16.	Matters for Reporting to Partnership Panel	<b>None</b>
17.	Consultations – Rethinking Our Resources: Measures for Climate Action and a Circular Economy in NI	<b>Noted</b>
18.	Correspondence	<b>Noted</b>
	<b>'IN COMMITTEE' (Items 19 – 24 inclusive)</b>	
19.	Request for Additional Resources & Revised Structure for Health & Built Environment Section	<b>to recommend that Council approves the proposed restructure of the Health &amp; Built Environment section to include 5 additional permanent Environmental Health Officers, 1 additional permanent Senior Building Control Officer, 1 permanent Building Control Technical Officer and 1 permanent full time Fire Safety Officer, to ensure Council can meet its statutory obligations and meet the increasing demands placed on the service.</b>
20.	Funding offer from Department of Business & Trade 2024-2025	<b>to recommend to Council the acceptance of this grant offer and to authorise the Head of Health and Built Environment to sign and return the grant acceptance form on behalf of Council.</b>

No	Item	Summary of key Recommendations
21.	Provision for the Receipt and Processing of NWRWMG Local Authority Collected Kerbside Recyclables	<b><i>to recommend that Council consider the result of the evaluation and approves the awarding of the contract to ReGen Waste Ltd.</i></b>
22.	Estates fleet 2024/2025 requirements	<p><b><i>to recommend to Council that permission be given to purchase items identified in the Estates fleet, renewal programme for 2024-25 as per Option 3.2.</i></b></p> <p><b><i>To recommend to Council to approve the tender for the purchase Item 1 a Kabuta Front Deck Flail mower Model F391 from DA Forgie at a cost of £27,975.00</i></b></p> <p><b><i>To recommend to Council to approve the tender for the purchase Item 2 a Kabuta KX027-4 2.6 ton enclosed cab Digger from DA Forgie at a cost of £29,950.00.</i></b></p> <p><b><i>To further recommend to Council that a paper is brought to the September Environmental Services Committee meeting with information on hire costs for the past three years, to indicate whether there has been a downward trend and what payback can be expected from the investment that has been made in renewing the fleet.</i></b></p>
23.	Street Trading Licence Renewals	<b><i>Noted</i></b>

No	Item	Summary of key Recommendations
24.	North West Region Waste Management Group (NWRWVG) – Joint Committee Minutes	<b>Noted</b>
25.	Any Other Relevant Business (notified in accordance with Standing Order 12 (0))	
25.1	Concessionary Trading (Alderman John McAuley)	<p><b>to recommend that Council's Senior Management Team review the decision to not hear contentious decisions at the June Planning Committee meeting.</b></p> <p><b>to recommend to Council that the four lots that have been impacted by the Planning Department delays have their current leases extended on a pro-rata basis until Council completes the auction process.</b></p>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF  
THE ENVIRONMENTAL SERVICES COMMITTEE HELD  
IN THE COUNCIL CHAMBER, CIVIC HEADQUARTERS  
ON TUESDAY 11 JUNE 2024 AT 7.00 PM**

**In the Chair:** Councillor Mairs

**Members Present:** Alderman Callan, Fielding, John McAuley, S McKillop;  
Councillors C Archibald, Chivers, Holmes, Kane,  
Jonathan McAuley, MA McKillop, Wilson

**Officers Present:** A McPeake, Director of Environmental Services  
S McAfee, Head of Health and Built Environment  
U Harper, Committee and Member Services Officer

**In Attendance:** C Thompson, ICT Operations Officer  
  
Press (3 no.) (R), Public (1 no.) (R)

**Key:** (R) Attended Remotely

**Substitutions:** Alderman John McAuley substituted for Councillor Stirling.  
Councillor Holmes substituted for Alderman Hunter.

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

**1. APOLOGIES**

Apologies were received from Alderman Hunter, Councillor Bateson, Councillor Callaghan, Councillor McGlinchey and Councillor Stirling.

Alderman Fielding wished the new Chair well in her role.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. MINUTES OF PREVIOUS MEETING HELD TUESDAY 14 MAY 2024**

Summary, previously circulated.

**AGREED** – The Minutes of the Environmental Services Committee meeting held Tuesday 14 May 2024 were confirmed as a correct record.

**4. CARAVAN LICENSING REPORT**

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

## **CARAVAN SITE LICENCE**

### **GRANT OF A CARAVAN LICENCE**

**Licence No:** CCG/2024/01

**Premises:** Rayhill Holiday Park, 59 Ballywoolen Road Castlerock

Planning Permission has been granted.

#### **Recommendation**

It is recommended to grant a Caravan Licence subject to compliance with any recommendations of the Council's Licensing Department.

Proposed by Councillor MA McKillop  
Seconded by Councillor Kane and

**AGREED** – to recommend that Council grant a Caravan Licence subject to compliance with any recommendations of the Council's Licensing Department.

## **5. ENTERTAINMENTS LICENSING REPORT**

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

### **ENTERTAINMENTS LICENCE**

#### **GRANT OF INDOOR ENTERTAINMENTS LICENCE**

**Licence No:** EL204

**Premises:** Gray's Bushmills, 306 Whitepark Road, Bushmills

**Application:** Grant of an Annual Indoor Entertainments Licence  
Days and times on which it is applied to provide  
entertainment:

Saturday: 21:00 – 23:00

**Representations:** No objections received

**PSN & NIFRS:** No objections received

#### **Recommendation**

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

Proposed by Councillor C Archibald  
Seconded by Councillor MA McKillop and

**AGREED** – to recommend that Council grant an Annual Entertainments Licence subject to compliance with any recommendations of the Council’s Licensing Department.

**6. THE SHOPS (SUNDAY TRADING ETC) (NORTHERN IRELAND) ORDER 1997 – REQUEST TO DESIGNATE TOWNS AS “HOLIDAY RESORTS”**

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

**Purpose of Report**

The purpose of this paper is to seek a decision from Council on a request from a large supermarket retailer to designate two towns in Borough as “holiday resorts” in order to avail of longer Sunday opening hours under the Shops (Sunday Trading etc) (Northern Ireland) Order 1997.

**Background**

Council has received correspondence from a large supermarket retailer (Lidl) requesting consideration be given to designating Coleraine and Ballymoney as “holiday resorts” in order to avail of longer Sunday opening hours.

The request letter is attached as Appendix 1. It is understood a similar letter has been sent to all Councils in Northern Ireland with Lidl stores in their district. No consensus has been agreed at a provincial level and it is for each Council to consider its own application on its own merits.

Council have designated Portrush, Portstewart and Ballycastle as ‘holidays resorts’ under the above legislation.

**Legislative Provisions**

Article 6 of the Shops (Sunday Trading etc) (Northern Ireland) Order 1997 allows District Councils, by resolution, to designate any area within its district as a ‘holiday resort’.

In a designated ‘holiday resort’ area, large shops with a shop floor area exceeding 280 m<sup>2</sup> may open at any time on up to 18 Sundays (excluding Easter Sunday) between 1<sup>st</sup> March and 30<sup>th</sup> September each year. The designation exempts these large shops from the restricted Sunday trading hours of 1pm to 6pm on those 18 occasions.

There is no interpretive definition of “holiday resort” in the legislation.



Before making a 'holiday resort' designation, Council must first consult persons likely to be affected by the proposed designation and publish notice of any such designation in such manner as it deems appropriate.

In a designated 'holiday resort' the occupier or proposed occupier of a large shop must notify the local District Council of the dates of the Sundays involved. The notification does not take effect until 14 days from the date it is given, unless the Council agrees that it should come into effect earlier.

A Council must maintain a register of shops in its district making use of this exemption and make the register available to the public at all reasonable times.

Portrush, Portstewart and Ballycastle have already been designated as 'holiday resorts' by Council.

### **Previous Council Decision**

Further to Environmental Services Committee meeting on 8 June 2021 (ES210608) a similar request to extend Sunday opening hours in Coleraine was brought by an elected member under Any Other Relevant Business. On that occasion the proposal did not progress as it failed to secure a seconder.

### **Recommendation**

It is recommended that the Environmental Services Committee makes a recommendation to Council on whether to progress the procedure to designate Coleraine and Ballymoney as "holiday resorts" under the Shops (Sunday Trading etc) (Northern Ireland) Order 1997.

Alderman Fielding stated that he felt that it was not essential to extend shop opening hours in these towns and proposed that the Committee reject the request to designate them as holiday resorts. Alderman Callan seconded this proposal, stating that correspondence from the Unions had indicated that extending opening hours would put more pressure on retail workers. Alderman Callan stated that Coleraine and Ballymoney are trading towns rather than holiday resorts.

Proposed by Alderman Fielding  
Seconded by Alderman Callan

- To recommend that Council does not progress the procedure to designate Coleraine and Ballymoney as "holiday resorts" under the Shops (Sunday Trading etc) (Northern Ireland) Order 1997.

Councillor Wilson stated that he is undecided, as while he heard Alderman Callan's comment about additional pressure on staff, this could also be seen as

additional hours and jobs. He queried what the process would be if the matter went to consultation, and if it would return to Council for a final decision following the consultation.

The Director of Environmental Services advised that the consultation would be advertised.

Councillor Kane also stated that he was undecided, and stated that his view was that the Sunday trading legislation is not a good piece of legislation, with the holiday resort designation being the only mechanism available for extending trading hours on Sundays. He proposed an amendment that Council go ahead with the consultation, and this was seconded by Councillor MA McKillop.

Alderman Callan expressed concern that the consultation might be missed if it were only advertised in a local paper, and asked if it could be more targeted.

The Director of Environmental Services advised that the Chambers of Commerce and Unions had been consulted in previous consultations. Councillor Wilson noted that the public should also be consulted.

Councillor Kane stated that the consultation should be meaningful, so the detail of it needed to be worked out. He suggested that Council review the findings from the last consultation.

Councillor Chivers stated that it is important that employees are consulted.

#### Amendment

Proposed by Councillor Kane

Seconded by Councillor MA McKillop

- To recommend that Council hold a consultation on whether to progress the procedure to designate Coleraine and Ballymoney as “holiday resorts” under the Shops (Sunday Trading etc) (Northern Ireland) Order 1997.

The Chair put the Amendment to the Committee to vote.

6 Members voted For; 5 Members voted Against.

The Chair declared the amendment passed.

**AGREED** – to recommend that Council hold a consultation on whether to progress the procedure to designate Coleraine and Ballymoney as “holiday resorts” under the Shops (Sunday Trading etc) (Northern Ireland) Order 1997.

## **7. WASTE MANAGEMENT PLAN ADDENDUM**

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

### **Purpose of Report**

The purpose of this report is to present and endorse the final draft of the Waste Management Plan Addendum.

Waste Management Plan Addendum (final draft), dated 15<sup>th</sup> April 2024, is included in appendix A. RPS were engaged to produce Addendum.

### **Information**

The Addendum reflects the changes in waste arisings, legislation etc and is to be considered in tandem with the existing North West Region Waste Management Plan.

The Addendum will be submitted to DAERA / NIEA for review with officers having previously agreed the basis for and detail to be included within the document with Departmental representatives.

It is expected that a full review of the Plan will take place in the future in consideration of the review of waste arrangements between NI's eleven District Councils as requested by SoLACE and the publication of the revised Waste Framework Strategy to be issued by the Department.

### **Approval**

The final draft of the Waste Management Plan Addendum was approved by the NWRWMG Joint Committee on 30<sup>th</sup> May 2024.

### **Recommendation**

**It is recommended** that the Environmental Services Committee accept and adopt the Addendum, following approval by NWRWMG Joint Committee, as an update to the existing North West Region Waste Management Plan.

Proposed by Alderman S McKillop

Seconded by Councillor Chivers and

**AGREED** – to recommend to Council to accept and adopt the Addendum, following approval by NWRWMG Joint Committee, as an update to the existing North West Region Waste Management Plan.

## **8. CLIMATE EMERGENCY FORUM (CEF) TERMS OF REFERENCE ADOPTION**

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

### **Purpose of Report**

To seek Members consideration and approval/adoption of the 2024 updated terms of reference (TOR) for the Climate Emergency Forum (CEF).

## **Background**

Members previously acknowledged the scale of the climate crisis and declared motions as follows:

**A: June 2019 motion** - *This Council acknowledges the scale of the climate crisis and the impact it will have on people and communities in Northern Ireland, resolves to establish an all-party working group on climate change resilience exploring how we can mitigate this crisis and protect our citizens from the existing and future effects of climate breakdown and; investigate measures the council can take to limit its impact on climate change. That Council establish a Working Group, the membership from Environmental Services Committee.”*

**B: June 2020 motion** - *Council therefore commits to: Declare a ‘Climate Emergency’ that requires urgent action.*

It was agreed to form an all-party working group from the ES committee who will be supported by officers to investigate issues raised. A climate emergency forum CEF was subsequently formed.

In May 2023 an internal audit was completed in accordance with the approved annual Internal Audit Plan for 2022/23. The audit report reviewed the Energy Management and Climate Change arrangements in place and made recommendations that Council should ensure that there are coordinated efforts within Council in relation to climate change including preparation for climate change (public bodies) reporting regulations. The adopted internal audit report (May 2023) is attached (Appendix 1).

A report item was presented to Members previously in December 2023 with these recommendations and for Members and to set a date for the next CEF, which subsequently took place on 18 April 24.

In conjunction with providing direction to develop a climate emergency strategy (CES), the CEF will assess, collate, report and recommend strategies to ensure that its Climate Change obligations (Statutory & Non-Statutory) are addressed, and performance monitored to support Governments target of zero emission by 2050 as per the 2008 Climate Change Act and to meet its obligations within the NI Climate Change Act 2022.

Officers have updated the previous CEF Terms of Reference (TOR 2021) and have now included the internal Climate Action Team (CAT) and CEF pathways. The new CEF TOR was presented to Members at the 18 April 2024 CEF meeting. The updated 2024 CEF TOR is attached (Appendix 2).

Audit recommended use of the Northern Ireland Climate Change Adaptation Programme (NICCAP) voluntary frameworks to assist Council in preparing climate adaptation and mitigations plans. NICCAP3 is still at the consultation stage and will be aligned with the DAERA statutory reporting responsibilities and this will be a useful tool as per audit recommendations.

NICCAP2 template has been completed by Officers and is attached in Appendix 3.

### **Proposals**

Replacement of the existing terms of reference for the climate emergency forum to align with audit, strategic direction and statutory requirements. (new TOR attached, Appendix 2, previously circulated)

Submit NICCAP 2 completed template (Appendix 3, previously circulated).

### **Recommendations**

It is recommended that Members approve and adopt the updated terms of reference for the CEF (Appendix 2, previously circulated).

It is further recommended that Members approve the completed NICCAP2 template and grant permission that this is submitted to Climate NI.

Alderman Callan noted that this will be a huge piece of work for Council given the targets that will be set. He stated that Councillors will need to be mindful of decisions made by Council as these will have implications regarding the Climate Change Act, a possible carbon tax and net zero.

The Director of Environmental Services encouraged Elected Members to participate in the Climate Emergency Forum.

Proposed by Councillor C Archibald  
Seconded by Councillor Chivers and

**AGREED** – to recommend that Council approve and adopt the updated terms of reference for the CEF:

To further recommend that Council approve the completed NICCAP2 template and grant permission that this is submitted to Climate NI.

## **9. CINEMA LICENCE RENEWALS**

For information report, previously circulated, was presented as read by the Chair.

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

**CINEMAS (NORTHERN IRELAND) ORDER 1991**

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

<u>Unique Reference Number:</u>	<u>Name of Premises</u>
CL002	Kiwi's Brew Bar Cinema

Committee NOTED the report.

## 10. ENTERTAINMENT LICENCE RENEWALS

For information report, previously circulated, was presented as read by the Chair.

### 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>
EL341	Owen's Bar
EL328	Gortnaghey Community Centre
EL122	NW200 Hospitality Marquee
EL361	Outreach Training and Social Centre
EL362	St Anne's Hall
EL388	The Well Bar & Grill
EL321	Marquee in Secret Garden
EL320	Drenagh House
EL317	Crown Bar and Off Sales
EL322	The Thatch Bar
EL274	North Irish Horse Inn
EL028	Coleraine Rugby, Football & Cricket & Hockey Club
CIRCUS004	Circus Vegas T/A American Circus
EL090	Mussenden Temple
EL314	The Vale Centre
EL219	Ballymoney High School

Committee NOTED the report.

## 11. LICENCES AND REGISTRATIONS ISSUED UNDER DELEGATED AUTHORITY

For information report, previously circulated, was presented as read by the Chair.

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

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

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

<b><u>Unique Reference Number:</u></b>	<b><u>Premises Name/Address</u></b>	<b><u>Type of Registration</u></b>
AP/01/2024	McKeown Sports Massage	Acupuncture
AP/02/2024	Port's Massage Therapy	Acupuncture
EP/01/2024	Sun Kissed Tanning & Beauty, 3 Market Street, Ballymoney	Ear Piercing
EP/02/2024	Fivey Road, Stranocum	Ear Piercing
CP/01/2024	13 Waterside, Coleraine	Cosmetic Piercing
T/01/2024	13 Waterside, Coleraine	Tattooing
T/02/2024	Pickled Ink Tattoo, 58a Main Street, Garvagh	Tattooing
T/03/2024	NW200	Tattooing

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

<b><u>Unique Reference No</u></b>	<b><u>Street Trading License</u></b>	<b><u>Location</u></b>
TST 001/2024	Temporary Street Trading	Mill Road
TST 002/2024	Temporary Street Trading	Glenvale Crescent
TST 003/2024	Temporary Street Trading	Atlantic Road
TST 004/2024	Temporary Street Trading	Mill Road
TST 005/2024	Temporary Street Trading	Glenvale Crescent

Delegated authority was used to issue licences for the above applicants due to time constraints and to enable traders to trade at the NW200.

Committee NOTED the report.

## 12. PETROLEUM SPIRIT LICENCE RENEWALS

For information report, previously circulated, was presented as read by the Chair.

## PETROLEUM (REGULATION) ACTS 1929 AND 1937

### PETROLEUM SPIRIT LICENCES

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

<u>Licence No:</u>	<u>Name of Premises</u>
PL001	Ballyness Service Station
PL053	Centra Dungiven
PL059	Supervalu
PL028	Eurospar Hillcrest
PL016	Asda
PL004	Spar Castlerock Road
PL003	Bush Filling Station

Committee NOTED the report.

### 13. DANGEROUS DOGS – NEW LEGISLATIVE CONTROLS FOR XL BULLY DOGS

For information report, previously circulated, was presented as read by the Chair.

#### **Purpose of Report**

The purpose of this paper is to update Members on new legislative controls on XL Bully Dogs to be introduced in stages during 2024.

#### **Background**

Since 2020 there have been 21 cases of dogs fatally attacking humans in the UK. 15 of these fatal attacks were carried out by bull terriers and bull terrier crosses including the recently introduced breed known as XL Bullies.

On 5 March 2024 DAERA (Department of Agriculture Environment and Rural Affairs) Minister Andrew Muir announced his intention to introduce new safety measures for XL Bully breed type dogs in Northern Ireland as he believes it is the most appropriate way to protect public safety.

There are approximately 200 XL Bully breed type dogs licensed in Northern Ireland.

DAERA have published a proposed timescale for the introduction of this new legislation which broadly mirrors similar provisions already implemented in the rest of the UK. The purpose of this legislation is to ensure greater controls are exercised over these dogs to reduce the risk to the public.



## Proposed Timetable for new legislation

Provisional Dates	Legislative Change
7 June 2024	Make and lay first stage of legislation 'The Dangerous Dogs (Designated Type) Order (Northern Ireland) 2024'.  Adds XL Bully Dogs to the dangerous dogs list and sets a date from which it becomes illegal to own an XL Bully dog without an Exemption Certificate.
28 June 2024	XL bullies required be on a lead and muzzled in a public place.  XL Bully dogs cannot be bred, gifted, sold, exchanged, abandoned or to allowed to stray.  It is still legal to own an XL Bully dog.
Before Assembly summer recess	Make and lay second stage of legislation. 'The Dangerous Dogs (Compensation and Exemption Schemes) Order (Northern Ireland) 2024'.
1 August 2024	Applications for exemption certificates open.
31 December 2024	After this date it is illegal to own an XL Bully dog without an exemption certificate.

From 28<sup>th</sup> June 2024 it will be a legal requirement for all XL Bully dogs to be kept on a leash and muzzled when in any public place and no XL Bully dog can be bred, given away or sold.

From 31<sup>st</sup> December 2024 all owners of XL Bully dogs will be required to have obtained an Exemption Certificate. This Certificate will be issued by District Councils in Northern Ireland once they are satisfied that the dog is registered with the Council as a Dangerous Dog, that the dog has been neutered and that the owners have third party liability insurance in place.

The application scheme for exemption certificates will open on 1<sup>st</sup> August 2024. There will be a fee of £92.40 for owners for each application.

After 31<sup>st</sup> December 2024 it will be illegal to own an XL Bully dog without an Exemption Certificate.

### Compensation scheme

DEARA will implement a compensation scheme for owners of these dogs who do not wish to obtain an exemption certificate and would rather the dog be

humanely destroyed. Dog owners may voluntarily surrender their XL Bully type dogs for euthanasia, and receive financial compensation of £100, plus £100 towards Vets costs.

### **Guidance**

DAERA will develop guidance and practical support to allow owners to understand the pending legislative changes, including how to identify an XL Bully breed type dog using the current Defra Conformation Standard developed by the UK Government.

Owners will be required to self-assess their dog using the XL Bully Breed Type Conformation Standard and where the dog meets a substantial number of the characteristics outlined, it will be considered an XL Bully breed type.

Guidance is also available for enforcement officers applying the XL Bully Breed Type Conformation Standard.

### **Communications/Awareness campaign**

DAERA, in conjunction with local councils, will ensure that communications are issued in advance of the restrictions coming into effect, including details of the steps required to comply and enable the XL Bully dog owners to prepare for the changes.

### **Recommendation**

It is recommended that Environmental Services Committee notes the information above.

Committee NOTED the report.

## **14. WASTE DATA RETURN - OCTOBER TO DECEMBER 2023**

For information report, previously circulated, was presented as read by the Chair.

### **Purpose of Report**

The purpose of this report is to advise Members on the publication of provisional waste statistics on 25<sup>th</sup> April 2024 by the Department of Agriculture, Environment and Rural Affairs (DAERA) for the October to December 2023 reporting period.

### **Background**

DAERA produce quarterly provisional Northern Ireland local authority collected municipal waste management statistics between April and March each year.

The publication provides information on local authority collected municipal waste from household and non-household sources and recycling and landfill rates.

In November each year, notwithstanding any delays, the Department produces a validated report for the preceding April to March 12 month reporting period.

### **Information**

Provisional statistics for recycling performance in the October to December 2023 reporting period as follows.

Household waste sent for preparing for reuse, dry recycling and composting was 47.4%. The Northern Ireland average was 49.5%.

Household waste dry recycling rate was 23.4%. The NI average was 24.4%.

Household waste composting rate was 23.6%. The NI average was 24.8%.

Municipal waste sent for preparing for reuse, dry recycling and composting was 46.3%. The Northern Ireland average was 48.9%.

Waste from households (WfH) preparing for reuse and recycling including composting was 45.5%. The Northern Ireland average was 48.6%.

The WfH recycling rate is a harmonised indicator across the four UK countries.

### **Recommendation**

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

Committee NOTED the report.

## **15. UPDATE TO MEMBERS ON THE CHANGES AT HOUSEHOLD RECYCLING CENTRES**

The Director of Environmental Services provided a verbal briefing to Elected Members regarding the changes to commercial waste disposal at Household Recycling Centres following the March Audit Committee recommendation.

The Director of Environmental Services advised that step 1 of the changes involved providing new signage informing the public that commercial trade waste would not be accepted at the Household Recycling Centres, and staff provided direction as to where that was to be disposed of. As a result of feedback indicting a lack of sufficient alternative locations for the disposal of commercial waste, step 2 involved identifying alternative locations. It is hoped that from 1<sup>st</sup> July, the weighbridges at Coleraine and Crosstagherty can be used for disposal. This is to be charged at a rate of £147.63 per tonne, with card payment only accepted. Flyers advising of the changes will be issued to users of household recycling facilities. A paper on this matter

will be brought to the September Environmental Services Committee meeting.

Councillor Wilson stated that it can be difficult to ascertain what is commercial waste and what is household waste, and that some people are struggling to get rid of commercial waste. He stated that Council needs to get a clear message out on social media. He proposed that Council approve paid targeted advertising on Facebook with information on the changes, targeted to, for example, 18 – 75 year olds in the Borough. This should contain information on opening hours, how to differentiate between household and commercial waste, where and how to dispose of each, and the cost involved. He estimated that this would cost in the region of £100.

Alderman John McAuley expressed frustration that the information on these changes was not communicated to the public in advance, resulting in numerous complaints on the matter. He stated that he has no issue with the clampdown on the disposal of commercial waste at household recycling centres, but that it was unprofessional to have people turned away at the gate, and this could result in irresponsible disposal. He stated that there should have been a lead-in time, with flyers, posters and social media advertising to make people aware of the rules and why they have been introduced. He seconded Councillor Wilson's proposal and suggested that Council try to target businesses with this information.

Alderman Callan concurred with the comments that were made and stated that the messaging was clumsy. He asked that the Director of Environmental Services send Elected Members an email advising them of the position going forward. He noted that the change came as a result of an Audit Committee recommendation and that while it represents good practice, communication and implementation of it was poor.

Councillor Chivers agreed with the previous comments and expressed concern that the poor communication of the changes may result in fly-tipping. She suggested that Council include the information in its magazine to households in the Borough.

Alderman S McKillop queried whether the Council's PR team is advised of decisions that need to be communicated to the public. She further queried why Council would limit the quantity of valuable recyclable items that it receives.

\* **Councillor Holmes joined the meeting in the Chamber at 7.45pm.**

The Director of Environmental Services advised that Council is content to accept valuable recyclables, but that large quantities of valuable recyclable items tend not to be brought to the household recycling centres as they can be

sold instead. He stated that the PR team will share information if it is provided to them, and acknowledged that communications should have been shared in advance.

Proposed by Councillor Wilson  
Seconded by Alderman John McAuley and

**AGREED** - to recommend that Council approves paid targeted advertising on Facebook with information on the changes. It should be targeted to 18 – 75 year olds and businesses in the Borough and should contain information on opening hours, how to differentiate between household and commercial waste, where and how to dispose of it, and the cost involved.

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

There were no matters for reporting to the Partnership Panel.

#### **17. CONSULTATIONS – RETHINKING OUR RESOURCES: MEASURES FOR CLIMATE ACTION AND A CIRCULAR ECONOMY IN NI**

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

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

The purpose of this report is to advise Members on the consultation entitled 'Rethinking Our Resources: Measures for Climate Action and a Circular Economy in NI' published by Department of Agriculture, Environment & Rural Affairs (DAERA).

##### **Background**

Consultation opened on 7<sup>th</sup> March and closes on 27<sup>th</sup> June 2024.

The consultation invites views on proposals aimed at improving the quality of household and non-household municipal recycling, how to improve reductions in food waste, how to cut landfill rates and how to get businesses on board to increase recycling rates.

The aim of the consultation is to bring forward new policy options for the DAERA Minister to consider. Proposals and questions focus on issues such as how new measures might best be implemented, considering views on practicality, economic barriers and how the future of recycling in Northern Ireland might look.

The consultation has been collaboratively designed, building on several policy options based on responses to the 2020 'Future Recycling & Separate Collection of Waste of a Household Nature in NI' discussion document.

The proposals in the consultation are designed to maximise the benefits of recycling to the environment and to the local economy. This includes looking at options for making improvements to the ways material is collected from households and increasing recycling from businesses and producers of non-household municipal (NHM) waste.

Consultation document and associated information can be viewed at <https://www.daera-ni.gov.uk/consultations/rethinking-our-resources-measures-climate-action-and-circular-economy-ni-consultation>.

Response to consultation can be found in Appendix 1 (previously circulated).

### **Legislation**

The EU Circular Economy Package (CEP), which the UK committed to prior to EU exit, was transposed into domestic legislation in December 2020 via the Waste (Circular Economy) (Amendment) Regulations (Northern Ireland) 2020.

This amended the content of the Waste and Contaminated Land (Northern Ireland) Order 1997 and introduced a range of targets including a municipal waste recycling target of 65% by 2035 (with interim targets of 55% by 2025 and 60% by 2030) and municipal waste landfill target of 10% or less by 2035.

The legislation also extended the definition of 'municipal waste' to include waste collected from other sources other than households where the waste is similar in nature and composition.

This means that most businesses, public sector and third sector organisations are now in scope of this revised definition. In addition to these targets, there is also a new recycling target arising from the Climate Change Act (NI) 2022, which requires Northern Ireland to achieve a 70% waste recycling rate by 2030.

### **Recommendation**

**It is recommended** that the Environmental Services Committee approves the consultation response entitled 'Rethinking Our Resources: Measures for Climate Action and a Circular Economy in NI' published by Department of Agriculture, Environment & Rural Affairs (DAERA).

Proposed by Alderman Callan  
Seconded by Councillor MA McKillop and

**AGREED** – to recommend that Council approve the consultation response entitled 'Rethinking Our Resources: Measures for Climate Action and a Circular Economy in NI' published by Department of Agriculture, Environment & Rural Affairs (DAERA).

## 18. CORRESPONDENCE

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

### **Purpose of Report**

The purpose of this report is to present correspondence for Members' consideration.

The following correspondence has been received:

**Department for Communities (DfC), dated 24<sup>th</sup> May 2024** (previously circulated)

### **Summary:**

**Re. Publication of Consultation Summary Report – Section 8 Regulations, Private Tenancies Act (NI) 2022**

Correspondence from DfC dated 24th May 2024 to advise consultation period on Section 8 (Alarms) has ended and Summary Report detailing the findings has been published.

### **Recommendation**

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

Committee NOTED the correspondence.

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

Proposed by Councillor Wilson  
Seconded by Councillor Chivers and

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

\* **Press and Public left the meeting at 7.54pm.**

***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.***

## 19. REQUEST FOR ADDITIONAL RESOURCES & REVISED STRUCTURE FOR HEALTH & BUILT ENVIRONMENT SECTION

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

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

### **Purpose of Report**

The purpose of this report is to seek Council approval for a revised structure of the Health and Built Environment section and additional permanent Environmental Health and Building Control staff to meet Council statutory obligations and improve service delivery.

### **Recommendation**

**It is recommended** that Council approves the proposed restructure of the Health & Built Environment section to include 5 additional permanent Environmental Health Officers, 1 additional permanent Senior Building Control Officer, 1 permanent Building Control Technical Officer and 1 permanent full time Fire Safety Officer, to ensure Council can meet its statutory obligations and meet the increasing demands placed on the service.

Alderman John McAuley expressed concern that the restructure could leave the section top-heavy, and queried how this restructure would fit in with the work of the Transformation Panel. The Director of Environmental Services advised that the restructure replicates the structure in other Councils and that it would not be affected by the work of the Transformation Panel.

In response to a query from Councillor Holmes, the Head of Health and Built Environment advised that a change to locating the service in two offices rather than three had been considered, but it was decided that a third Senior Building Control Officer was required to provide more expertise due to the increase in complex cases and the increased complexity of building regulations.

Councillor Kane noted that it is important for Council to make decisions based on business need rather than geographical considerations.

Proposed by Councillor Kane  
Seconded by Councillor Chivers                      and

**AGREED** – to recommend that Council approves the proposed restructure of the Health & Built Environment section to include 5 additional permanent Environmental Health Officers, 1 additional permanent Senior Building Control Officer, 1 permanent Building Control Technical Officer and 1 permanent full time Fire Safety Officer, to ensure Council can meet its statutory obligations and meet the increasing demands placed on the service.

## **20. FUNDING OFFER FROM DEPARTMENT OF BUSINESS & TRADE 2024-2025**

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



Report, previously circulated, was 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 and Trade up to the value of £55,000.

**Recommendation**

**It is recommended** that the Environmental Services Committee recommends to Council the acceptance of this grant offer and authorises the Head of Health and Built Environment to sign and return the grant acceptance form on behalf of Council.

Proposed by Councillor MA McKillop

Seconded by Councillor C Archibald

- To recommend to Council the acceptance of this grant offer and to authorise the Head of Health and Built Environment to sign and return the grant acceptance form on behalf of Council.

Alderman John McAuley requested a Recorded Vote.

The Chair put the Proposal to the Committee to Vote.

7 Members voted For; 5 Members voted Against.

The Chair declared the Proposal carried.

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

Recorded Vote Table

For (7)	Councillors C Archibald, Chivers, Holmes, Kane, MA McKillop, Mairs, Wilson
Against (5)	Alderman Callan, Fielding, John McAuley, S McKillop, Councillor Jonathan McAuley

**21. PROVISION FOR THE RECEIPT AND PROCESSING OF NWRWMG LOCAL AUTHORITY COLLECTED KERBSIDE RECYCLABLES**

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

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

**Purpose of Report**



### **Options (if appropriate)**

1. Do nothing. If the vehicles, plant or equipment identified are not procured, additional strain will be put on existing fleet/operations, with increased and continuing hire and repair costs being incurred.
2. Purchase Items 1 to 7 from Table 1 and Procure vehicles/plant/equipment identified in Items 8- 13 from Table 2 in order to reduce maintenance/hire costs and maximise service efficiency due to reduced down time.

### **Recommendation**

**It is recommended** that the Environmental Services Committee recommend to Council that permission be given to purchase items identified in the Estates fleet, renewal programme for 2024-25 as per Option 3.2.

**It is recommended** to approve the tender for the purchase Item 1 a Kabuta Front Deck Flail mower Model F391 from DA Forgie at a cost of £27,975.00

**It is recommended** to approve the tender for the purchase Item 2 a Kabuta KX027-4 2.6 ton enclosed cab Digger from DA Forgie at a cost of £29,950.00.

The Director of Environmental Services noted that the year in items 8 and 12 was incorrect and advised Elected Members that he would provide the correct information.

Councillor Wilson stated that he was content to propose the recommendations but wished to add a further recommendation that a paper is brought to the September Environmental Services Committee meeting with information on hire costs for the past three years, to indicate whether there has been a downward trend and what payback can be expected from the investment that has been made in renewing the fleet.

Alderman John McAuley stated that it would be good to get more road sweepers also, as the current number does not seem sufficient to keep the Borough in the condition that ratepayers deserve.

Proposed by Councillor Wilson

Seconded by Alderman John McAuley and

**AGREED** – to recommend to Council that permission be given to purchase items identified in the Estates fleet, renewal programme for 2024-25 as per Option 3.2;

To recommend to Council to approve the tender for the purchase Item 1 a Kabuta Front Deck Flail mower Model F391 from DA Forgie at a cost of £27,975.00;

To recommend to Council to approve the tender for the purchase Item 2 a Kabuta KX027-4 2.6 ton enclosed cab Digger from DA Forgie at a cost of £29,950.00;

To further recommend to Council that a paper is brought to the September Environmental Services Committee meeting with information on hire costs for the past three years, to indicate whether there has been a downward trend and what payback can be expected from the investment that has been made in renewing the fleet.

### 23. STREET TRADING LICENCE RENEWALS

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

For information report, previously circulated, was presented as read by the Chair.

#### **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>
SST 007	Stationary	Hot food, minerals, tea and coffee	Shop car park, Harpurs Hill
SST 003	Stationary	Ice Cream, confectionery and cold drinks	Area adjacent to public toilets at The Promenade, Castlerock
SST 009	Stationary	Hot food, burgers, sodas, bacon, sausage rolls, tea, coffee, hot and cold drinks.	Newbridge Layby A26, Coleraine.
MST 005	Mobile	Ice Cream and confectionery	Borough of Causeway Coast and Glens
SST 006	Stationary	Hot food, chips, burgers, sausages, sodas, minerals	Dunhill Rd Layby, Macosquin, Coleraine
MST 003	Mobile	Ice Cream and confectionery	Borough of Causeway Coast and Glens
MST 012	Mobile	Ice Cream and confectionery	Borough of Causeway Coast and Glens
MST 005	Mobile	Ice Cream and confectionery	Borough of Causeway Coast and Glens
TST 006/2024	Temporary	Hats, scarves, flags, band poles, kid's drums and lapel badges for Orange Order, Apprentice Boys of Derry, Royal Black Institution and military.	Open area at the front of Portrush Medical Centre, 17 Dunluce Avenue, Portrush, BT56 8DW

Committee NOTED the report.

**24. NORTH WEST REGION WASTE MANAGEMENT GROUP (NWRWVG) – JOINT COMMITTEE MINUTES**

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

For information report, previously circulated, was presented as read by the Chair.

**Purpose of Report**

The purpose of this report is to provide members with minutes from the North West Region Waste Management Group (NWRWVG) Joint Committee meeting held on 20<sup>th</sup> March 2024.

**Recommendation**

**It is recommended** that the Environmental Services Committee note the NWRWVG Joint Committee meeting minutes of 20<sup>th</sup> March 2024.

Committee NOTED the report.

**MOTION TO PROCEED ‘IN PUBLIC’**

Proposed by Alderman Callan  
Seconded by Councillor Wilson and

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

\* **Press joined the meeting at 8.38pm.**

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

**25.1 Concessionary Trading (Alderman John McAuley)**

*Can the Environmental Services directorate please provide an update on the Concessionary Trading sites with regards planning and upcoming auction(s).*

The Director of Environmental Services advised Elected Members that the auction for the concessionary trading sites was held yesterday, with 29 lots. He advised that four lots were withdrawn in advance as they did not have planning permission, and that these lots would be auctioned as soon as they had planning permission, along with any unsold lots.

Alderman John McAuley stated that it was unfortunate that Council is in this position, given that he had made a proposal on 26 March 2024 that covered

the possibility of planning permission not being granted in time, but this was subject to a rescinding motion from Sinn Féin. He further indicated that the legal advice on the matter was not definitive. He noted that Council will not now get value for money from the sites as the summer trading opportunity will have been lost, and this ultimately represents a cost to ratepayers. He requested a timeline for what will happen with these sites and asked whether the planning applications will be heard at the 26 June 2024 Planning Committee meeting. He stated that this situation will result in job losses when the sites are evicted on 1 July.

The Director for Environmental Services advised that there is no guarantee that the applications will be heard at the June Planning Committee meeting, as his understanding is that no contentious planning applications – that is, those recommended for refusal – will be dealt with this month. He advised that the next Planning Committee meeting will be in August 2024 and that there will need to be a four-week advertisement period prior to the auction, so that would give an anticipated date of late September for the auction.

Alderman John McAuley stated that the planning applications should have been heard at the May Planning Committee meeting, but a planning omission meant that they were not advertised. He stated that the delay in hearing the planning applications was totally unacceptable and that some mechanism was required to speed up the process, as it was making Council look like a laughing stock and creating a situation where people would be out of their jobs in three weeks' time. He queried whether it would be possible to make a proposal to ensure that no evictions occur before this matter is resolved.

The Director of Environmental Services advised that a Rescinding Motion cannot be rescinded, and that the advice was that traders are not allowed to trade after July without planning permission.

In response to a query from Councillor Wilson, the Director of Environmental Services advised that his understanding was that the outcome of the auctions was commercially sensitive.

Alderman S McKillop expressed disappointment that Council would not be getting value for money for ratepayers from these sites, and stated that she is shocked that these applications are categorised as contentious. She stated that she wished to second Alderman John McAuley's proposal that there should be no evictions until this matter is resolved, as this would represent best value for ratepayers.

Councillor Kane stated that he was very unhappy and embarrassed that Council is in this position. He said that he was concerned at this failure occurring after a year of the Committee and the Concessionary Trading Working Group working on it. He stated that while he has sympathy for the individual traders, he is conscious that Council does not have the right to auction the sites for trade in the absence of planning permission. He queried whether a distinction could be made between not evicting the traders and extending their right to trade. He stated that the Committee inherited a mess and that as soon as the auction is completed, Council should begin preparing for the next one. He questioned the independence of the auctioneer as he understood that bidders had to apply to Council to get their bidding number. He queried whether the auction pack included a list of what could be placed at each site.

The Director of Environmental Services stated that the auctioneer was completely independent. He acknowledged that the collection of bidders names did come through Council, and stated that this could be reviewed for future years. He advised that he understood that the pack included the information on what could be placed at each site, but he would check that and advise Elected Members.

Councillor MA McKillop requested clarity around the advice from Planning and whether the applications were deemed contentious due to Purdah. She said that the applications were nothing to do with the Election. She stated that the delay was disappointing for the traders and everyone involved.

The Director of Environmental Services advised that the guidance was in relation to the period of sensitivity around the Election and he assumed that the applications would go to the next available meeting, which is in August.

Councillor Chivers proposed that the Head of Planning be asked to attend the next Council meeting to explain the situation. The Director of Environmental Services said he would pass that request on.

Councillor Holmes queried who had taken the decision to not hear contentious decisions at the June Planning Committee meeting, and whether this was happening in all Councils. He proposed that the decision be referred to Council's Senior Management Team (SMT) for review.

Councillor Holmes queried whether, because the original proposal was rescinded at the May Council meeting, a proposal to allow the continuation of trading could be made.

The Chair advised that there would be a 10-minute recess to check the details of the matter.

\* **The Chair declared a recess at 9:10pm**

\* **The meeting reconvened at 9:23pm**

The Director of Environmental Services advised members that he had reviewed the Rescinding Motion and that as it clears the original decision, Elected Members could make a further proposal, providing it is not identical to the original proposal. He advised that Elected Members may wish to review the Legal Advice on the matter, in which case the meeting would be required to move, *'In Committee'*.

**MOTION TO PROCEED 'IN COMMITTEE'**

Proposed by Councillor Wilson  
Seconded by Councillor MA McKillop and

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

\* **Press left the meeting at 9.25pm.**

***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.***

The Director of Environmental Services read out the Legal Advice received on this matter.

Alderman Callan queried the decision to not hear contentious decisions at the June Planning Committee meeting, queried whether Legal Advice was sought in the making of this decision, and asked what other Councils are doing. He advised that the outcome of the auction is publicly available. He stated that the advice from Northern Ireland Local Government Association (NILGA) on the Election period is that it should be business as usual. He seconded Councillor Holmes' proposal to bring the planning decision to Senior Management Team (SMT).

Proposed by Councillor Holmes  
Seconded by Alderman Callan and

**AGREED** – to recommend that Council's Senior Management Team review the decision to not hear contentious decisions at the June Planning Committee meeting.

Proposed by Alderman John McAuley  
Seconded by Alderman S McKillop and



