

Causeway Coast & Glens

District Council

Corporate Policy & Resources Committee Thursday 5th March 2015

Table of recommendations

No	Item	Recommendation
3..	Minutes of meeting held 15 th January 2015	<i>Confirmed</i>
4	Street Trading Policy	<i>Adopt</i>
5.	Transfer of Bye Laws	<i>Adopt</i> <i>Prepare 2015/16 programme</i>
6.	Street Naming and Property Numbering Policy	<i>Proceed without dual language element</i> <i>subject to legal requirements</i>
7.	Annual Tenders	<i>Approve</i>
8.	Legal Entity Status 8.1 BACS Officer Authorisations 8.2 Number of Credit Cards	<i>Approve</i> <i>Agree</i>
9.	Credit Card Policy	<i>Approve</i>
10.	Provision of Legal Services	<i>Agree</i>
11.	Matters for Partnership Panel	<i>None</i>
12.	Councillor Allowances from 1 st April 2015	<i>For information</i>
13.	DFP Budget 2015-16 Grants to Local Government	<i>For information</i>

Corporate Policy & Resources Committee

Minutes of the Meeting of Causeway Coast & Glens Shadow Council Corporate Policy & Resources Committee, held in the Board Room, Moyle District Council on Thursday 5th March 2015 at 7.00pm

In the Chair: Councillor D Wilson

Members present: Councillors Campbell, Clarke, Knight-McQuillan, McCorkell, McLean, Stevenson, Callan, Hillis, Holmes, McKeown, McGlinchey, McGuigan, McShane C, Nicholl, Mullan, Quigley, Fitzpatrick

In attendance: Mr D Jackson, Chief Executive Designate
Mr D Wright, Lead Finance Officer
Mrs P Donaghy, Committee Administrator
Mr S McMaw, Head of Convergence
Mr A McPeake, Lead Environmental Services Officer
Mrs E Beattie, Head of Policy
Councillor J Baird, Councillor G Duddy

1. Apologies

Apologies were recorded from Councillors Beattie and S McKillop.

2. Declarations of Interest

No declarations of interest were reported.

3. Minutes of previous meeting held 15th January 2015

The minutes of the meeting held on 15th January 2015 were confirmed as a correct record.

4. Street Trading Policy

The report, previously circulated and as undernoted, was presented by the Lead Officer Environmental Services Officer.

Background

The Street Trading Act (Northern Ireland) 2001 provides the legislative framework for the Regulation of Street Trading Activities through the provisions of a licensing scheme administered by each District Council. All Council activities must comply with certain requirements provided in the Act.

There are three types of Street Trading Licence:

- 1. A Stationary trader is regarded as a trader who trades on a regular basis (e.g. daily, or several times per week) from a stationary position in the street.**
- 2. A mobile trader is regarded as a trader who trades from a moveable stall and who during the course of that trading moves from place to place. A mobile trader who remains at the same location for longer than is reasonably necessary to deal with those customers frequenting their stall or vehicle will no longer be regarded as a mobile trader and may be considered to be a stationary trader**
- 3. A temporary trader is regarded as a trader who trades at a one off event e.g. a festival, fair etc. A Temporary trading licence will be of short duration not exceeding 7 days. Not more than 5 temporary can be issued to one applicant in any 12 months.**

Each legacy council currently issues a range of these licences, for example Coleraine Borough Council, Moyle District Council and Limavady Borough Council issue Stationary, Mobile and Temporary Street Trading Licences. Ballymoney Borough Council has not designated any areas in their Locality for Stationary Street Trading and therefore issue only Mobile and Temporary Street Trading Licences.

New Council Arrangements from 1st April 2015

The proposed Causeway Coast and Glens Street Policy seeks to unify the existing policies in each of the legacy Councils and details how Causeway Coast and Glens District Council will regulate street trading activities within the District Council area and how enforcement of these provisions will be proportionate and fair,

The policy is written to assist the public and any business representatives who enquire about the policy and procedures. It applies to all contacts whether formal or informal between businesses individuals and council officers providing guidance with respect to

- Mobile Street Trading**
- Temporary Street Trading**
- Stationary Street Trading**
- Stationary Trading Designation Policy**

General Principles

Whilst each individual application for a Street Trading Licence will be considered on its own merits, there are general principles which will always apply. In order to ensure that each street trading licence application is fairly and objectively assessed and that all relevant factors are considered all applications for Street trading licence must be accompanied by the following information:

- ***Proof of identity via photographic means***
- ***Proof of ownership of Receptacle***
- ***Proof of Receptacle via photographic means if required***
- ***A completed Criminal Record Check provided through Access NI valid to within 2 years of the date of application***
- ***Proof of receptacle registration by a Council's Environmental Health Department to trade in such commodities as being offered for sale***
- ***Council retains the right to demand a criminal record check of an individual employee of that licensee and if on receipt of such information it is discovered that the licensee/applicant's employee is an unsuitable person can take this into account and may take the decision not to renew/grant a licence or alternatively revoke the licence.***

Specific Requirements with respect to Mobile Street Trading

Mobile traders will not be permitted to trade within the following areas:-

- (a) All designated sites;***
- (b) All town centres;***
- (c) Any street not listed in the approved street trading licence.***
- (d) Within 100m of a Council trading concession***

Licences will be issued annually and will permit trading seven days per week from 9.00 am until 11.00 pm. These times may be altered providing approval by Council.

Mobile trading will not be permitted in such commodities as hot food, or offer for sale or supply of any product which would have a detrimental effect on the surrounding area.

Terms and Conditions for Street Trading Licences

Each Street Trading Licence issued will contain specific terms and conditions to which the Licensee must abide. Example terms and conditions include:

- 1. The hours and days of operation***
- 2. The classes of articles, things or services which may be sold or supplied or exposed or offered for sale or supply:***
- 3. The nature, size, type and number of receptacles which may be used:***
- 4. Licences supplied by Council are to be displayed in a position inside the trailer so that it can be easily read from the exterior.***
- 5. Requirements applicable to the deposit and removal of refuse***
- 6. Licences cannot be sub-let, sold on or transferred.***
- 7. All licensees/employees/assistants must adhere to all licence conditions and all the provisions of the Street Trading Act (NI) 2001.***

8. ***Enforcement of the conditions of this licence will be in accordance with Council's enforcement policy and the Street Trading Act (NI) 2001.***
9. ***Good Conduct***
10. ***Code of Practice on Noise from Ice Cream Van Chimes.***
11. ***A trader shall not knowingly permit any individual to trade under this street trading licence who has been convicted of an offence relating to the production of a controlled drug, the supply of a controlled drug or the possession of a controlled drug with intention to supply, contrary to the provisions of the Misuse of Drugs Act 1971.***

It is recommended that Council, with effect from 1 April 2015, adopt the Causeway Coast and Glens District Council Street Trading Policies, attached Appendix 1.

Committee AGREED to recommend that: **with effect from 1st April 2015 Council adopts the Street Trading Policy as presented.**

5. Transfer of Bye Laws

The report, previously circulated and as undernoted, was presented by the Lead Officer Environmental Services Officer.

A bye-law is a local law, particularly affecting a given geographical area, made by a statutory body under an enabling power established by an Act of Parliament, an Order in Council, or an Act of the Northern Ireland Assembly.

A bye-law is required to address an existing problem and should be:

- ***consistent and not in conflict with general law;***
- ***clear and certain in its terms;***
- ***reasonable and not unduly restrictive;***
- ***intra vires;***
- ***enforceable;***
- ***general in nature; and***
- ***obligatory upon all persons equally and indiscriminately.***

Bye-laws cannot be made in respect of matters which are already dealt with in legislation.

Part VI of the Local Government Act (Northern Ireland) 1972 contains the enabling powers and procedures for bye-laws made by district councils in Northern Ireland.

The Local Government (Transitional, Supplementary, Incidental Provisions and Modifications) Regulations (Northern Ireland) 2014, and, in particular, provision as set out in Regulation 3 - Temporary Modification and Regulation 9 - Continuity

of exercise of functions, ensure the existing bye-laws confirmed by councils will remain extant after those councils cease to exist on 1 April 2015.

Each legacy council over the years has made and currently enforce a number of local bye-laws. In November 2014 DOE Local Government Division provided draft guidance to Councils on the making of Bye-laws. Particular advice has been given with regard to the transfer of bye-laws from the legacy to the new Councils.

New Council Arrangements from 2015

Review of existing bye-laws

The Department recommended that all new councils review existing bye-laws during the shadow period to ensure that the bye-laws remain appropriate for the new district area.

It has been determined through the Environmental Health Working group that the legacy councils have a total of 45 bye-laws. (Appendix 2). Some are different and some duplicate. An example of a duplicate bye-law is the Control of the Business of Semi-permanent Skin Colouring. This bye-law was prepared by each legacy council using specific guidance and bye-law template provided by the Department of Health, Social Services and Public Safety.

Options for bye-laws

The Department advises that Councils will be able to adopt some or all of the existing bye-laws; revoke bye-laws, and make new bye-laws.

Adoption of existing bye-laws (unchanged)

With effect from 1 April 2015 a council will be able to consider the adoption of any existing bye-laws. The consideration and adoption of existing bye-laws should be subjected to the council's normal decision making process.

Adopting existing bye-laws will provide only for the areas stated in the corresponding schedule. Where councils wish to extend existing bye-laws to provide for additional areas, a council will need to submit a revised draft schedule which will be processed as a new revised bye-law application.

Revocation of existing bye-laws

Councils may decide to revoke existing bye-laws in their entirety and must follow the Departments guidance. However any revocation will not become effective until 1st April 2015.

Amendment of existing bye-laws

Councils may decide to amend existing bye-laws. However, as a general rule the extent of the proposed amendment should not exceed approximately 50% of the existing bye-laws. Where the extent of the proposed amendment exceeds this level, consideration should be given to the revocation of the existing bye-laws in their entirety and the concurrent replacement with new bye-laws.

Councils must follow the Departments guidance and any amendment will not become effective until 1 April 2015. Any amendment to existing bye-laws will be considered as a new bye-laws application and will require the confirming Department(s) approval.

Revocation and replacement of existing bye-laws with new bye-laws

A further option for a council to consider would be the revocation and replacement of existing bye-laws. The revocation of the existing bye-laws and the operational date of the new bye-laws would be on or after 1 April 2015.

Proposals for new bye-laws

During the shadow period the council can apply to a Department to confirm new bye-laws but they will not become operational before 1 April 2015. A temporary modification was included to this effect in regulation 3 of the Local Government (Transitional, Supplementary Incidental Provisions and Modifications) Regulations (Northern Ireland) 2014 S.R. 2014 No.148.

From 1st April 2015 councils may apply for new bye-laws following the procedures contained in section 91 of the Local Government Act (Northern Ireland) 1972.

Applications for new bye-laws may include the proposed revocation of existing bye-laws where the new bye-law proposes to replace the existing bye-laws. The process of making bye-laws may take at least three months per bye-law.

Council's corporate seal

Under the Local Government (Transitional, Supplementary and Incidental Provisions and Modifications) Regulations (NI) 2014, there is provision for a new Council to resolve to use the seal of one of its predecessor councils in place of its own seal. This is a transitional provision and is intended simply to ensure

that new councils have an 'interim' seal to use on legal documents such as contracts etc. until such time as they can procure their own individual seal. (There is no legislative procedure in relation to the procurement of a common seal. Section 120 of the Local Government Act (NI) 1972 makes provision for the use of a council seal, but does not specify any procedure by which one may be obtained.)

Having considered the Department's guidance it is recommended that Council, with effect from 1 April 2015, adopt all existing bye-laws whilst being aware that adopting existing bye-laws will provide only for the areas stated in the corresponding schedule. This is particularly relevant with respect to bye-laws such as the Consumption of Intoxicating Liquor in Designated Places.

It is further recommended that a 2015/16 programme is prepared and implemented for Council to use the powers under the Local Government Act (Northern Ireland) 1972 and the Departments procedures to:

- revoke any bye-laws which are now out dated or are provided for in existing legislation, and
- make new relevant bye-laws for the Causeway Coast and Glens Council to which the new Council seal may be attached.

Committee AGREED to recommend that: **Council, with effect from 1 April 2015, adopt all existing bye-laws whilst being aware that adopting existing bye-laws will provide only for the areas stated in the corresponding schedule. This is particularly relevant with respect to bye-laws such as the Consumption of Intoxicating Liquor in Designated Places and;**

further recommended that: **a 2015/16 programme is prepared and implemented for Council to use the powers under the Local Government Act (Northern Ireland) 1972 and the Departments procedures to:**

- **revoke any bye-laws which are now out dated or are provided for in existing legislation, and**
- **make new relevant bye-laws for the Causeway Coast and Glens Council to which the new Council seal may be attached.**

*Councillor Holmes joined the meeting at 7.10pm.

6. Street Naming and Property Numbering Policy

The report, previously circulated and as undernoted, was presented by the Lead Officer Environmental Services Officer.

The Local Government (Miscellaneous Provisions) (NI) Order 1995 affords Council discretion to approve numbers, name streets and provide street signage including street names expressed in languages other than English.

Causeway Coast and Glens District Council will endeavour to exercise these discretionary powers in a fair and equitable manner to the reasonable satisfaction of all stakeholders. The needs and requests of all members of the community will be taken into account in accordance with Causeway Coast and Glens Councils statutory duties and responsibilities under the following legislation:-

- **The Local Government (Miscellaneous Provisions) (NI) Order 1995;**
- **Section 75 of the Northern Ireland Act; and,**
- **European Charter for Regional or Minority Languages.**

This policy is primarily to ensure that Council carry out its statutory role under the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995.

New Council Arrangements from 1st April 2015

The proposed Causeway Coast and Glens Street Naming and Property Numbering Policy seeks to unify the existing policies in each of the legacy Councils.

The policy provides procedures for the following:-

- **New Property Procedure - New Individual Properties**
- **Renaming or Re-numbering Procedure**
- **Replacement of Street Name Plates**
- **Numbering of Properties**

A policy and procedure document specifically dealing with dual language street signs is presently being prepared. Once this document is finalised it will be brought to Council for consideration.

It is recommended that Council, with effect from 1 April 2015, adopt the Causeway Coast and Glens District Council Street Naming and Property Numbering Policy & Procedures as attached in Appendix 3.

*Councillor McKeown joined the meeting at 7.15pm.

Councillor McGuigan queried the delay in the policy dealing with dual language street signs given that the legacy Councils have policies.

The Officer advised that there were a number of issues raised when the four legacy policies were brought together which required further consideration.

It was proposed by Councillor Clarke, seconded by Councillor Stevenson: **to recommend that Council proceed with the Policy without the dual language element, unless this is a legal requirement.**

It was proposed by Councillor McGuigan, seconded by Councillor McGlinchey: **to recommend that Council adopts the recommendation and a policy on the dual language element is brought to Council for consideration.**

The Chair put Councillor McGuigan's motion to the vote.

7 Members voted for and 9 Members voted against.

The Chair declared the motion lost.

The Chair put Councillor Clarke's motion to the vote.

9 Members voted for and 7 Members voted against.

The Chair declared the motion carried.

The Chief Executive advised that the recommendation would be subject to the legal advice received by Council on the dual language element of the policy.

7. Annual Tenders

The Lead Finance Officer presented the report, previously circulated and as undernoted.

At the Corporate, Policy and Resources Committee on 6 November 2014 it was proposed that Council proceed with a new round of annual tenders for the new organisation.

Following on from full council approval to initiate the procurement process for annual tenders tender lots were advertised and tenders have been received from a good number of interested parties. These tenders have subsequently been evaluated and a report has been prepared to be brought before Council. There were however a couple of issues arising out of the evaluation process which means the report is now to be tabled at our Corporate, Policy and Resources Committee in March. Consequently this means the report would not normally receive full council approval until the Council meeting at the end of March but due to the timelines thrust upon Council as a result of European Union regulation the full Council meeting is too late in the month for full compliance therefore Committee has been granted full Council powers for the award of these contracts.

Tender Report

The tender evaluation report is attached as appendix 4. This sets out the conditions of contract, operational criteria, for example some contracts are zoned, the successful tenderers for a particular contract and instances where

no award was made, why no award was made and the suggested approach as a consequence.

It is recommended that the Causeway Coast and Glens District Council approves the contract awards as set out in the tender evaluation report.

The Lead Finance Officer responded to Members' queries regarding the rationale behind the zoning used in some contracts.

It was proposed by Councillor McGlinchey, seconded by Councillor Holmes to recommend that: Council approves the contract awards as set out in the tender evaluation report.

Amendment

It was proposed by Councillor Stevenson, seconded by Councillor Clarke that Committee accepts the recommendation and in future contracts no zonal breakdown is used.

The Chair put the amended motion to the vote.

6 Members voted for and 11 Members voted against.

The Chair declared the amendment lost.

The Chair put Councillor McGlinchey's motion to the vote.

10 Members voted in favour.

The Chair declared the motion carried to recommend that: **Council approves the contract awards as set out in the tender evaluation report.**

8. Legal Entity Status

The Lead Finance Officer presented the report, previously circulated and as undernoted.

8.1 Banking Arrangements BACS Officer Authorisations

Causeway Coast and Glens District Council approved in July for the Lead Finance Officer to setup temporary banking facilities and to commence a procurement process for longer term arrangements.

Detail

Causeway Coast and Glens District Council requires BACS facilities for the payment of wages, salaries and suppliers and also for the collection of Direct Debits from customers. The process of setting up both facilities has commenced. The purpose of this report is to grant authorisations to selected Council officers to operate these systems from 1st April 2015 on Council's behalf. In terms of direct credits the suggested method is to roll the existing Bank of Ireland arrangement in Ballymoney over to Causeway Coast and Glens, subject to agreement from Ballymoney Borough Council. With regards the direct debit facility since none of the legacy councils have such an arrangement in

place this will be a fresh application and will therefore take a little longer to complete.

Officer Authorisations

Since the Ballymoney account will have a number of legacy authorisations already in place and these will provide for guaranteed continuity of service it is suggested that the existing officer authorisations be extended to Causeway Coast and Glens District Council, these officers are

Iris McCleery

David Wright

Gail Dempster

Caroline Race

In addition authorisation for the following officers is sought

Sharon McQuillan

Linda McSparron

Eileen Watson

These authorisations are initial and will no doubt need to be added to as the structure of the organization develops and indeed in some cases possibly removed. There are currently across the four legacy councils many more authorisations in place but it is not anticipated that these will all be replicated in the new organisation as we seek to put in place best practice in terms of governance and segregation of duties.

It is recommended that the Causeway Coast and Glens District Council approve the authorisation of the above named officers for the purposes of operating BACS facilities.

It was proposed by Councillor Campbell, seconded by Councillor Fitzpatrick and AGREED to recommend that: **the Council approves the authorisation of the above named officers for the purposes of operating BACS facilities.**

8.2 Banking Arrangements Number of Credit Cards

Causeway Coast and Glens District Council approved in July for the Lead Finance Officer to setup temporary banking facilities and to commence a procurement process for longer term arrangements.

Detail

The four legacy councils each operated a number of credit cards issued to selected staff in order to facilitate certain purchases. Causeway Coast and Glens District Council will need to have this facility replicated in order to allow continuity in this regard. It is not anticipated that this would be a wide spread allocation but rather kept limited to a number of key staff so as to provide the highest possible level of control over the

usage of these facilities. It is also anticipated that the total number of cards issued in the new organization will be less than the total number allocated in the legacy councils.

Issue of Cards

In the first instance it is suggested that cards be issued as follows, effectively the newly agreed Senior Management Team:

Cardholder	Credit Limit
Chief Executive	£5,000
Director of Performance	£3,000
Director of Leisure & Development	£3,000
Director of Environmental Services	£3,000
Chief Finance Officer	£3,000
Head of Planning	£3,000

The application for Chief Finance Officer will only be made once the post has been filled. There will possibly be a requirement for one or two additional cardholders beyond this initial list but the aspiration will be to keep the issue, use and limits on these cards to a minimum to provide maximum control and assurance over their proper use.

It is recommended that the Causeway Coast and Glens Shadow Council agree to issue credit cards to the posts detailed above with the associated credit limits. It is further recommended that the Lead Finance Officer (and subsequently the Chief Finance Officer) be authorized to administer the accounts on behalf of Causeway Coast and Glens District Council

It was proposed by Councillor Clarke, seconded by Councillor Stevenson to recommend that: **the number of cardholders is reduced to the Chief Executive and Chief Finance Officer with a limit of £5,000 on each card.**

It was proposed by Councillor Quigley, seconded by Councillor Fitzpatrick: **to agree the recommendation as presented.**

The Chair put Councillor Quigley's motion to the vote.

10 Members voted for and 6 against.

The Chair declared the recommendation carried.

9. Credit Card Policy

*Councillor McGuigan and Councillor C McShane left the meeting at 8.00pm.

The Lead Finance Officer presented the report, previously circulated and as undernoted.

Causeway Coast and Glens District Council following approval of the issue and use of Corporate Credit Cards requires a policy to be put in place to provide governance regarding the issue, use and security of these facilities.

The Credit Card Policy has been attached as appendix 5. This policy sets out the procedures and guidelines governing the issue, use and security of these cards. It should be noted that the policy makes reference to the Chief Finance Officer post, it is assumed that the Lead Finance Officer will proxy for the Chief Finance Officer until such times as that post has been filled.

It is recommended that the Causeway Coast and Glens Shadow Council approves and adopts the Credit Card Policy as set out in appendix 5.

Committee AGREED to recommend that: **Council approves and adopts the Credit Card Policy as set out.**

10. Provision of Legal Services

The Head of Convergence presented the report, previously circulated and as undernoted.

The Causeway Coast and Glens Shadow Council (the Council) is required to consider the options available for the provision of Legal Services for the new Causeway Coast and Glens District Council from 1st April 2015.

Traditionally, there has been a requirement by each of the four Legacy Councils to procure legal advice for a range of issues associated with Council business. Examples include; land boundary challenges, Council Policy, Industrial Tribunals, procurement advice and employment issues. Some of the legal advice sought has been general, whilst others more specialised in nature. The Legacy Councils have not taken the approach of employing in-house Legal staff.

The Transfer of Functions to Local Government, particularly in relation to the Planning function, will present substantial additional legal resource challenges. For example, there will be a requirement for legal representation at Planning Committee meetings and the possibility of court proceedings in relation to judicial reviews of planning decisions.

Costs attributable to Legal Services vary annually depending on the level of support required in any particular financial year. Typically across the four Legacy Councils an indicative figure based on historical information equates to an accumulated cost in the region of £80,000 per annum. This figure does not account for the Transferring Functions.

The approach to provision of Legal Services in terms of cost control is very important, as is necessitates a balance between having cost effective access to

general advice, having access to a greater pool of knowledge when required and then access to specialists within the legal profession. Specialist legal advice and support tends to be on a less frequent basis but potentially very expensive.

There are a number of options available to the Council for the future provision of Legal Services as follows:

- 1. Retaining the current arrangement. The Council will seek advice and support primarily from the private sector. Given the legal advice and support required in relation to the Planning Function, this option is likely to result in a substantial increase in cost.**
- 2. The Council employ and commit to a full time in-house Solicitor. There are merits with this option particularly in relation to access to general legal advice and support however, it is likely that the breadth of experience will have limitations bearing in mind the wide range of services the Council delivers and potentially will require legal support on. Again, there is a high risk of increased costs due to the requirement for wider knowledge and specialisms.**
- 3. The Council considers a hybrid solution for an initial fixed period with a view to addressing the important balance of in-house knowledge, access to wider experience and reducing the cost and need for specialist legal support.**

A proposal has been received from Derry City and Strabane District Council regarding a potential shared legal service approach. The proposal is attached as appendix 6. The proposal is based on the setting up of a Service Level Agreement (SLA) that will have review points. According to the proposal, Fermanagh and Omagh District Council may adopt a similar approach and become part of a wider shared service.

The proposal is that Derry City and Strabane District Council provide legal services to the Causeway Coast and Glens District Council under the terms agreed within the SLA and as part of the arrangement will base an Assistant Solicitor with Causeway Coast and Glens District Council.

The Council, under this arrangement will have in-house day to day legal support and importantly access to the hub of legal advice from the wider pool of Solicitors in Derry and Strabane District Council.

There will still remain the requirement for specialist legal advice, however, in the shared service arrangement, there may be opportunities to share costs given that there will be circumstances when both Councils will require the same advice.

The Causeway Coast and Glens Shadow Council is required to agree an approach to the provision of Legal Services from 1st April 2015. A number of options are currently being considered to ensure both an effective and efficient arrangement is in place.

Derry City and Strabane District Council has proposed the opportunity of a shared service in the form of a Service Level Agreement although terms of such an arrangement will require further work.

It is recommended that the Causeway Coast and Glens Shadow Council agree to the development of a draft shared service, Legal Services SLA with Derry City and Strabane District Council for consideration as part of a wider options report.

It was proposed by Councillor Nicholl, seconded by Councillor Quigley to recommend that: **the Council agrees to the development of a draft shared service Legal Services SLA with Derry City and Strabane District Council for consideration as part of a wider options report.**

Responding to queries from Members on other options available, the Chief Executive advised that all would be explored and further information brought to Council.

Committee AGREED to recommend that: **the Council agrees to the development of a draft shared service Legal Services SLA with Derry City and Strabane District Council for consideration as part of a wider options report.**

11. Matters for reporting to Partnership Panel

There were no matters noted.

12. Councillor Allowances Applicable from 1st April 2015

The following papers were previously circulated to Members.

- Circular LG 04/2015, Councillors' Allowances Guidance
This circular provides guidance on councillor allowances applicable from 2015. Copy attached for information.
- Circular LG 05/2015, Councillor Allowances applicable from April 2015

Committee noted the contents of the circulars.

13. Department of Finance and Personnel – Budget 2015-16 Grants to Local Government

Correspondence from the Finance Minister expressing concern at correspondence sent to Council by the Environment Minister was presented and previously circulated to Members.

The Minister of Finance’s letter stated “I am extremely concerned that the Environment Minister has misled you by writing, ahead of the Executives’ agreement of its Final Budget for 2015-16, with a letter that contains a number of errors and does not accurately reflect what the Executive agreed. His letter states that his Department’s budget is being reduced by 15.1% and this will reduce the funding to pay grants to Local Government including, among other things, the De-rating Grant. This is not correct. The Environment Minister has failed to inform you that his Department has received an allocation of £6.6 million which includes resources specifically to protect the De-rating Grant.

I am also very disappointed that he cast doubt as to whether the Transferring Function Grant can be introduced in April 2015. I want to make it clear that, contrary to what the Environment Minister has said, the Executive is fully committed to transferring these functions to the new Councils from April 2015.”

The meeting closed at 8.20pm.

Appendices

Appendix 1 - Street Trading Policy

Appendix 2 – Bye Laws

Appendix 3 – Street Naming & Property Numbering Policy and Procedures

Appendix 4 - Annual Tenders

Appendix 5 – Credit Card Policy

Appendix 6 – Provision of Legal Services Draft SLA Derry City & Strabane District Council

Street Trading Policies

Policy Number	
Version Number	
Author	

Date of Screening of Policy	
EQIA Recommended?	YES/NO
Date Adopted by Council	
Date Policy Revised	

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Introduction

This policy allows Council to follow specific requirements under the Street Trading Act (Northern Ireland) 2001 and guidance provided in the guide to the Street Trading Act (Northern Ireland) 2001 published by the Department for Social Development

The Street Trading Act (Northern Ireland) 2001 provides the legislative framework for the regulation of street trading activities through the provisions of a licensing scheme administered by each District Council. All Council activities must comply with certain requirements if provided in the Act. All legislative references such as section and sub section are to the Street Trading Act (Northern Ireland) 2001 (the act) unless otherwise stated.

Policy Statement

This policy details how Causeway Coast and Glens District Council will regulate street trading activities within the District Council area and how enforcement of these provisions will be proportionate and fair.

This policy is written for Causeway Coast and Glens District Council the public and any business representatives who enquire about the policy and procedures. It applies to all contacts whether formal or informal between businesses individuals and council officers

1. Purpose

By virtue of Section 1 of the Street Trading Act (Northern Ireland) 2001 the Council may grant to a person a mobile licence authorising him/her to go from place to place, stopping for a time for the purpose of trading in its District.

The purpose of this policy document is to provide guidance on matters, which should be considered when deciding whether to grant or refuse an application for a Mobile Street Trading Licence. Its aim is to provide, in so far as is possible, consistent decision making so as to develop and thereafter maintain public confidence in Causeway Coast and Glens District Council's performance of its duties.

2. Scope

This Policy and Procedure is intended to ensure that Causeway Coast and Glens District Council Members and Officers are aware of those matters to be taken into consideration when determining whether to grant a Mobile Street Trading Licence.

By virtue of Section 6 of the Street Trading Act (Northern Ireland) 2001 the Council may grant to a person a Mobile Trader's Licence authorising them to engage in trading in an area or areas of the District.

3. References

- 3.1** Street Trading Act (Northern Ireland) 2001.
- 3.2** Guide to the Street Trading Act (Northern Ireland) 2001.
- 3.3** Street Trading (Fixed Penalty) (Notice and Procedure) Regulations (Northern Ireland) 2001

4. Background

The Street Trading Act (Northern Ireland) 2001 enables District Councils to regulate Street Trading through designating licensing and enforcement procedures. The Act received Royal Assent on the 5 April 2001, with a run in period of 6 months and became operative on 1 October 2001. The new Act repealed most of the provisions of the 1929 Street Trading (Regulation) Act, except Section 10, which contains the provisions whereby Market Rights can be acquired or extinguished. Section 1 of the Act empowers Causeway Coast and Glens District Council to issue mobile street trading licences.

5. General Principles

5.1 Each case must be considered on its own merits, but there are general principles that apply in all cases. The duty of Causeway Coast and Glens District Council is to make sure that each mobile street trading licence application is fairly and objectively assessed and that all relevant factors are considered.

5.2 Causeway Coast and Glens District Council will consider applications, in writing on the prescribed form to permit Mobile Street Trading within the District.

5.3 All applications to Causeway Coast and Glens District Council for a Mobile Street Trading licence must be accompanied by the following information:

- Proof of identity via photographic means
- Proof of ownership of Receptacle
- Proof of Receptacle via photographic means if required
- A completed Criminal Record Check provided through Access NI valid to within 2 years of the date of application
- Proof of receptacle registration by a Council's Environmental Health Department to trade in such commodities as being offered for sale
- Council retains the right to demand a criminal record check of an individual employee of that licensee and if on receipt of such information it is discovered that the licensee/applicant's employee is an unsuitable person can take this into account and may take the decision not to renew/grant a licence or alternatively revoke the licence.

5.4 Council will consider all applications received in accordance with section 5 of this Act for Mobile Trading. However Council is required to refuse an application under Section 8, Mandatory Grounds for Refusing an Application but may refuse under Section 9, Discretionary Grounds for Refusing an Application of this Act.

5.5 Mandatory grounds for refusing an application:

- (1) A council shall refuse an application under section 5 of the Act if the applicant
 - (a) is not an individual; or
 - (b) has not reached the upper limit of compulsory school age, within the meaning of Article 46 of the Education and Libraries (Northern Ireland) Order 1986 (NI 3).
- (2) A council shall refuse an application under section 5 of the Act if the applicant wishes to trade at a place where trading would contravene any statutory provision or rule of law.

5.6 Discretionary grounds for refusing an application

(1) A council may refuse an application under section 5 of the Act on any of the following grounds

a) that –

- i. the area or areas of the district in which the applicant wishes to trade as a mobile trader are unsuitable for the applicant to do so without, causing undue interference or inconvenience to persons or vehicles in the area or areas;
- ii. there are sufficient traders trading in the street, or at premises adjoining it, in the articles, things or services in which the applicant wishes to trade; or
- iii. the nature of the articles, things or services in which the applicant wishes to trade is such that their sale or supply, or their preparation for sale or supply, would adversely affect the general amenity of the area in which the applicant wishes to trade;

b) that the applicant has, in connection with the application, made a statement which he knows to be false in a material particular

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

d) that the applicant has, without reasonable excuse, failed to avail himself to a reasonable extent of a previous street trading licence;

e) that the applicant has at any time been granted a street trading licence by the council, which was revoked or could have been revoked on the grounds that he had refused or neglected to pay fees or other charges due to the council in respect of the licence;

f) that the applicant has failed to provide the particulars required by the council to deal with the application

g) that the applicant has failed to provide or identify suitable or adequate arrangements for storing any articles things or receptacles in or with which he proposes to trade.

(2) If the council considers that grounds for refusal exist under subsection (1) (d), it may grant the applicant a licence subject to conditions which permit him/her.

(a) to trade on fewer days or during a shorter period in each day than is specified in the application;

(b) to trade in a different designated street or in a different area from that specified in the application.

5.7 In addition to the Mandatory Grounds and Discretionary Grounds for refusing an application Council will also consider:-

- b) The safety of the public and any risks which may arise.
- c) The appropriateness and suitability of the street or part of and commodities in relation to the location.
- d) The potential adverse impact that Street Trading may have upon the character and appearance of the area in question.
- e) The potential environmental effects such as additional litter, cleansing requirements, odour and noise.
- f) The potential for the proposed said mobile street trading licence to have an adverse effect in terms of anti-social behaviour and public disorder.
- g) Previous complaints arising from street trading activities in the area or part thereof.
- h) Any other statutory provision which would be appropriate to consider.

6. General

- 6.1** All licence application administration fees are non-refundable.
- 6.2** Renewal of licences Council will give notice to all traders of the licence deadline. The reminder will be dated one month prior to the licence lodgement expiry date. All licence renewals will be required to be lodged with Council not less than 28 days prior to the expiry of the existing licence.
- 6.3** An application for trading will be deemed valid only if it is in the approved application form, fully completed and accompanied by all requested documentation and payment of fees.
- 6.4** A trader will be deemed to be not licensed should they fail to renew their licence prior to the expiry date of the previous licence.
- 6.5** Council retains its right to amend or replace this Policy at any given time.
- 6.6** It shall be the policy of Causeway Coast and Glens District Council that a trader must obtain a separate licence for each vehicle used for the purpose of going from place to place, stopping for a time for the purpose of trading.
- 6.7** For the purpose of enforcement procedure a mobile trader will be deemed to be stationary trading if the trader remains at the same location after the last sale.
- 6.8** Mobile traders will not be permitted to trade within the following areas:-
 - (a) All designated sites;
 - (b) All town centres;

- (c) Any street not listed in the approved street trading licence.
- (d) Within 100m of a Council trading concession

- 6.9** Licences will be issued annually and will permit trading seven days per week from 9.00 am until 11.00 pm. These times may be altered providing approval by Council.
- 6.10** Mobile trading will not be permitted in such commodities as hot food, or offer for sale or supply of any product which would have a detrimental effect on the surrounding area.
- 6.11** A mobile trader must give notice in writing to Council that trading has ceased. The licence fee may be reimbursed in a pro rata basis subject to the exclusion of the administrative fee.
- 6.12** Mobile licences cannot be sub-let, sold on, or transferred.
- 6.13** All mobile traders will be subject to the strict adherence to the Highway Code.
- 6.14** All receptacles used for mobile trading will be required to be registered by a Council Environmental Health Department to trade in such commodities being offered for sale.

7. Refusal of Licence

- 7.1** If Council proposes to refuse to grant a licence on any of the grounds listed previously, it is obliged by virtue of Section 12 of the Act; to give advance notice of its intention to do so.
- 7.2** Notification of Council's intention to refuse a licence will be made in writing to the applicant. The notification shall state –
 - (a) The grounds on which the proposed refusal, grant, revocation or variation would be based; and
 - (b) that representations relating to the proposal may be made in writing to Council within such period, being not less than 21 days from the date of the notice, as may be specified in the notice.
- 7.3** Council shall not proceed to consider any of the grounds for refusal, until after the expiry date specified, in the notice given for receipt of written representations. Council will consider all written representations made within the allocated period.
- 7.4** The Council shall give notice in writing to the applicant or licence holder of its decision and of –
 - (a) the grounds for that decision; and
 - (b) the right to appeal against that decision.

8. Revocation of a License

8.1 Council may at any time revoke this licence in accordance with section 10 of the Street Trading Act (NI) 2001

9. Appeals

9.1 An applicant who has been refused a licence, or whose licence is subject to conditions of which he is aggrieved has the right to appeal Council's decision.

9.2 The applicant may appeal any time before the expiration of the period of 21 days from the date on which notice of the decision is given, appeal to a court of summary jurisdiction by notice under Part VII of the Magistrates' Courts (Northern Ireland) Order 1981 (NI26).

9.3 The process of lodging an appeal should be made in accordance with section 13 of the Act.

10. Enforcement

It shall be the duty of the holder of mobile street trading licence to comply with all conditions attached to each licence, and all the provisions of the Act. Enforcement of the Act will be in accordance with Council's Enforcement Policy.

Existing/Mobile Hot Food Traders

Existing mobile traders currently licensed to trade in hot food may continue to do so under the present licence conditions. Alterations to the areas of the district in which the trader currently trades will deem the present licence null and void and to continue trading outside of such areas will be a breach of the trader's licence and will be subject to Council's Enforcement Policy. Only those areas currently licensed prior to the new policies introduction will be considered at the licence renewal stage.

Current licences cannot be sub-let, inherited, transferred or sold on. When the present trader currently trading in hot food ceases to trade in hot food, then Council will not consider the renewal of such a licence.

Temporary Street Trading Licence Policy

1. Purpose

By virtue of Section 14 of the Street Trading Act (Northern Ireland) 2001 the Council may grant to a person a temporary licence authorising him to engage in street trading in a street or part thereof in its district.

The purpose of this policy document is to provide guidance on matters, which should be considered when deciding whether to grant or refuse a temporary street trading licence. Its aim is to provide, in so far as is possible, consistent decision making so as to develop and thereafter maintain public confidence in Causeway Coast and Glens District Council's performance of its duties.

2. Scope

This Policy and Procedure is intended to ensure that Causeway Coast and Glens District Council Members and Officers are aware of those matters to be taken into consideration when determining whether to grant a temporary licence. The Lammas Fair and Causeway Speciality Market are excluded from this policy

3. References

- 3.1** Street Trading Act (Northern Ireland) 2001.
- 3.2** Guide to the Street Trading Act (Northern Ireland) 2001.
- 3.3** Street Trading (Fixed Penalty) (Notice and Procedure) Regulations (Northern Ireland) 2001

4. Background

The Street Trading Act (Northern Ireland) 2001 enables District Councils to regulate Street Trading through designating licensing and enforcement procedures. The Act received Royal Assent on the 5 April 2001, with a run in period of 6 months and became operative on 1 October 2001. The new Act repealed most of the provisions of the 1929 Street Trading (Regulation) Act, except Section 10, which contains the provisions whereby Market Rights can be acquired or extinguished.

Section 14 of the Act empowers Causeway Coast and Glens District Council to issue a temporary licence where a full licence may not be appropriate, for example, for special events

such as festivals and fairs. The Council is given the discretion to allow Temporary Street Trading at any place or any street within the District and in such manner as appears appropriate to the council.

The temporary licence may remain in force for such periods not exceeding seven consecutive days and no more than five licences may be granted to an individual during any period of 12 months.

5. General Principles

- 5.1** Temporary street trading licences will be considered having due regard to those criteria as set out under section 10 of this Policy.
- 5.2** Each case must be considered on its own merits, but there are general principles that apply in all cases. The duty of Causeway Coast and Glens District Council is to make sure that each temporary licence application is fairly and objectively assessed and that all relevant factors are considered.
- 5.3** Causeway Coast and Glens District Council will consider applications, in writing on the prescribed form, to permit Street Trading at special events organised within the District Council area. Whilst no prescriptive definition of special event will be construed it is accepted that events such as the Mayors Parade, Christmas Lights Switch-on Events, Festival and Civic Events, Community Organised Events and Cultural Parades/Events will be within this definition.
- 5.4** Without prejudice to its right, to consider the previous guidance (Section 5.2) the Council (in consultation with interested parties) may consider applications to permit temporary street trading outside of this broad definition in order to add colour, ambience, novelty and/or tradition in particular locations and during seasonal periods.
- 5.5** Council will consider all applications received in accordance with Section 14 (2) of the Act for Temporary Licences. However Council is required to refuse an application under Mandatory Section 8 (1) and (2) of the Act and Section 9 Discretionary Grounds for Refusing an Application.
- 5.6** Council will only consider applications fully completed in the prescribed form and must be accompanied by the following information:
 - Proof of identity via photographic means
 - Proof of ownership of Receptacle
 - Proof of Receptacle via photographic means if required
 - A completed Criminal Record Check provided through Access NI valid to within 2 years of the date of application
 - Proof of receptacle registration by a Council's Environmental Health Department to trade in such commodities as being offered for sale

- Council retains the right to demand a criminal record check of an individual employee of that licensee and if on receipt of such information it is discovered that the licensee/applicant's employee is an unsuitable person can take this into account and may take the decision not to renew/grant a licence or alternatively revoke the licence.

5.7 MANDATORY GROUNDS FOR REFUSING AN APPLICATION –8 (1)

- (1) A council shall refuse an application under section 5 of the Act if the applicant
 - (a) is not an individual; or
 - (b) has not reached the upper limit of compulsory school age, within the meaning of Article 46 of the Education and Libraries (Northern Ireland) Order 1986 (NI 3).
- (2) A council shall refuse an application under section 5 of the Act if the applicant wishes to trade at a place where trading would contravene any statutory provision or rule of law.

5.8 Discretionary grounds for refusing an application

- (1) A council may refuse an application under section 5 on any of the following grounds-
 - (a) that –
 - (i) the area or areas of the district in which the applicant wishes to trade are unsuitable for the applicant to do so without, causing undue interference or inconvenience to persons or vehicles in the area or areas;
 - (ii) there are sufficient traders trading in the street, or at premises adjoining it, in the articles, things or services in which the applicant wishes to trade; or
 - (iii) the nature of the articles, things or services in which the applicant wishes to trade is such that their sale or supply, or their preparation for sale or supply, would adversely affect the general amenity of the area in which the applicant wishes to trade;
 - (b) that the applicant has, in connection with the application, made a statement which he knows to be false in a material particular;
 - (c) that the applicant is, on account of misconduct or some other reason, relating to trading activities, unsuitable to hold a street trading licence;
 - (d) that the applicant has, without reasonable excuse, failed to avail himself to a reasonable extent of a previous street trading licence;

(e) that the applicant has at any time been granted a street trading licence by the council, which was revoked or could have been revoked on the grounds that he had refused or neglected to pay fees or other charges due to the council in respect of the licence;

(f) that the applicant has failed to provide the particulars required by the council to deal with the application;

(g) that the applicant has failed to provide or identify suitable or adequate arrangements for storing any articles, things or receptacles in or with which he proposes to trade

(2) If the council considers that grounds for refusal exist under subsection (1) (d) it may grant the applicant a licence subject to conditions which permit him/her.

(a) to trade on fewer days or during a shorter period in each day than is specified in the application;

5.9 In addition to both Mandatory and Discretionary Grounds for refusing an application Council will also consider the following:

- a) The safety of the public and any risks which may arise.
- b) The number and size of vehicles/stalls/receptacles and their position in relation to the location
- c) The appropriateness and suitability of the street or part of and commodities in relation to the location.
- d) The potential adverse impact that Street Trading may have upon the character and appearance of the area in question.
- e) The extent to which the sale of the commodity will provide a useful impact to the event or occasion not otherwise provided in the area;
- f) The potential environmental effects such as additional litter, cleansing requirements, odour and noise.
- g) The potential for the proposed said Temporary street trading licence to have an adverse effect in terms of anti-social behaviour and public disorder.
- h) Previous complaints arising from street trading activities in the area or part thereof.
- i) Any other statutory provision which would be appropriate to consider.
- j) The conditions pertaining to the event e.g. road closures, provision of marshals, off-street activities and venues, numbers of persons anticipated and age profile.

6. General

6.1 All licence application administration fees are non-refundable.

6.2 Applications must be received by Causeway Coast and Glens District Council not less than 28 days before the date of the first day of the proposed special event/trading date. All licence application administration fees are non-refundable.

- 6.3** A temporary licence shall remain in force for such period, not exceeding seven days as may be specified in the licence.
- 6.4** A temporary licence will be subject to such conditions as Council may specify in the licence and as set out in Temporary Street Trading Licence criteria.
- 6.5** Council will grant no more than five temporary licences to an applicant during any year.
- 6.6** Council retains its right to amend or replace this policy at any given time.
- 6.7** All receptacles used for temporary street trading will be required to be registered by a Council Environmental Health Department to trade in such commodities being offered for sale.
- 6.8** It shall be the policy of Causeway Coast and Glens District Council that a trader must obtain a separate licence for each receptacle used.
- 6.9** Temporary trading will not be permitted within the following areas:-
- (a) All designated sites
 - (b) All town centres – except on those occasions such as a specific special event.
- 6.10** Temporary licences cannot be sub-let.
- 6.11** All temporary trading must adhere to the Highway Code.
- 6.12** Temporary trading will not be permitted outside of the allocated times specified in the licence.
- 6.13** Causeway Coast and Glens District Council may (where possible within the time constraints) consult with: The District Commander of the Police District Command Unit in which the streets are situated.

7. Refusal of Licence

- 7.1** If Council proposes to refuse to grant a licence on any of the grounds listed previously, it is obliged by virtue of Section 12 of the Act; to give advance notice of its intention to do so.
- 7.2** Notification of Council's intention to refuse a licence will be made in writing to the applicant. The notification shall state –
- a) The grounds on which the proposed refusal, grant, revocation or variation would be based; and
 - b) that representations relating to the proposal may be made in writing to Council within such period, being not less than 21 days from the date of the notice, as may be specified in the notice.

7.3 Council shall not proceed to consider any of the grounds for refusal, until after the expiry date specified, in the notice given for receipt of written representations. Council will consider all written representations made within the allocated period.

7.4 The Council shall give notice in writing to the applicant or licence holder of its decision and of –

- (a) the grounds for that decision; and
- (b) the right to appeal against that decision.

7.5 Revocation of Licence

Where it appears to Council –

- (a) That the holder of a temporary Licence has failed to comply with any conditions specified in the Licence, and
- (b) That having considered any representations made to it by the holder of a temporary Licence, it is appropriate in the circumstances to do so, the Council may revoke the Licence

8. APPEALS

8.1 An applicant who has been refused a licence, or whose licence is subject to conditions of which he is aggrieved has the right to appeal Council's decision.

8.2 The applicant may appeal any time before the expiration of the period of 21 days from the date on which notice of the decision is given, appeal to a court of summary jurisdiction by notice under Part VII of the Magistrates' Courts (Northern Ireland) Order 1981 (NI26).

8.3 The process of lodging an appeal should be made in accordance with section 13 of the Act.

9. ENFORCEMENT

It shall be the duty of the holder of a temporary street trading licence to comply with all conditions attached to each licence, and all the provisions of the Act. Enforcement of the Act will be in accordance with Council's Enforcement Policy.

10. CRITERIA

10.1 Council reserves the right to allocate the number of pitches to be made available for the event.

- 10.2** It shall be a condition of licence that all receptacles are registered with a Council Environmental Health Department and are licensed to trade in such commodities.
- 10.3** The allocation of pitches will be in the form of first come first allocated to that event except in the case where Council decided that such events require allocation of pitches via a lottery system due to the event being oversubscribed.
- 10.4** Council may stipulate the type of trading allowed for the event/events.
- 10.5** Council may stipulate the type of receptacle to be allowed on the pitch.
- 10.6** Council retains its right to amend or replace these criteria at any given time.
- 10.7** All temporary trading pitches will be subject to the strict adherence to the Highway Code where applicable.

Stationary Street Trading Licensing Policy

1. Purpose

By virtue of Section 1 of The Street Trading Act (Northern Ireland) 2001 Council may grant to a person a licence to trade in a stationary position on a designated site or street.

The purpose of this policy document is to provide guidance on matters, which should be considered when deciding whether to grant or refuse an application for a Stationary Licence. Its aim is to provide, in so far as is possible, consistent decision making so as to develop and thereafter maintain public confidence in Causeway Coast and Glens District Council's performance of its duties.

2. Scope

This Policy and Procedure is intended to ensure that Causeway Coast and Glens District Council Members and Officers are aware of those matters to be taken into consideration when determining whether to grant a Stationary Street Trading Licence. The Lammas Fair is excluded from this policy

3. References

- 3.1 Street Trading Act Northern Ireland) 2001.

- 3.2 Guide to the Street Trading Act (Northern Ireland) 2001.
- 3.3 Street Trading (Fixed Penalty) (Notice and Procedure) Regulations (Northern Ireland) 2001.

4. Background

The Street Trading Act (Northern Ireland) 2001 enables District Councils to regulate Street Trading through designating, licensing and enforcement procedures. The Act received Royal Assent on the 5 April 2001, with a run in period of 6 months and became operative on 1 October 2001. The new Act repealed most of the provisions of the 1929 Street Trading (Regulation) Act, except Section 10 which contains the provisions whereby market rights can be acquired or extinguished.

Section 1 of the Act empowers Causeway Coast and Glens District Council to issue Stationary Street Trading Licences.

5. General Principles

- 5.1 Each case must be considered on its own merits, but there are general principles that apply in all cases. The duty of Causeway Coast and Glens District Council is to make sure that each stationary street trading licence application is fairly and objectively assessed and that all relevant factors are considered.
- 5.2 Causeway Coast and Glens District Council will consider applications, in writing on the prescribed form, to permit stationary trading at a designated site or street within the District
- 5.3 Council will only consider applications, in writing in the prescribed form and must be accompanied by the following information:
- Proof of identity via photographic means
 - Proof of ownership of Receptacle
 - Proof of Receptacle via photographic means if required
 - A completed Criminal Record Check provided through Access NI valid to within 2 years of the date of application
 - Proof of receptacle registration by a Council's Environmental Health Department to trade in such commodities as being offered for sale
 - Council retains the right to demand a criminal record check of an individual employee of that licensee and if on receipt of such information it is discovered that the licensee/applicant's employee is an unsuitable person

can take this into account and may take the decision not to renew/grant a licence or alternatively revoke the licence.

- 5.4** Council will consider all applications received in accordance with section 5 of this Act for Stationary Trading. However Council is required to refuse an application under Section 8, Mandatory Grounds for Refusing an application and may refuse an application under Section 9, Discretionary Grounds for Refusing an Application of this Act.
- 5.5** It shall be the policy of Council to issue one Street Trading Licence for each designated site except as in the case where Council decides to allow trading in such articles as potatoes/strawberries or general farm produce or where a licensee has failed to a reasonable extent, to trade in the days and times so licensed. Then Council shall reserve the right to issue additional stationary Street Trading Licences for that site. Council deems the term reasonable extent to be a minimum 50% of the licensed days/week and where trading is of a seasonal period then a minimum 50% of the peak period 01 March to 30 September.
- 5.6** All sites will be monitored with a view of establishing occupancy of the site in regard to days/times as licensed. Such findings will be considered at the licence renewal stage with a view to allowing other traders to occupy the site on days/times not in use or to restrict trading days/times.
- 5.7** It shall be the policy of Causeway Coast and Glens District Council to issue one Street Trading Licence for each Designated Site in Lansdowne Road, Portrush with a stipulation that a trader can occupy no more than one site at the location.
- 5.8** There are three designated areas for stationary trading in the Limavady area:
- a. The North side of Main Street, Limavady between No.10 and No.16 Main Street
 - b. The South side of Catherine Street, Limavady between No. 28 and No. 38 Catherine Street.
 - c. The South side of Main Street, Dungiven opposite its junction between Garvagh Road between No. 127 and No. 135 Main Street
- 5.9** Mandatory grounds for refusing an application:
- (1) A council shall refuse an application under section 5 of the Act if the applicant
 - a) is not an individual; or
 - b) has not reached the upper limit of compulsory school age, within the meaning of Article 46 of the Education and Libraries (Northern Ireland) Order 1986 (NI 3).
 - (2) A council shall refuse an application under section 5 of the Act if the applicant wishes to trade at a place where trading would contravene any statutory provision or rule of law.

- (3) A council shall refuse an application under section 5 if the applicant wishes to trade as a stationary trader –
- a) in a street which is not a designated street; or
 - b) in any article, thing or service the sale or supply of which would be contrary to the terms of any designating resolution having effect in relation to the designated street in which the applicant wishes to trade.

5.10 Discretionary grounds for refusing an application

(1) A council may refuse an application under section 5 on any of the following grounds-

(a) that –

- (i) the area or areas of the district in which the applicant wishes to trade as a stationary trader are unsuitable for the applicant to do so without, causing undue interference or inconvenience to persons or vehicles in the area or areas;
 - (ii) there are sufficient traders trading in the street, or at premises adjoining it, in the articles, things or services in which the applicant wishes to trade; or
 - (iii) the nature of the articles, things or services in which the applicant wishes to trade is such that their sale or supply, or their preparation for sale or supply, would adversely affect the general amenity of the area in which the applicant wishes to trade;
- (b) that the applicant has, in connection with the application, made a statement which he knows to be false in a material particular;
- (c) that the applicant is, on account of misconduct or some other reason, relating to trading activities, unsuitable to hold a street trading licence;
- (d) that the applicant has, without reasonable excuse, failed to avail himself to a reasonable extent of a previous street trading licence;
- (e) that the applicant has at any time been granted a street trading licence by the council, which was revoked or could have been revoked on the grounds that he had refused or neglected to pay fees or other charges due to the council in respect of the licence;
- (f) that the applicant has failed to provide the particulars required by the council to deal with the application;
- (g) that the applicant has failed to provide or identify suitable or adequate arrangements for storing any articles, things or receptacles in or with which he proposes to trade.

- (2) If the council considers that grounds for refusal exist under subsection (1) (d), it may grant the applicant a licence subject to conditions which permit him/her.
- a) to trade on fewer days or during a shorter period in each day than is specified in the application; or
 - b) to trade in a different designated street or in a different area from that specified in the application.

5.11 In addition to the Mandatory Grounds and Discretionary Grounds for refusing an application Council will also consider:-

- a) The safety of the public and any risks which may arise.
- b) The number and size of vehicles/stalls/receptacles and their position in relation to the location
- c) The appropriateness and suitability of the street or part of and commodities in relation to the location.
- d) The potential adverse impact that Street Trading may have upon the character and appearance of the area in question.
- e) The potential environmental effects such as additional litter, cleansing requirements, odour and noise.
- f) The potential for the proposed said Stationary street trading licence to have an adverse effect in terms of anti-social behaviour and public disorder.
- g) Previous complaints arising from street trading activities in the area or part thereof.
- h) Any other Statutory provision which would be appropriate to consider

6. General

6.1 All licence application administration fees are non-refundable.

6.2 Council retains its right to amend or replace this Policy at any given time.

6.3 Renewal of licences Council will give notice to all traders of the licence renewal deadline. The reminder will be dated one month prior to the licence lodgement expiry date. All licence renewals will be required to be lodged with Council not less than 28 days prior to the expiry of the existing licence.

6.4 An application for trading will be deemed valid only if it is in the approved application form, fully completed and accompanied by all requested documentation and payment of fees.

6.5 A trader will be deemed to be not licensed should they fail to renew their licence prior to the expiry date of the previous licence.

6.6 It shall be a condition of licence that all receptacles are registered with Council's Environmental Health Department and are licensed to trade in such commodities.

6.7 It shall be the policy of Causeway Coast and Glens District Council that a trader must obtain a separate licence for each pitch used.

- 6.8** Licences will be issued annually and will only permit trading on the stated days on the licence. The times during which the licence holder may sell or supply articles, things or offer services must be agreed with Council prior to the issuing of the licence.
- 6.9** A stationary trader must give notice in writing to Council that trading has ceased. The licence fee may be reimbursed in a pro rata basis subject to the exclusion of the administrative fee.
- 6.10** Stationary licences cannot be sub-let, sold on or transferred.
- 6.11** All stationary traders will be subject to the strict adherence to the Highway Code.
- 6.12** Stationary trading will not be permitted within the following areas:-
- (a) All town centres – except those agreed by Council.
- 6.13** All stationary trading licence requests will be considered on the basis of the Designation Policy.
- 6.14** In the event of retirement or death of the existing licensed trader, Council must be informed of such and trading must cease. The site in question will become the subject of a review by Council where new applications to trade may be considered by Council. Such applications may be subject to a criteria check list with the possible inclusion of a lottery allocation system.

7. Refusal of Licence

- 7.1** If Council proposes to refuse to grant a licence on any of the grounds listed previously, it is obliged by virtue of Section 12 of the Act; to give advance notice of its intention to do so.
- 7.2** Notification of Council's intention to refuse a licence will be made in writing to the applicant. The notification shall state
- a) The grounds on which the proposed refusal, grant, revocation or variation would be based; and
- b) that representations relating to the proposal may be made in writing to Council within such period, being not less than 21 days from the date of the notice, as may be specified in the notice.

7.3 Council shall not proceed to consider any of the grounds for refusal, until after the expiry date specified, in the notice given for receipt of written representations. Council will consider all written representations made within the allocated period.

7.4 The Council shall give notice in writing to the applicant or licence holder of its decision and of –

- (a) the grounds for that decision; and
- (b) the right to appeal against that decision.

8 Revocation of a License

8.1 Council may at any time revoke this licence in accordance with section 10 of the Street Trading Act (NI) 2001

9. Appeals

9.1 An applicant who has been refused a licence, or whose licence is subject to conditions of which he is aggrieved has the right to appeal Council's decision.

9.2 The applicant may appeal any time before the expiration of the period of 21 days from the date on which notice of the decision is given, appeal to a court of summary jurisdiction by notice under Part VII of the Magistrates' Courts (Northern Ireland) Order 1981 (NI26).

9.3 The process of lodging an appeal should be made in accordance with section 13 of the Act.

10. Enforcement

It shall be the duty of all holders of a stationary street trading licence to comply with all conditions attached to each licence, and all the provisions of the Act. Enforcement of the Act will be in accordance with Council's Enforcement Policy.

11. Lottery System

If more than one written application is received Council will allocate the licence to trade at the site/area via a lottery system (See Attendant).

Attendant

Lottery System

1.0 It will be the policy of Council to advertise the availability of a stationary site and the criteria to be met by each applicant wishing to participate in the lottery.

1.1 Following the advertisement, if more than one written application is received, Council will proceed to allocate the licence to trade at the designated site/area via a lottery system.

1.2 Application criteria for inclusion in lottery:

All applicants must provide proof of identity via photographic means.

All applicants must provide proof of receptacle vehicle via photographic means if required.

A completed Criminal Record Check provided through Access NI valid to within 2 years to the date of application

The successful applicant's receptacles will be required to be registered by Council's Environmental Health Department to trade in such commodities being offered for sale.

Multiple applications will not be accepted either by person or for receptacle.

Sub – Letting of the site will not be permitted

Street Trading Designation Policy

1. Purpose

The purpose of this policy is to provide guidance on matters which should be considered when deciding to designate a pitch for Stationary Street Trading.

2. Scope

This policy is intended to ensure that Causeway Coast and Glens District Council and all Statutory and other Consultees are aware of those matters to be taken into consideration

when determining if a street (or part thereof) should be designated for the purposes of the Street Trading Act (Northern Ireland) 2001.

The Council will consider annually any new areas proposed for Designation. The Council will also take these opportunities to review existing Designated Sites. In so doing the Council will consider all representations made to it in respect of said areas.

3. References

3.1 Street Trading Act (Northern Ireland) 2001.

3.2 Guide to the Street Trading Act (Northern Ireland) 2001.

4. Background

The Street Trading Act (Northern Ireland) 2001 enables District Councils to regulate Street Trading by preventing undue nuisance, interference or inconvenience to people and traffic. The Act received Royal Assent on 05 April 2001, with a run in period of six months and came into force on 01 October 2001. The new Act repealed most of the provisions of the 1929 Street Trading (Regulation) Act, except for section 10 which contains the provisions whereby Market Rights can be acquired or extinguished.

The Act requires the District Council to designate specific streets, or parts thereof, in the District as being suitable for street trading. This is designed to be an open system which gives everyone an opportunity to comment on the proposal to permit street trading in a particular area.

5. General Principles

5.1 Each case must be considered on its own merits, but there are general principles that apply in all cases. The duty of the Council is to make sure that each location is fairly, independently and objectively assessed and that all relevant factors are considered.

5.2 Council will consult with:-

- a) The Divisional Commander of the police District Command Unit in which the streets are located to check on road safety issues.
- b) The Department for Regional Development as regards that department's functions with respect to roads and regulation of road traffic.
- c) All residents within a 45m radius of the proposed site/area.

5.3 Council may also consult with any other persons, or bodies, as it considers appropriate, for example:

- (i) DRD Planning Service
- (ii) Relevant Chamber of Commerce
- (iii) Business and Commercial premises in the vicinity of the site
- (iv) Any other persons or bodies that may be deemed appropriate in relation to the trading activity.
- (v) Existing traders who trade on the street/area proposed.

5.4 Without prejudice to its right to take into account any relevant consideration in determining the suitability of each proposed Street Trading Designation, the Council may take into account:

- (a) The safety of the public, and any risks which may arise (see Annex);
- (b) The future development plans for the location;
- (c) The appropriateness and suitability of the site and commodities in relation to the location;
- (d) The potential adverse impact that street trading may have upon the character and appearance of the area in question;
- (e) The extent to which the sale of the commodity will provide a useful service to the local community not otherwise provided in the area;
- (f) The potential environmental effects arising from the location of the proposed area and the sale of the commodity in question at that location. These effects will include additional litter, cleansing requirements, noise, odour and the possibility of increasing anti- social activities.
- (g) Complaints arising from, or about, the current trading location;
- (h) Any other Statutory ground which would be appropriate to consider.
- (i) Any relevant planning policies.

5.5 These issues may also be taken into account should the Council decide to rescind or vary any existing Designating Resolution.

5.6 At this stage the relevant Council sub-committee will consider all applications and make recommendations to full council.

6. Designation Procedure

6.1 If Council decides to designate an area/site then the designation process will come into effect.

- 6.2 All requests seeking a site to be designated must be in writing and addressed to the Chief Executive, Causeway Coast and Glens District Council, 66 Portstewart Road, Coleraine BT52 1EY.
- 6.3 All requests will be considered on an annual basis in October of each year with a decision taken prior to the commencement of the trading year 01 June the following year.
- 6.4 All requests will be considered on the basis of the designation policy General Principles previously set out.

7. Designation Process

- 7.1 Written request received.
- 7.2 Site requested subject to general principles check.
- 7.3 Site/area designation taken to relevant Council sub Committee for decision on designation.
- 7.4 Following Council Sub Committee agreement their decision is taken to Council for discussion/ratification.
- 7.5 Upon receipt of full Council approval to propose to pass a designation resolution it will publish its decision to do so in two or more newspapers for two consecutive weeks. The newspapers must be circulating within the Council district.
- 7.6 The advertisement shall state that representations relating to the designation may be made in writing to Council within such period, being not less than 28 days from the date of first publication of the notice, as may be specified in the notice.
- 7.7 Council will consider all written representations received within the expiry of the date specified. Representations received after the date specified will not be considered.
- 7.8 After Council has considered those written representations it may if it thinks fit pass the designation resolution.
- 7.9 Where a Council –
 - (a) has passed a designating resolution, or a resolution to rescind or vary a designating resolution, or
 - (b) has determined not to pass such a resolution, it shall publish notice to that effect in two consecutive weeks in two or more newspapers circulating in its district and send a copy of the notice to any person who made representations relating to the proposed resolution.

For the purposes of paragraph (a) above, the first publication shall be not less than 28 days before the date specified in the resolution for it to take effect.

- 7.10** Council will notify in writing any person who made written representation relating to the proposed resolution.
- 7.11** There is no right of appeal against Council's decision to pass or not to pass, revoke or vary a designating resolution. This will also apply to a designating resolution regarding the classes of goods or services which may or may not be offered for sale in a street.

8. Applications to Trade

- 8.1** After the designation resolution period has elapsed Council will consider all written applications to trade at the designated site/area.
- 8.2** All applications will be considered using the Stationary Licence Policy.
- 8.3** If more than one written application is received Council will allocate the licence to trade at the site/area via a lottery system.

9. Appeals

- 9.1** There is no right of appeal against the decision to pass, revoke or vary a Designating Resolution.

ANNEX TO PARAGRAPH 5.4 (a)

ITEMS TO BE CONSIDERED WHEN DECIDING WHETHER OR NOT A SPECIFIC SITE IS SUITABLE FOR THE PURPOSES OF STATIONARY TRADING

1. The following items have been suggested as being necessary considerations which must be taken into account when deciding whether or not to designate certain areas as areas where street trading may occur.
2. This is not an exhaustive list and Council retains the right to take into consideration any other relevant information in relation to street trading activities in each particular case.
3. Generally speaking, approval may be granted for street trading where the following road safety considerations are met:
 - i. The vehicle/trader is sited clear of all crests and bends;
 - ii. The vehicle/trader is not within 50 metres of a road junction, or within sight splays – whichever is the greater;
 - iii. Trading will not be permitted where the vehicle/trader proposes to trade in close proximity to approaches or exits to roundabouts, unless specific locations/times are agreed by Council;
 - iv. Generally trading will not be permitted within a 45m radius of a church, school or community hall or similar public buildings, except on those occasions where a licence is granted with specific conditions pertaining to that area;
 - v. Generally trading will not be permitted within a 45m radius of any house/housing, except on those occasions where a licence is granted with specific conditions pertaining to that area
 - vi. The vehicle/receptacle must not obstruct sight of any road sign or traffic sign;
 - vii. Trading will not be permitted in close proximity to any pedestrian crossing points, including refuge islands;
 - viii. Access for the customers must be from the footpath side only;
 - ix. Double parking will not be permitted
 - x. The parked vehicle/trader's stall must not obstruct vehicular and pedestrian movements, including private or commercial accesses
 - xi. The location must not encourage motorists to park on restricted areas, outside parking bays or adjacent to or on the public road;
 - xii. Trading will not be permitted at any location where it is likely that the Highway Code would be compromised.

Attendant

Lottery System

- 1.0 It will be the policy of Council to advertise the availability of a stationary site and the criteria to be met by each applicant wishing to participate in the lottery.
- 1.1 Following the advertisement, if more than one written application is received, Council will proceed to allocate the licence to trade at the designated site/area via a lottery system.

1.2 Application criteria for inclusion in lottery:

Successful applicant will be subject to a criminal records check.

All applicants must provide proof of identity via photographic means.

All applicants must provide proof of receptacle vehicle via photographic means.

The successful applicant's receptacles will be required to be registered by a Council Environmental Health Department to trade in such commodities being offered for sale.

Multiple applications will not be accepted either by person or for receptacle.

MODEL LICENCE TERMS AND CONDITIONS

12. The days and hours on which a trader may operate under the authority of a licence
13. The location where a trader may operate under the authority of a licence.
14. The classes of articles, things or services which may be sold or supplied or exposed or offered for sale or supply under the authority of a licence
15. The nature, size, type and number of receptacles to be used
16. The name of the licence holder and the number of the licence will be displayed on the receptacle so used in a prominent position in the following manner: Licence notice supplied by Council to be displayed in a position inside the trailer so that it can be easily read from the exterior.
17. The method of payment to the council of fees and charges imposed under section 15 of the Street Trading Act (Northern Ireland) 2001 will apply:
18. The following requirements apply to the storage of articles, things or receptacles before, during and after trading:
19. The following requirements apply to the deposit and removal of refuse including the type of containers to be used for the deposit of such refuse and their location pending its removal:
20. All licences cannot be sub-let, sold on or transferred.
21. All traders are subject to the strict adherence of the Highway Code.
22. Trading will not be permitted outside of the designated pitch. Unless with prior agreement from Council.
23. All traders must inform Council of any changes to their receptacle, commodity offered for sale or persons employed to operate within this licence.
24. All licensees/employees/assistants must adhere to all licence conditions and all the provisions of the Street Trading Act (NI) 2001.
25. Nothing in subsection (1) shall prejudice Article 135 (4) of the Children (Northern Ireland) Order 1995 (NI 2) (children not to engage in or be employed in street trading).
26. Enforcement of the conditions of this licence will be in accordance with Council's enforcement policy and the Street Trading Act (NI) 2001.

27. Good Conduct

The Licensee hereby agrees:

- a. not to trade in such a way as to cause any nuisance, damage, disturbance, annoyance, inconvenience or interference to Causeway Coast and Glens District Council, its agents or to the users of the area or adjoining or neighbouring property.
- b. to adhere to the rules of the Licence issued to him/her by Causeway Coast and Glens District Council at all times;
- c. to ensure his/her employees abide by the rules of the Licence issued to me by Causeway Coast and Glens District Council;
- d. not to display any signs or notices at the same property or in the vehicle without the prior written consent of Causeway Coast and Glens District Council;
- e. to observe any rules or regulations which Causeway Coast and Glens District Council makes and notifies to Licensee from time to time, governing the Licensee's use of the designated space or access ways and the Licensee must adhere to any Bye Laws passed by Causeway Coast and Glens District Council;
- f. not to in any way impede Causeway Coast and Glens District Council or its officers, servants or agents.
- g. not to engage in any criminal behaviour at any time or encourage employees to do likewise, i.e. Use of threats, intimidation or assault.

28. The licence holder shall avail himself to a reasonable extent of his right to trade under this licence.

29. Failure to avail of the right to trade under this licence may result in Council extending trading rights to others for the site/pitch.

30. A trader shall not knowingly permit any individual to trade under this street trading licence who has been convicted of an offence relating to the production of a controlled drug, the supply of a controlled drug or the possession of a controlled drug with intention to supply, contrary to the provisions of the Misuse of Drugs Act 1971.

Additional Terms and Conditions for Mobile Licences

31. Code of Practice on Noise from Ice Cream Van Chimes etc. 1982.

It is an Offence to sound your chimes so as to cause annoyance

Do NOT sound chimes:

For longer than 4 Seconds at a time – use an automatic cut out device.

- a. More often than once every 3 minutes.
- b. When the vehicle is stationary.
- c. Except on approach to a selling point.
- d. When in sight of another ice-cream van which is trading
- e. When within 50m of a school (during school hours), hospitals, and places of worship (on Sundays and any other recognized days of worship).
- f. More often than once every 2 hours in the same street.

- g. Louder than 80dB(A) at 7.5m (Contact the Environmental Protection Team for advice)
 - h. As loudly in quiet areas or in narrow streets as elsewhere.
32. It is an Offence Under the Control of Pollution Act 1974 to sound chimes;
- a. Before 12 noon and after 1900 hours
 - b. At any time in a way which gives reasonable cause of annoyance.
33. In addition to the above Code of Practice you have agreed only to sound your chimes in XXX at the initial entrance to the street and not during trading time within.

6. EVALUATION AND REVIEW OF THE POLICY

This Policy shall be reviewed on an annual basis by the Director of Environmental Services

7. SECTION 75 EQUALITY AND GOOD RELATIONS

Causeway Coast and Glens Council is fully committed to meeting its obligations in relation to Equality and Good Relations under Section 75 of the Northern Ireland Act. In this regard this policy will be screened using Section 75 guidelines and will be subject to an Equality Impact Assessment if found necessary as a result of the screening process.

8. CONTACT DETAILS

Any issues or queries relating to this policy should be addressed to:

The Chief Executive, Causeway Coast and Glens District Council, 66 Portstewart Road, Coleraine. BT 56 1EY.

APPENDIX 2

Bye-laws	Limavady	Moyle	Ballymoney	Coleraine
Control of the Business of Tattooing	28 November 1990	18 April 2011	Made: 5.1.1987 Confirmed: 3.4.1987	Feb 1989
Control of the Business of Ear-piercing and Electrolysis	1990		Made: 5.1.1987 Confirmed: 3.4.1987	Feb 1989
Control of the Business of Electrolysis		26 April 2010		
Control of the Business of Acupuncture	1990	26 April 2010	Made: 5.1.1987 Confirmed: 3.4.1987	Feb 1989
Control of the Business of Cosmetic Piercing	15 August 2006	26 April 2010	In progress currently	April 2011
Control of the Business of Semi-permanent Skin- Colouring	15 August 2006	26 April 2010	In progress currently	April 2011
Consumption of Intoxicating Liquor in Designated Places	21 August 2007	24 March 1997	Made: 1.3.1999 Confirmed: 12.5.1999	28 September 2010
Hairdressers (NI) Act 1939 Bye-laws				
Removal of Household Refuse			Made: 15.11.1976 Confirmed: 11.3.1977	
Seashore, Esplanades and Promenades	22 October 1984		N/A	March 2005
Pleasures grounds	27 January 1993	September 1983	Made: 28.3.1988 Confirmed: 11.5.1988	
Pleasure Fairs			Made: 5.9.1988 Confirmed: 19.12.1988	
Knackers Yards			Made: 3.7.1990 Confirmed: 7.9.1990	Confirmed: 29.10.1990
Burial grounds			Made: 3.9.1979 Confirmed:	
Prohibiting dogs from beaches				24 April 2001
Restricting Dogs from Benone Beach	2000			
Fouling by dogs of footpaths or other Public place			Confirmed 23.03.1987	
Horses on beaches				2010
Good Rule and Government				6 June 1949
Harbours				2000

Tourist amenity areas		1 June 1982		
Parking Places		15 June 1978		
Rathlin Harbour		22 February 2010		
Ballycastle Harbour		25 June 2007		
Public Health (Ireland) Act 1878 Bye-laws Keeping of Animals				7 May 1956
Total	9	11	12	13

Causeway Coast and Glens

District Council

**STREET NAMING AND PROPERTY
NUMBERING POLICY AND PROCEDURES**

Adopted by Council	<i>(insert date)</i>	
Revised & Amended	<i>(insert date)</i>	<i>(by whom)</i>
Revised & Amended	<i>(insert date)</i>	<i>(by whom)</i>
Revised & Amended	<i>(insert date)</i>	<i>(by whom)</i>

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STREET NAMING AND PROPERTY NUMBERING POLICY AND PROCEDURES

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1.0 INTRODUCTION

- 1.1** The primary purpose of this local authority function is to provide Causeway Coast and Glens District Council with adequate street naming and numbering of buildings to help way-finding by the inhabitants, visitors and people who work in the area and to assist the easy identification of premises by emergency services, postal services and utility providers.
- 1.2** Responsibility for delivery of the service is within the Building Control Department where there is daily contact with local residences as well as developers.
- 1.3** In undertaking these functions the primary consideration for the Council is public safety, ensuring that street names are not duplicated and that streets and properties are named and numbered to facilitate easy identification in the event of an emergency

2.0 POLICY STATEMENT

- 2.1** The Local Government (Miscellaneous Provisions) (NI) Order 1995 affords Council discretion to approve numbers, name streets and provide street signage including street names expressed in languages other than English.

2.2 Causeway Coast and Glens District Council will endeavour to exercise these discretionary powers in a fair and equitable manner to the reasonable satisfaction of all stakeholders. The needs and requests of all members of the community will be taken into account in accordance with Causeway Coast and Glens Councils statutory duties and responsibilities under the following legislation:-

- The Local Government (Miscellaneous Provisions) (NI) Order 1995;
- Section 75 of the Northern Ireland Act; and,
- European Charter For Regional or Minority Languages.

This policy is primarily to ensure that Council carry out its statutory role under the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995. The policy indicates how Causeway Coast and Glens Council will actively introduce procedures for carrying out street naming and property numbering as well as dealing with dual naming street naming all in accordance with the above Order.

Signed: _____ Date: _____

Mayor

Causeway Coast and Glens District Council

Signed: _____ Date: _____

Chief Executive,

Causeway Coast and Glens District Council

3.0 SERVICE DELIVERY

- 3.1** An ability to readily identify properties and being confident that buildings are properly numbered and streets are properly named plays a key role in the efficient and effective value for money services provided by the Council.

- 3.2** A properly administered system for addressing in Causeway Coast and Glens District Council is also crucial in enabling the delivery of an equitable property taxation system such as the current system for rating.

- 3.3** The allocation of statutory addresses has an important role in relation to the Government's commitment to improved service delivery through the linking of various organisations' datasets with a common infrastructure based on a definitive list of national addresses. Many service providers require address details before customers can access products.

4.0 IMPLEMENTATION PROCEDURES

4.1 New Property Procedure - New Developments

4.1.1 On making an application for Building Regulations Approval, the Building Control Department will advise applicants or agents acting on their behalf whenever their application or development requires an application to approve a name and numbering schedule. This application form (see **Appendix III**) should be accompanied by 2No. copies of a location plan indicating the site locality and 2No. copies of site plan indicating the development layout.

This is particularly relevant for large multi-unit developments to avoid the preparation and distribution of promotional literature which includes names that may not have been approved and may not be acceptable. Consultation for the naming and numbering of new developments will only be necessary with the applicant or their agent, as there will be no other person(s) with a legal responsibility for the dwelling(s) at the time when the street naming application is made.

4.1.2 The applicant, or agent acting on their behalf, is asked to provide a number of alternative name proposals for a new development which should not duplicate or give rise to confusion, with any other names in the locality. Considerable favour will be given by Council to proposed names which can provide a social, historical, geographical or topographical link to the characteristics of the area.

4.1.3 An application for street naming must be made on the prescribed application form as set out in Appendix III, giving a reason for the preferred name and a second and third preference. The application should also be accompanied with 2No. copies of a location map and 2No. copies of a site plan.

4.1.4 Following receipt of an application for the naming of a street, the Building Control Department will consult with the Royal Mail Address Management Unit to check for duplication of any name proposal with existing names within that postal area. If the Royal Mail confirms duplication or has concerns about a name proposed, that name will **not** be considered for approval.

4.1.5 On receipt of correspondence from the Royal Mail that they have no objection to the name proposals, (by Email, fax or written confirmation), Elected Members will be informed of the application at the next Environmental Services Committee meeting in which to make comments and give consideration to the named proposal. It should be

noted that the Council do not have to accept any named proposal put forward by the applicant and may propose an alternative name of their choosing.

- 4.1.6 Following the Environmental Services Committee recommendation, and agreement at the full Council meeting, applicants, or agents acting on their behalf will be notified.
- 4.1.7 In the event that a name proposal is unacceptable the Council may either request the applicant to submit a further name or may name the street / development and notify the applicant accordingly.
- 4.1.8 Following Council agreement of a development name, the applicant will be notified in writing and the Building Control Department in consultation with the applicant will provide a Postal Numbering Schedule.
- 4.1.9 The Royal Mail Address Management Unit will be asked to provide an official Postcode associated with this new development. Once this information is received the Royal Mail and other relevant agencies such as the Pointer Group and the applicant will all be notified by the Building Control Department, of the official Postal Name, Number and Postcode for a new development.

4.2 **New Property Procedure - New Individual Properties**

- 4.2.1 Where an individual property requires a postal number the applicant or agent acting on their behalf will be advised at the commencement of the building works that Council has the legal responsibility of issuing postal numbers. In considering the individual property number the Building Control Department will take account of existing postal numbering along the street and will provide a suitable postal number for the individual property that will be numerically sequenced with those existing properties. Written confirmation of the new Postal Number will be provided to the Royal Mail and other relevant agencies such as the Pointer Group and then to the individual concerned.
- 4.2.2 The letter to the individual indicating the new Postal Number will also contain a telephone number to activate the new Postal Number on the Royal Mail system to ensure deliveries can commence to the individual property.

4.3 **Renaming or Re-numbering Procedure**

- 4.3.1 There are occasions where existing naming and numbering is found to be unsatisfactory and changes need to be made. Complaints may come from various sources and all will

be properly investigated before deciding on a course of action. The Council may with the consent of two thirds in number of residents aged over 18 and identified on the electoral register, in any street, plus the owners or tenants in actual possession of commercial premises, but not employees in such premises consider a request to alter the name of such a street.

4.3.2 If it is decided that renaming or re-numbering maybe necessary, the Royal Mail, and other relevant agencies will be consulted and proposals agreed.

4.3.3 Observations from all persons affected by a renaming or renumbering proposal are then sought. This shall be by writing to the affected occupiers or where this is not possible by notification in the press and the erection of public notices.

4.3.4 Following the expiry of 28 days, a recommendation will be made to Environment Services Committee taking into account objections and other observations received.

4.4 Replacement of Street Name Plates

4.4.1 Council may at its sole discretion decide to replace street name plates that have been removed or defaced.

4.4.2 Where Council decides to replace a name plate, Council shall initiate proceedings to recover costs from the culprits where such culprits can be clearly identified.

4.4.3 Where Council decides to replace a name plate, the name shall be spelled out exactly as before.

4.4.4 Name plates missing or defaced from Housing Executive properties or streets comprising 50% or more Housing Executive properties shall in the first instance be referred to the Housing Executive for replacement.

4.5 Numbering of Properties

4.5.1 Where Causeway Coast and Glens District Council has approved a street name and erected a street nameplate, the occupier of each premise in the street must number the premises with the number approved by the Council.

4.5.2 Occupiers of premises in a street should ensure that numbers displayed are easily identified and read.

4.5.3 The name of an individual property has no standing; the property will be identified only by its number and the street in which it is situated.

6.0 Dual Language Street Signs

6.1 A policy and procedure document specifically dealing with dual language street signs is presently being prepared. Once this document is finalised it will be brought to Council for consideration.

7.0 Enforcement

7.1 On occasion it is necessary to consider enforcement action to ensure the display of official street names and postal numbers. In line with our enforcement policy informal action will in all cases be pursued in an attempt to resolve the matter. If however, persuasion fails to achieve results action will normally be taken under Article 11 of the *Local Government (Miscellaneous Provisions) (NI) Order 1995*.

(Article 11, paragraph 5) Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995 provides that:-

“Any person, who obscures, pulls down, defaces any official nameplate or erects in any street a nameplate showing as the name of the street a name different from the official street name or erects in any street any nameplate purporting to show the name of the street, without authorisation of the Council, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

7.2 In addition the said Order provides that:-

Where the occupier of a house or building fails to ensure that it is marked with the number approved by the council – the Council may serve on him a notice requiring him

to comply with the notice within 7 days from the date on which the notice is served.

If that person fails to comply with the notice they shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

The Council may do anything which he has failed to do and in addition may recover from that person summarily as a civil debt any expenses thereby reasonably incurred.

8.0 Finance

8.1 As the erection of street signs and registration of postal numbering are statutory functions the Council will not levy a charge in administering these functions. Where an application for written confirmation of Postal Numbering is made, a Numbering Certificate will be issued by the Council.

8.2 The existence and condition of street nameplates will be monitored by officers on a regular basis and repair or replacement carried out. Where signage has been subject to vandalism, repairs will be made or replacement signage erect

9.0 EVALUATION AND REVIEW OF THE POLICY

The Building Control Department will review the policy on an annual basis to take account of any general changes that may be required. He will also review the policy in respect of any legislative changes that have been introduced.

10.0 SECTION 75 EQUALITY AND GOOD RELATIONS

Causeway Coast and Glens District Council is fully committed to meeting its obligations in relation to Equality and Good Relations under Section 75 of the Northern Ireland Act. This policy will be screened using Section 75 guidelines and will be subjected to an Equality Impact Assessment if found necessary as a result of the screening process.

11.0 CONTACT DETAILS

Any issues or queries relating to this policy should be addressed to:

The Building Control Department
Causeway Coast and Glens District Council

APPENDIX 1

POLICY GUIDELINES

In the Causeway Coast and Glens District Council area, the following policy guidelines have been established and followed over many years:

(a) **Naming Streets and Buildings**

- (i) New street names should not duplicate any similar name already in use in the District or neighbouring Districts. A variation in the terminal word, i.e. 'street', 'road', 'avenue', etc, may not be accepted as sufficient reason to duplicate a name, other than where streets are adjacent or within one development.
- (ii) Subsidiary names (e.g. a row of buildings within an already named road being called '.....Terrace') should not be used.
- (iii) All new street names should end with one of the following suffixes:-

Street		for any road
Road	}	for major roads
Way	}	
Road	}	
Avenue	}	
Drive	}	for residential roads
Grove	}	
Lane	}	
Gardens	}	(subject to there being no confusion with any local open space)
Mews	-	for houses around an open yard or along a

laneway

Place	-	for a square with houses
Link	-	for a road linking two roads
Crescent	-	for a crescent shaped road
Close	-	for a cul-de-sac only
Square	-	for a square only
Hill	-	for a hillside road only
Circus	-	for a large roundabout
Terrace	-	for a terrace of houses (provided it is not a subsidiary name)
Court	-	for apartments or houses around an open yard

The above list is not exhaustive and all decisions on names remain within the authority of the Council.

- (iv) Avoid aesthetically unsuitable names such as Abattoir Road, Tip Lane, or names capable of deliberate misinterpretation.
- (v) The use of North, East, South or West (as in Alfred Road North and Alfred Road South) (or East, West) is only acceptable where the road is continuous and passes over a major junction. It is not acceptable when the road is in two separate parts with no vehicular access between the two. In such a case one half should be completely renamed.
- (vi) Avoid having two phonetically similar names within a postal area and, if possible, within a District, e.g. Churchill Road and Birch Hill Road.
- (vii) The inclusion of secondary names on signage is permitted whereby the secondary name provides useful reference to a place of non commercial public use eg. school, church. The siting of secondary names shall only be by request, with additional costs to be forwarded to the place of referral.
- (viii) Naming of streets with names of persons still alive shall only be allowed where that person has undertaken a deed or act that the Council deems has brought honour to the District.

(b) **The Numbering of Buildings**

- (i) A new street should be numbered with even numbers on one side and odd numbers on the other.
- (ii) Private garages and similar buildings used only for housing vehicles, etc, should not be numbered.
- (iii) Buildings (including those on corner sites) are numbered according to the street in which the main entrance is to be found and the manipulation of numbering in order to secure a 'prestige' address or to avoid an address which is thought to have undesired associations should not be sanctioned.
- (iv) If a building has entrances in more than one street, but is a multi-occupied building and each entrance leads to a separate occupier, then each entrance should be numbered in the appropriate road. Exceptions may be made, depending on the circumstances, for a house divided into flats.
- (v) A **named** building is not under the control of the Legislation and may have more than one number in one street.
- (vii) Postcodes are the responsibility of Royal Mail Address Unit.
- (viii) In residential buildings (e.g. blocks of flats) it is usual to give a street number to each dwelling where the block is up to six storeys in height. When the block exceeds this height or there are not sufficient numbers available because of existing development, it should be given a name and number in the street. The numbering of flats within a named or numbered building is outside the scope of these powers, but developers may be advised that on each floor the numbering should be in a clockwise direction where this is possible, or alternatively to consult the local District Postmaster.
- (ix) When one large old house in a road is demolished and replaced by (say) four smaller houses or in rural situations where all available numbers are taken up it may be necessary to include alpha-numeric references. E.g. 34A, 34B, 34C.

(c) **Renaming or Renumbering Streets and Buildings**

Renaming/renumbering existing streets and buildings is normally only considered when changes occur which give rise (or are likely to give rise) to delivery of similar problems for

the occupiers, Post Office, Emergency Services etc. There is no express provision for this under the legislation and thus any such proposal would be carried out in consultation with all parties affected by the changes.

**RECOMMENDATIONS FOR THE
INSTALLATION OF STREET NAME PLATES**

1. Street name plates should be fixed as near as possible to street corners, so as to be easily readable by drivers as well as pedestrians. The name plate should normally be within 3m of the intersection of the kerb lines, but where this is not practicable the distance may be varied up to a maximum of 6m.
2. Street names plates should be mounted so that the lower edge of the plate is approximately 1m above the ground at sites where they are unlikely to be obscured by pedestrians or vehicles and at approximately 2.5m where obscuration is a problem. They should never be lower than 600mm or higher than 3.6m.
3. Name plates should normally be fixed at each street corner. At minor crossroads, particularly in residential areas, one plate on each side of the street positioned on the offside of traffic emerging from the road may be sufficient, except where the road name changes, or where it is thought that paragraph 8 would apply.
4. At T-junctions a main street name plate should be placed directly opposite the traffic approaching from the side road.
5. Where the street name changes at a point other than a cross-road, both names should be displayed at the point of change and many Local Authorities have found it useful to include arrows to indicate clearly to which parts of the street the name refers.
6. On straight lengths of road without intersections, name plates should be repeated at reasonable intervals with priority given to such places as bus and railway stations, and opposite entrances to well frequented sites such as car parks.
7. Where two streets branch off obliquely from a common junction with a third street, plates on fingerpost mountings can be useful, provided they do not obscure any traffic sign.
8. Where it might reasonably be expected, for example at intervals only on straight lengths of road or at intersections or T-junctions, many Local Authorities have found it useful to

incorporate, on the name plate, information indicating street numbers on either side of the intersection.

9. Whenever practical, street name plates should be mounted on walls, buildings or other boundary structures at the back edge of the footpath. Post mounting or finger mounting should only be used where normal mounting does not make the plate conspicuous (e.g. where an important side road has a narrow entrance or in the exceptional circumstances mentioned in paragraph 7 above, or where it will frequently be obscured by pedestrian movement and cannot be mounted at the 2.5m height).
10. The name plates should be so fixed that there is a clear space of at least 300mm in every direction between them and any notices, advertisements or other printed or written matter. Where possible greater clearance should be provided. Care should be taken to keep the view of name plates free from obstruction by trees or other growth.
11. Where possible, name plates should be fixed so that they will be illuminated by light from street lamps, especially at important junctions, provided they remain visible to vehicles on the main carriageway.

Causeway Coast and Glens

District Council

STREET NAMING AND PROPERTY NUMBERING POLICY AND PROCEDURES

(Application Form – New Developments)

I (name).....

Of (contact address)

.....

.....

Phone Number:

being the developer of a housing/commercial/housing and commercial* development

at (development location).....

.....

DO HEREBY apply to Causeway Coast and Glens District Council for authority to name the street(s) in the said proposed development as follows:-

1. First Preference:

.....

2. Second Preference:

.....

3. Third Preference:

.....

I confirm that I have read and I am familiar with the Street Naming and Property Numbering Policy and Procedures of Causeway Coast and Glens District Council

(Copy available on the website – www.causewaycoastandglens.gov.uk – or a hard copy is available on request)

I believe that the street name(s) hereby applied for by me, in order of preference, are in accordance with that policy on the following grounds:

First Preference (reason for name):

.....

.....

Second Preference (reason for name):

.....

.....

Third Preference (reason for name):

.....

.....

I acknowledge the sole right of Causeway Coast and Glens District Council to authorise the use of any street name in its district, pursuant to Article 11 of the Local Government (Miscellaneous Provisions) (NI) Order 1995. I also acknowledge it to be an offence to erect in any street any nameplate purporting to show the name of the street without the authorisation of the said Causeway Coast and Glens District Council.

I enclose 2No. copies a location map and 2No. copies of a site plan of the proposed development.

SIGNED:

.....

DATED:

.....

- Location Map Enclosed (2No. copies)

- Site Plan Enclosed (2No. copies)

* Delete as appropriate.

Annual Tenders 2015
Evaluation Report & Recommendations to Council

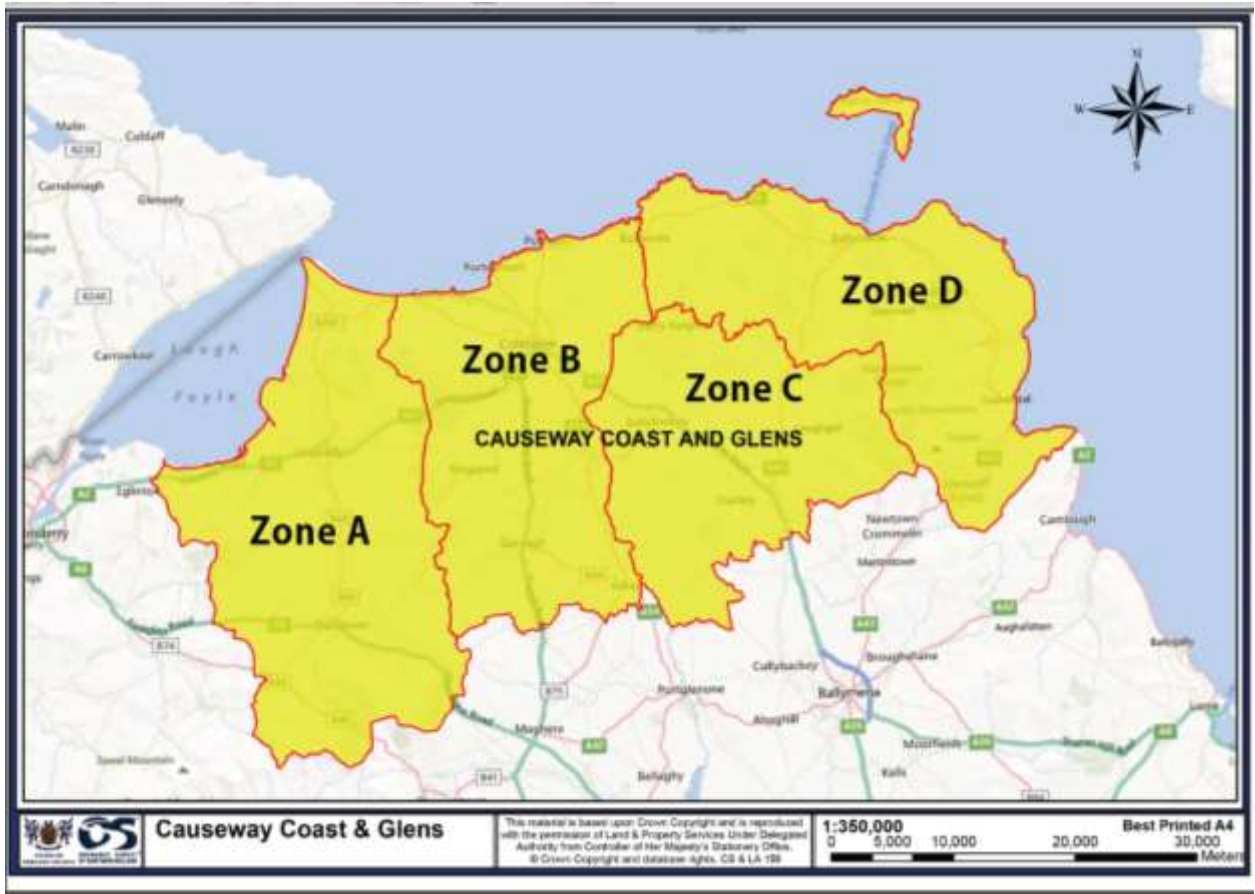
Introduction

Annual tenders for 2015 have been advertised to the market in accordance with the “Open” procedure as prescribed in The Public Contracts Regulations 2006. Such a tender process was necessary as spend across the 26 lots included within this contract was estimated to be in the region of £1.5m per annum. This figure exceeds the circa £170,000 threshold at which the EU procurement process must be followed.

Tenders were advertised publicly in early December 2014 and the closing date was fixed at noon on Monday 2nd February 2015.

Some of the lots within this tender process have been split into separate zones for evaluation, further details are provided within the text relating to each lot. These zones, from A to D, represent the legacy council areas of Ballymoney, Coleraine, Limavady and Moyle respectively. A map was attached to tender documents to display these areas to bidders and is attached below for your reference.

Area Zone Map



Recommendations

Following the completion of the tender evaluation process, it is recommended that the following action is taken with respect to each of the 26 lots that were available within the tender.

Lot 1 - Builders' Hardware, Plumbing Supplies, Supply of Timber & Windows

This lot is to be re-tendered as none of the bids received met the selection criteria. It is proposed that an open tender approach is used whereby a number of suppliers will be asked to bid on a range of items. An advert will also be placed on eSourcing NI to make other bidders aware of the opportunity. If Council are satisfied with the quality of response received, the cheapest bidder will be awarded the contract for a period of one year.

Lot 2 - Supply & Delivery of Ready Mix Concrete

It is recommended that **Northstone (NI) Limited** are awarded preferred supplier status for this lot. No other bids passed the selection stage and therefore no backup supplier will be awarded for this lot. The panel reviewed the pricing submitted and have deemed it acceptable.

Lot 3 - Supply & Laying of Bituminous Macadam/Asphalt Surfacing & Edging

It is recommended that **Northstone (NI) Limited** are awarded preferred supplier status for **all four zones** within this lot. Their bid was the most competitive of all bids received. Furthermore, it is recommended that **RT Boyd & Company Limited** are awarded backup supplier status for **all four zones** within this lot as their bid submission was the second most competitive bid after Northstone (NI) Limited.

The bid received from Mark Wilson was excluded as the pricing schedule submitted was incomplete.

Lot 4 - Electrical Supplies

It is recommended that **Gordon's Electrical Supplies** are awarded preferred supplier status for this lot. No other bids fully complied with the requirements set out in the tender documents and therefore no backup supplier will be awarded for this lot. The panel reviewed the pricing submitted and have deemed it acceptable.

The bid received from Your Electrical Supplies, Services & Solutions (A) Ltd was excluded as the pricing schedule submitted was incomplete.

Lot 5 - Cleaning Materials

It is recommended that **Ashland Chemicals** are awarded preferred supplier status for this lot. Their bid was the most competitive of all bids received. Furthermore, it is recommended that **Bunzl McLaughlin** are awarded backup supplier status for this lot as their bid submission was the second most competitive bid after Ashland Chemicals.

The bid received from Arco Ltd was excluded as the pricing schedule submitted was modified by the company. The prices submitted by the company were also too expensive to achieve either preferred supplier or backup supplier status.

Lot 6 - Supply of Paint

It is recommended that **PPG Architectural Coatings UK Limited** are awarded preferred supplier status for this lot. Furthermore, it is recommended that **Akzonobel** are awarded backup supplier status for this lot as their bid submission was the second most competitive bid after PPG Architectural Coatings UK Limited.

The bid received from Crown Paints Ltd was excluded as the pricing schedule submitted was incomplete.

Lot 7 - Hire of Vehicles & Plant

This lot was broken into three parts to enable a wider range of bidders to bid for a given list of items within each part. Each part was further divided into four zones reflecting the boundaries of the four legacy councils of Ballymoney, Coleraine, Limavady and Moyle.

PART A – Large Plant with Operators

It is recommended that **Irwin Groundworks** are awarded preferred supplier status for **all four zones** within this part of the lot. Their bid was the most competitive of all bids received. Furthermore, it is recommended that **P. McLean & Son** are awarded backup supplier status for **all four zones** within this part of the lot as their bid submission was the second most competitive bid after Irwin Groundworks.

PART B – Vehicle Hire (including refuse vehicles)

It is recommended that **Alan Miller** is awarded preferred supplier status for this part of the lot. Furthermore, it is recommended that **McCreath Taylor (NI) Ltd** are awarded backup supplier status for this part of the lot as their bid submission was the second most competitive bid after the bid submitted by Alan Miller.

PART C – Small Plant (including generators and access equipment)

This part of the tender will be re-tendered as no compliant bids were submitted for this part of the lot. It is proposed that an open tender approach is used whereby a number of suppliers will be asked to bid for this lot. An advert will also be placed on eSourcing NI to make other bidders aware of the opportunity. If Council are satisfied with the quality of response received, the cheapest bidder will be awarded the contract for a period of one year.

Other Information Regarding Lot 7

The bid received from Mark Wilson was excluded as the pricing schedule submitted was incomplete.

The bid received from Kidd Commercials was excluded as the pricing schedule submitted was incomplete.

The bid received from Patrick Bradley Limited was excluded as the pricing schedule submitted was incomplete.

The bid received from Campbell Farms was excluded as the pricing schedule submitted was incomplete.

The bid received from Carey Floorcare was excluded as the pricing schedule submitted was incomplete.

Lot 8 - Removal of Pas 100 Standard Compost

This lot is to be re-tendered as none of the bids received met the selection criteria. It is proposed that an open tender approach is used whereby a number of suppliers will be asked to bid for this lot. An advert will also be placed on eSourcing NI to make other bidders aware of the opportunity. If Council are satisfied with the quality of response received, the cheapest bidder will be awarded the contract for a period of one year.

Lot 9 - Supply of Concrete Products

This lot is to be re-tendered as none of the bids received met the selection criteria. It is proposed that an open tender approach is used whereby a number of suppliers will be asked to bid on a range of items. An advert will also be placed on eSourcing NI to make other bidders aware of the opportunity. If Council are satisfied with the quality of response received, the cheapest bidder will be awarded the contract for a period of one year.

Lot 10 - Supply of Quarry Materials

This lot was broken into four zones reflecting the boundaries of the four legacy councils of Ballymoney, Coleraine, Limavady and Moyle. The aim of doing so was to achieve best value for quarry materials for each area by minimising transport distances from suppliers premises to Council locations in each of the four areas.

ZONE A

It is recommended that **Patrick Bradley Limited** are awarded preferred supplier status for this zone of the lot. Furthermore, it is recommended that **Northstone (NI) Limited** are awarded backup supplier status for this zone as their bid submission was the second most competitive bid after the bid submitted by Patrick Bradley Limited.

ZONE B

It is recommended that **Patrick Bradley Limited** are awarded preferred supplier status for this zone of the lot. Furthermore, it is recommended that **Patrick Keenan** is

awarded backup supplier status for this zone as his bid submission was the second most competitive bid after the bid submitted by Patrick Bradley Limited.

ZONE C

It is recommended that **Patrick Keenan** is awarded preferred supplier status for this zone of the lot. Furthermore, it is recommended that **Patrick Bradley Limited** are awarded backup supplier status for this zone as their bid submission was the second most competitive bid after the bid submitted by Patrick Keenan.

ZONE D

It is recommended that **Patrick Keenan** is awarded preferred supplier status for this zone of the lot. Furthermore, it is recommended that **Patrick Bradley Limited** are awarded backup supplier status for this zone as their bid submission was the second most competitive bid after the bid submitted by Patrick Keenan.

Other Information Regarding Lot 10

The bid received from Ardstraw Quarries Ltd was excluded as the pricing schedule submitted was incomplete.

Lot 11 - Supply & Installation of Glass

This lot is to be re-tendered as part of the revised lot 1. None of the bids received met the selection criteria.

Lot 12 - Supply of Protective Clothing

This lot is to be re-tendered as none of the bids received were acceptable. It is proposed that an open tender approach is used whereby a number of suppliers will be asked to bid on a range of items. An advert will also be placed on eSourcing NI to make other bidders aware of the opportunity. If Council are satisfied with the quality of response received, the cheapest bidder will be awarded the contract for a period of one year.

Lot 13 - Supply of Batteries

It is recommended that **TBF Thompson (Garvagh) Limited** are awarded preferred supplier status for this lot. No other bids fully complied with the requirements set out in the tender documents and therefore no backup supplier will be awarded for this lot. The panel reviewed the pricing submitted and have deemed it acceptable.

Lot 14 - Sports Pitch Maintenance

This lot was broken into two parts to enable a wider range of bidders to bid for a given list of items within each part. Each part was further divided into four zones reflecting the boundaries of the four legacy councils of Ballymoney, Coleraine, Limavady and Moyle.

PART A – Verti-draining, top dressing & Goalmouth work

It is recommended that **Irwin Groundworks** are awarded preferred supplier status for **all four zones** within this part of the lot. Their bid was the most competitive of all bids received. Furthermore, it is recommended that **Clive Richardson Limited** are awarded backup supplier status for **all four zones** within this part of the lot as their bid submission was the second most competitive bid after Irwin Groundworks.

PART B – French and main drainage work, reseeding and spraying

It is recommended that **Irwin Groundworks** are awarded preferred supplier status for **all four zones** within this part of the lot. Their bid was the most competitive of all bids received. Furthermore, it is recommended that **Clive Richardson Limited** are awarded backup supplier status for **all four zones** within this part of the lot as their bid submission was the second most competitive bid after Irwin Groundworks.

Lot 15 - Street Nameplates

This lot is to be re-tendered as none of the bids received were acceptable. It is proposed that an open tender approach is used whereby a number of suppliers will be asked to bid on a range of items. An advert will also be placed on eSourcing NI to make other bidders aware of the opportunity. If Council are satisfied with the quality of response received, the cheapest bidder will be awarded the contract for a period of one year.

Lot 16 - Electrical Maintenance & Repair Work

This lot was broken into four zones reflecting the boundaries of the four legacy councils of Ballymoney, Coleraine, Limavady and Moyle. The aim of doing so was to achieve best value for electrical maintenance work for each area by enabling bidders to bid for one or more areas, helping smaller companies to submit a compliant bid.

ZONE A & ZONE C

It is recommended that **WKK Electrical Services** are awarded preferred supplier status for zones A & C of the lot. Furthermore, it is recommended that **KN Group** are

awarded backup supplier status for zones A & C as their bid submission was the second most competitive bid after the bid submitted by WKK Electrical Services.

ZONE B & ZONE D

Zone B

It is recommended that **RHK Davidson Electrical** are awarded preferred supplier status for zone B of the lot. Furthermore, it is recommended that **WKK Electrical Services** are awarded backup supplier status for Zone B as their bid submission was the second most competitive bid after the bid submitted by RHK Davidson Electrical.

Zone D

It is recommended that **RHK Davidson Electrical** are awarded preferred supplier status for zone D of the lot. Furthermore, it is recommended that **KD McShane Electrics** are awarded backup supplier status for zone D as their bid submission was the second most competitive bid after the bid submitted by RHK Davidson Electrical.

Lot 17 - Plumbing Maintenance & Repair Work

This lot was broken into four zones reflecting the boundaries of the four legacy councils of Ballymoney, Coleraine, Limavady and Moyle. The aim of doing so was to achieve best value for plumbing maintenance work for each area by enabling bidders to bid for one or more areas, helping smaller companies to submit a compliant bid.

It is recommended that **Joe Galloway Plumbing & Heating** are awarded preferred supplier status for **all four zones** within this lot. Their bid was the most competitive of all bids received. Furthermore, it is recommended that **Arthur Falkner & Sons** are awarded backup supplier status for **all four zones** within this lot as their bid submission was the second most competitive bid after Joe Galloway Plumbing & Heating.

Lot 18 - Hire Of Bricklayers, Joiners, Plasterers, & Labourers for Maintenance Work

This lot was broken into four zones reflecting the boundaries of the four legacy councils of Ballymoney, Coleraine, Limavady and Moyle. The aim of doing so was to achieve best value for construction trades work for each area by enabling bidders to bid for one or more areas, helping smaller companies to submit a compliant bid.

It is recommended that **Covehill Homes** are awarded preferred supplier status for **all four zones** within this lot. Their bid was the most competitive of all bids received. Furthermore, it is recommended that **Robert Allen & Sons** are awarded backup

supplier status for **all four zones** within this lot as their bid submission was the second most competitive bid after Covehill Homes.

Lot 19 - Hire Of Painters

This lot was broken into four zones reflecting the boundaries of the four legacy councils of Ballymoney, Coleraine, Limavady and Moyle. The aim of doing so was to achieve best value for painting work for each area by enabling bidders to bid for one or more areas, helping smaller companies to submit a compliant bid.

ZONE A & ZONE B

It is recommended that **Dolan Decorating Ltd** are awarded preferred supplier status for **both Zone A & Zone B** within this lot. Their bid was the most competitive of all bids received. Furthermore, it is recommended that **NA Campbell** are awarded backup supplier status for **both zones** within this lot as their bid submission was the second most competitive bid after Dolan Decorating Ltd.

ZONE C & ZONE D

It is recommended that **NA Campbell** are awarded preferred supplier status for **both Zone C & Zone D** within this lot. Their bid was the most competitive of all bids received. Furthermore, it is recommended that **Dolan Decorating Ltd** are awarded backup supplier status for **both zones** within this lot as their bid submission was the second most competitive bid after Dolan Decorating Ltd.

Lot 20 - Supply & Delivery of Chemicals

This lot is to be re-tendered as no bids were received for it. It is proposed that an open tender approach is used whereby a number of suppliers will be asked to bid on a range of items. An advert will also be placed on eSourcing NI to make other bidders aware of the opportunity. If Council are satisfied with the quality of response received, the cheapest bidder will be awarded the contract for a period of one year.

Lot 21 - Industrial Cleaning Products

It is recommended that **Ashland Chemicals** are awarded preferred supplier status for this lot. No other bids fully complied with the requirements set out in the tender documents and therefore no backup supplier will be awarded for this lot. The panel reviewed the pricing submitted and have deemed it acceptable.

Lot 22 - Waste Containers

It is recommended that **Craemer UK Limited** are awarded preferred supplier status for this lot. No other bids were received for this lot and therefore no backup supplier will be awarded for this lot. The panel reviewed the pricing submitted and have deemed it acceptable.

Lot 23 - Lubricants

It is recommended that **Lubricant Distribution** are awarded preferred supplier status for this lot. No other bids fully complied with the requirements set out in the tender documents and therefore no backup supplier will be awarded for this lot. The panel reviewed the pricing submitted and have deemed it acceptable.

The bid received from TBF Thompson (Garvagh) Ltd was excluded as the pricing schedule submitted was incomplete.

Lot 24 - Refuse Sacks

It is recommended that **W T Robson Ltd** are awarded preferred supplier status for this lot. Furthermore, it is recommended that **Craigavon Plastics Ltd** are awarded backup supplier status for this zone as their bid submission was the second most competitive bid after the bid submitted by WT Robson Ltd.

The bid received from Bunzl McLaughlin was excluded as the quality of the refuse sack submitted was deemed, by the panel, to be of poor quality.

The bid received from Ashland Chemicals was excluded as the quality of the refuse sack submitted was deemed, by the panel, to be of poor quality.

The bid received from Galgorm Group was excluded as the quality of the refuse sack submitted was deemed, by the panel, to be of poor quality.

The bid received from Brow Packaging was not successful as the price submitted was higher than that submitted by Craigavon Plastics Ltd.

Lot 25 - Window Cleaning

It is recommended that **Precision Industrial Services Ltd** are awarded preferred supplier status for this lot. No other bids fully complied with the requirements set out in the tender documents and therefore no backup supplier will be awarded for this lot. The panel reviewed the pricing submitted and have deemed it acceptable.

Lot 26 - Horticultural Products

This lot is to be re-tendered as none of the bids received were acceptable. All bids received passed the selection criteria but did not submit completed pricing schedules for the lot.

It is proposed that an open tender approach is used whereby a number of suppliers will be asked to bid on a range of items. An advert will also be placed on eSourcing NI to make other bidders aware of the opportunity. If Council are satisfied with the quality of response received, the cheapest bidder will be awarded the contract for a period of one year.

Causeway Coast & Glens

District Council

Corporate Credit Card Policy

Version number: 1

Dated: 26th February 2015

Author: David Wright

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1.1 Introduction

The procedures below outline the control arrangements for the issue and use of the corporate credit card and arrangements for the monthly return and reconciliation to the Finance Department. The procedures follow the guidelines provided by the DAO (DFP) 24/02, "Issue and Use of Payment Cards (inc. Credit Cards)".

2.1 Objectives

This policy applies to all employees of Causeway Coast and Glens District Council who are assigned a corporate credit card. The policy outlines:

- The responsibility of those individuals, who have authority to use Councils corporate credit cards, for the approved expenditure incurred while conducting the affairs of the Council
- Rules and limitations for the use of Causeway Coast and Glens District Council's corporate credit cards.

3.1 Eligibility

Cardholders are recommended by the Chief Finance Officer and approved by Council prior to issue. Any applications for new credit card holders should be made through the Chief Finance Officer who will need to know what type of items are intended to be bought and the likely volume and value of transactions.

To be eligible for a corporate credit card, an employee must purchase significant volumes of minor goods and services for the use by the Council and must be unable to purchase such items efficiently through the normal procurement system.

4.1 Limits

The transaction limits for card holders will be set by the Chief Finance Officer based upon the cardholders requirements and will be applied by the card provider to issued cards. These limits can be reviewed at the request of the cardholder's Line Manager. Expenditure incurred should also be limited to the specific types identified when applying for the card.

5.1 Issue of Corporate Credit Card

- a) The Corporate Director or authorised officer can make a request for a corporate credit card to the Chief Finance Officer/Chief Executive.
- b) The bank of Ireland VISA Corporate Card 'Cardholder Application Form' must be completed with the following information:
- c) Cardholders Details (to be completed by the cardholder)
 - Full Name
 - Home Address
 - Credit Limit (all Council cardholder applications are for Bank Of Ireland VISA – limit determined by bank.
 - Date of Birth
 - Signature
 - Cardholders Position
- d) Business details (to be completed by the Chief Finance Officer)
 - Name of business
 - Business address
 - Business bank account number
- e) The Cardholder Application Form is required to be authorised at a senior level by either the Chief Executive or the Chief Finance Officer. Where an application is made by the Chief Executive, the Chief Finance Officer and a Corporate Director should authorise the application form.
- f) A copy of the Cardholder Application Form should be kept in the Finance Department as a record of those members of staff who apply for a corporate credit card.
- g) The Chief Finance Officer should maintain a list of all corporate credit cards in issue. The following details should be recorded:
 - Card user name, title and department
 - Card number
 - Card issue and expiry dates
 - Card credit limit

- h) The Chief Finance Officer will receive the corporate credit card from the Bank of Ireland and forward it to the applicant who is required to sign the back as authorisation.
- i) Each applicant should also confirm in writing that they have taken receipt of the card and that they have read and understood this policy.

6.1 Conditions of Use

- a) The 'Terms and Conditions of Use' for the corporate credit card should be clearly documented. A copy of this document should be issued to all card users who should acknowledge receipt and document the fact that they have read and understood the conditions of use. A card should not be issued to an officer who has not signed a set of terms and conditions of use.
- b) The corporate credit card can only be used with the express permission and authorisation of the Chief Executive or member of Senior Management Team (SMT).
- c) The corporate credit card should only be used for the purchase of goods and services on behalf of the Council and used in specific circumstances i.e. where use of the normal purchase order / creditors payment arrangements is not possible.
- d) All expenditure must represent proper and legitimate expenditure incurred on behalf of Causeway Coast and Glens Council.
- e) **No personal use** should be made of the corporate credit card. Card users must be informed that misuse of a card in this way will be a disciplinary offence.
- f) Corporate credit cards should **not** be used for cash withdrawals.
- g) Corporate credit cards should not be tied to any type of reward system that provides cardholders with any personal benefit or reward.
- h) Corporate credit cards should be kept in a safe place at all times.
- i) If lost, stolen and/or damaged shall be reported immediately to the Chief Finance Officer.

- j) The Councils Procurement Policy will apply to all purchases made with the corporate credit card. Each department should draw up a list of approved uses of the corporate credit card.
- k) Details and full supporting documentation of any orders, booking forms, payments etc should be forwarded to the Chief Finance Officer who will file the documentation in date order.
- l) All claims for purchases made by a corporate credit card should be supported by vouchers and receipts e.g. corporate credit card receipts, delivery notes, invoices etc. These should also be forwarded to the Chief Finance Officer and attached to the authorised documentation already held on file, and the corporate credit card statement when received.
- m) When the corporate credit card is used to pay for something by telephone or over the internet all details should be documented or printed off and forwarded to the Chief Finance Officer. There should be a record of the reason for the use, order number, reference, approval and date.
- n) When accommodation is paid for by the corporate credit card, the traveller should submit on return a detailed invoice/statement from the hotel showing clearly what is charged to the card along with the signed credit card voucher.
- o) It is important that staff are provided with appropriate training in the use of the card. This applies to card users, finance staff, verifying officers and any other person associated with the use of such a card.
- p) Failure to observe the detailed conditions of use may result in future use of the corporate credit card being declined.
- q) There should be adequate separation of duties particularly between ordering and payment functions, and in checking, validation and payment of each corporate credit card statement. The certification of the Chief Executives expenditure should be only be authorised by the Chief Finance Officer and a Corporate Director.
- r) The Chief Finance Officer should ensure that a clear audit trail exists for all payments made with the corporate credit card from order to statement payment.

The following are the approved methods of processing transactions subject to the cardholder, on each occasion, maintaining a documented record of such transactions:

- *Across the counter (the cardholder inputs their PIN number or signs a purchase slip at the time of purchase)*
- *By telephone (the transaction is completed by quoting Corporate credit card details to the supplier)*
- *By mail, quoting card details on orders to suppliers*
- *By internet (the transaction is completed by quoting Corporate credit card details to the supplier)*
- *Signed letter of authorisation by relevant member of SMT for non-cardholder to use.*

7.1 Reconciliation and Return to Finance

- a) On receipt of the Bank of Ireland VISA card statement the Chief Finance Officer should forward a copy of the statement detailing expenditure incurred by the department corporate credit card to a nominated officer in the department.
- b) A nominated officer in the department should be responsible for the reconciliation of receipts held in their Section with each transaction on the VISA card bank statement. A monthly credit card approval voucher must be completed for each transaction or series of transactions.
- c) Any discrepancies will be clarified with the signatory and if there is still a discrepancy, contact should be made with the Chief Finance Officer, who will in turn contact the Bank of Ireland.
- d) All disputed items must be raised within the month of the receipt of the monthly statement and resolved as soon as possible thereafter.
- e) The Finance Department will prepare a journal/return, allocating the transactions to Cost Centres and Account Codes. The journal is checked, and certified by the Chief Finance Officer. The information attached should include a copy of the credit card statement. All relevant back-up is retained on a separate credit card statement file maintained by Finance Staff.
- f) A copy of the journal and statement should be retained in the Finance Department.
- g) The expenditure as shown on the VISA card bank account statement must be accounted for in the same month as the charge is processed in the bank. i.e. the journal must be posted before month end in which the payment is made. The payment is made to the bank of Ireland VISA card account by Direct Debit from the Council's Bank Account within (time to be specified by Bank of Ireland) days of the month end in which the expenditure is incurred. The Finance Department is responsible for posting the corporate credit card journal.
- h) The Finance Department should also prepare a cumulative schedule each month of the monthly corporate credit card expenditure to date. A copy should be sent to the Chief Finance Officer for monitoring purposes.

8.1 Audit

As well as checks undertaken by the Finance department on monthly returns, internal audit will also carry out checks from time to time as part of the internal control framework. These may entail scrutiny of specific transactions and cardholders should be prepared to justify expenditure as appropriate.

9.1 Disputed Transaction

Disputed items on monthly statements must be resolved with the supplier by the cardholder. Should the credit card provider need to be contacted, the Finance Department should be informed.

10.1 Lost or Stolen Credit Cards

The credit cardholder must alert the Chief Finance Officer to the loss/stolen credit card as quickly as practically possible to enable the credit card provider to be notified.

11.1 Termination of Employment

Credit cards must be returned to the Chief Finance Officer immediately on termination of employment of the cardholder for cancellation. The cardholder remains responsible for providing details of any expenditure included on a credit card statement up to and including their final day of employment.

12.1 Cardholder Register

The Chief Finance Officer shall ensure that a register of all Council Corporate Credit cards is maintained.

13.1 Improper Use of Credit Cards

All holders of Corporate Credit cards are in a position of trust in regard to the use of public funds and improper use of that trust may render the cardholder liable to disciplinary/legal action/criminal prosecution. Improper use includes misuse and/or fraudulent use.

Derry City and Strabane District Council

High Level Proposal for Legal Services Arrangement with Causeway Coast and Glens District Council

1. Introduction:

1.1 Causeway Coast and Glens District Council has been considering how best to provide for its legal service needs post 31st. March, 2015 – particularly in light of the new powers being transferred to Councils under the Local Government Act (Northern Ireland) 2014. One option that may be considered is a shared services arrangement with Derry City and Strabane District Council.

1.2 Shared Legal Services arrangements across councils have been undertaken successfully in several areas, including in Northern Ireland.

2. Proposed arrangement:

2.1 In the Local Government Act 1972 there is provision for shared professional services. Section 105 of that act provides that a council may make arrangements with any other council for... the provision by one party to the arrangements for the other of any administrative, professional or technical services.

2.2 The proposal would be that Derry City and Strabane District Council provide legal services to Causeway Coast and Glens District Council with an element of legal services being imbedded in the offices of Causeway Coast and Glens District Council. It is envisaged that initially the equivalent of one solicitor at assistant solicitor (PO1 or higher) level would be based full time in the offices of Fermanagh and Omagh District Council.

2.3 Further legal services would be provided from a Legal Services hub based at the current Derry City Council offices. Legal staff based in the offices of Causeway Coast and Glens District Council will also provide advices to the Legal hub thereby maximising complimentary skill sets and expertise increasing the benefits to both councils.

- 2.4 Certain specialist legal services would continue to be outsourced in particular in respect of employment and defence litigation where these are currently linked to insurance provision.
- 2.5 All live matters currently with local solicitor firms would continue to be dealt with by those firms and matters would continue to be referred to local solicitors firms where local expertise offers a value added benefit.
- 2.6 The arrangement will be subject to ongoing review by both councils.
- 2.7 Derry City and Strabane District Council would be the employing authority and both councils will enter into an agreement for shared professional services on appropriate terms.
- 2.8 A similar arrangement is actively being considered by Fermanagh and Omagh District Council meaning a broad range of legal expertise could potentially be based across the three new councils

3. Implications for Causeway Coast and Glens District Council:

This opportunity presents a range of benefits and risks as identified below:

3.1 Benefits:

- Financial savings – legal provision would be supplied at non-commercial rates. In addition there would be no requirement to procure case-management software or access to online legal databases as this has already been done by Derry City and Strabane District Council. This represents a saving of circa £40,000.00.
- Closer working relationship with Derry city and Strabane District Council.
- Opportunities to deliver improvements and efficiencies through collaborative working.
- Opportunity to benefit from shared expertise particularly in areas of corporate governance and planning.
- Provides evidence to local ratepayers of an example of efforts to deliver efficiency savings
- A practical example of collaboration in action and in line with the DoE Minister's stated support for increased collaboration across councils

3.2 Risks:

- Potential impact on local expertise in early stages of the arrangement.

- Additional staffing costs

3.3 Mitigated by:

- Continued use of local solicitors' firms to complement the new service where there is existing expertise.
- Supervision of case load by the Senior Solicitor/Head of Legal Services in Derry and Strabane District Council
- Close liaison arrangements between instructing departments' staff in both authorities
- ensuring effective governance and performance management systems in place around service plan objectives
- drawing on knowledge and learning from other areas who have successfully undertaken similar initiatives

4. Conclusion:

- 4.1 This arrangement presents a valuable opportunity to allow both councils to increase the effectiveness and expertise of legal service provision and so deliver benefits and drive improvements and efficiencies for both council areas.