

**ENVIRONMENTAL SERVICES COMMITTEE MEETING  
TUESDAY 4 APRIL 2017**

**Table of Recommendations**

<b>No</b>	<b>Item</b>	<b>Summary of Key Recommendations</b>
<b>1</b>	Apologies	<b><i>Alderman Cole Councillor Douglas</i></b>
<b>2</b>	Declarations of Interest	<b><i>Councillor Loftus – Item 6 Emergency Planning Protocols</i></b>
<b>3</b>	Minutes of Environmental Services Committee Meeting held on 7 March 2017	<b><i>Approved</i></b>
<b>4</b>	Licencing Items	<b><i>Approve</i></b>
<b>5</b>	Pavement Café Licensing – Public Consultation Proposed Fee and Duration of License	<b><i>Approve – with the addition that Council apply a 20% reduction in fees to small businesses that qualify for the Small Business Rate Relief.</i></b>
<b>6</b>	Emergency Planning Protocols i) District Council Mutual Aid Protocol ii) Joint Protocol ‘Emergency Call of Contracts’ between Northern Ireland Housing Executive and Northern Ireland District Councils iii) Memorandum of Understanding between the Department for Agriculture, Environment and Rural	<b><i>Sign Protocols and Memorandum of Understanding</i></b>

	Affairs (DAERA) and each District Council regarding Epizootic Diseases	
<b>7</b>	Infrastructure - Upgrade of Carparks – Phase 2	<b>Approve</b>
<b>8</b>	Licensing Items Report	<b>For Information</b>
<b>9</b>	Affordable Warmth Scheme - Update	<b>For Information Write to Permanent Secretary of DfC for confirmation of funding to be maintained at current level.</b>
<b>10</b>	Matters for Reporting to Partnership Panel (next meeting 23 May 2017)	<b>None</b>
<b>11</b>	Correspondence	<b>None</b>
<b>12</b>	Consultation Schedule	<b>None</b>
<b>13</b>	Any Other Relevant Business (notified in accordance with Standing Order 12 (o))	<b>None</b>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE  
ENVIRONMENTAL SERVICES COMMITTEE  
IN CIVIC HEADQUARTERS, COLERAINE ON  
TUESDAY 4 APRIL 2017 AT 7:00 PM**

**In the Chair:** Alderman King

**Members Present:** Aldermen: Campbell  
Councillors: Baird, Chivers, Duddy, Fielding,  
Holmes, Hunter, Loftus, McCaul, McLean,  
MA McKillop, Mulholland and Watton

**Officers Present :** A McPeake, Director of Environmental Services  
B Edgar, Head of Health and Built Environment  
D Allen, Committee and Member Services Officer

**In Attendance:** A Mullan, Head of Operations  
  
Press (1 No)

## **CONDOLENCES**

The Chair offered his condolences to Alderman Cole whose sister had recently passed away.

### **1. APOLOGIES**

Apologies were recorded for Alderman Cole and Councillor Douglas.

### **2. DECLARATIONS OF INTEREST**

Councillor Loftus declared an interest in Item 6 – Emergency Planning Protocols.

### **3. MINUTES OF ENVIRONMENTAL SERVICES COMMITTEE MEETING HELD 7 MARCH 2017**

The Chair advised that the minutes of the above meeting were approved at the Council Meeting on 28 March 2017.

## 4. LICENSING ITEMS

### 4.1 Transfer of Annual Indoor Entertainments Licence

<b>Premises:</b>	The Newbridge Restaurant
<b>Application:</b>	Transfer of Annual Indoor Entertainments Licence for The Newbridge Restaurant, 34 Newbridge Road, Coleraine, BT52 1TP.  Days and times on which it is applied to provide entertainment:  Monday – Saturday 11:30 – 01:00 Sunday 12:30 - 00:00

**It is recommended** to Transfer the Annual Indoor Entertainments Licence subject to compliance with any recommendations of the Councils licensing section inclusive of the following special conditions.

- (i) No representations from members of the public
- (ii) No objections from PSNI or NIFRS

### 4.2 Grant of Occasional Indoor Entertainments Licence

<b>Premises:</b>	North West 200 Marquee
<b>Application:</b>	Grant of Occasional Indoor Entertainments Licence for the North West 200 Marquee, NW200 Paddock, Ballyreagh Road, Portstewart.  Days and times on which it is applied to provide entertainment:  Saturday 6 <sup>th</sup> May – Saturday 13 <sup>th</sup> May 2017 from 11:30 – 01:30

**It is recommended** to Grant an Occasional Indoor Entertainments Licence subject to compliance with any recommendations of the Councils licensing section inclusive of the following special conditions.

- (i) No representations from members of the public
- (ii) No objections from PSNI or NIFRS

#### 4.3 Grant of Occasional Outdoor Entertainments Licence

<b>Premises:</b>	Market Yard
<b>Application:</b>	Grant of Occasional Outdoor Entertainment Licence for the Market Yard, New Market Street, Coleraine.  Days and times on which it is applied to provide entertainment:  Saturday 24 <sup>th</sup> June 2017 from 19:00 – 23:00

**It is recommended** to Grant an Occasional Outdoor Entertainments Licence subject to compliance with any recommendations of the Councils licensing section inclusive of the following special conditions.

- (i) No representations from members of the public
- (ii) No objections from PSNI or NIFRS

#### 4.4 Grant of Annual Entertainments Licence

<b>Premises:</b>	North Irish Horse Inn
<b>Application:</b>	Grant of Annual Indoor Entertainments Licence for the North Irish Horse Inn, 15 Carncullagh Road, Dervock, Ballymoney, BT53 8BE.  Days and times on which it is applied to provide entertainment:  Monday - Sunday from 12:00 – 01:00

**It is recommended** to Grant an Annual Indoor Entertainment Licence.

#### 4.5 Premises Approval for Civil Marriage

<b>Premises:</b>	The Manor House
<b>Application:</b>	Application has been received for the Approval of The Manor House, Rathlin Island, BT54 6RT as a place of Civil Marriage.

**It is recommended** to Grant Approval as a place of Civil Marriage subject to compliance with any recommendations of the Councils licensing section inclusive of the following special conditions.

- (i) No representations from members of the public
- (ii) No objections from PSNI or NIFRS

#### **4.6 Temporary Premises Approval for Civil Marriage**

<b>Premises:</b>	McShane Glen Cottages
<b>Application:</b>	Application has been received for the Temporary Approval of McShane Glen Cottages, 129 Whitepark Road, Ballintoy, Ballycastle, BT54 6NW as a place of Civil Marriage.  Date on which approval is sought: 5 <sup>th</sup> August 2017

**It is recommended** to Grant Temporary Approval as a place of Civil Marriage subject to compliance with any recommendations of the Councils licensing section inclusive of the following special conditions.

- (i) No representations from members of the public
- (ii) No objections from PSNI or NIFRS

**AGREED** – to recommend that Council approve recommendations therein at Items 4.1 - 4.6 inclusive.

#### **5. PAVEMENT CAFÉ LICENSING - PUBLIC CONSULTATION PROPOSED FEE AND DURATION OF LICENCE**

Report and Appendix circulated.

At the Environmental Services Committee Meeting held on 4 October 2016, Item 16 - Implementation of the Licensing of Pavement Café Act (NI) 2014 - it was agreed to initiate a consultation in relation to pavement café fees on the basis of the costing estimates presented, and to include within the consultation options around the cost and duration of a licence.

Consultation on the proposed fees commenced on 2nd November 2016 and closed on 30<sup>th</sup> November 2016 after the statutory 28-day period as required by the Act. Notice of the Consultation was published in local newspapers and on the Council website and views sought from

interested parties. Whilst no responses from local businesses was received within the period Council did receive one response from Hospitality Ulster and two unrelated responses from Mr S Douglas MLA and the Royal National Institute for the Blind. A copy of these responses are attached for information (previously circulated).

A summary of the proposed fee provisionally agreed for three years for Consultation is noted below.

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

The other Councils in Northern Ireland are currently setting their fees for Pavement Café Licences and their latest proposed fees and period of Licence are set out below:

District	Grant	Renewal	Variation	Licence duration
<b>Antrim and Newtownabbey</b>	Free	Free		3 years
<b>Ards and North Down</b>	£225	£150	£150	3 years
<b>Armagh, Banbridge and Craigavon</b>	£213*	£111	£111	3 years
<b>Belfast</b>	£225	£55	unknown	5 years
<b>Derry and Strabane</b>	tbc	Tbc	Tbc	Tbc
<b>Fermanagh and Omagh</b>	£375	£285		3 years
<b>Lisburn and Castlereagh</b>	£480	£360	£85	
<b>Mid and East Antrim</b>	Free	Free		3 years
<b>Mid-Ulster</b>	Free	Free		3 years
<b>Newry, Mourne and Down</b>	£375	£280	£280	3 years

\*ABC Council fee will be up to a maximum of £831 if planning permission is also required.

The Department for Communities have recently issued their final guidance notes in relation to the legislation. Council Officers are currently undertaking a public consultation exercise having screened the document in accordance with the Councils Equality scheme to ensure that there are no impacts from the introduction of Pavement Cafés on the safe independent mobility of blind and partial sighted people as well as other categories of people.

The Director of Environmental Services and Head of Health and Built Environment have delegated authority for determining matters such as the grant, renewal, transfer or variation of licences such as those pertaining to Entertainment, Street Trading, Petroleum, Cinemas etc. where no objections are received. The Committee deals with all incidences where licences are proposed to be revoked or are under formal objection. It is proposed to replicate these arrangements for Pavement Café Licences.

**It is recommended that:**

- Council agrees to issue a three year Pavement Café Licence.
- Council agrees to the fee for the grant of a licence as per the consultation exercise with a review to be undertaken after 12 months.
- Council agrees to delegate authority for determining routine matters such as the renewal, transfer, variation or temporary suspension of a Pavement Café Licence to the Director of Environmental Services and Head of Health and Built Environment as with other licensing functions except for matters associated with the initial grant; or where an objection has been made to a licence application or a refusal of license is proposed.
- Council agrees that the Health and Built Environment Service operate a graduated approach to enforcement over the initial 12 months from the commencement of the Act in order to educate and assist relevant businesses within the Borough attain a Pavement Café Licence.

Councillor Baird expressed her concerns in charging the proposed fee, describing it as another tax on those small businesses who operate with a small profit margin.

In response to queries from Councillor Baird, the Head of Health and Built Environment clarified that the proposed fee was to cover administration costs in terms of inspections and the processing of paperwork, and that the definition of 'a pavement' would be as in defined in The Roads (Northern Ireland) Order.

Councillor Loftus voiced her concern that rural businesses would not have the same footfall as town centres.

Proposed by Councillor Loftus  
Seconded by Councillor Baird



- to recommend that Council accept the proposed recommendation with the addition that Council apply a 20% reduction in fees to small businesses that qualify for the Small Business Rate Relief.

The Head of Health and Built Environment confirmed that there were potentially 70 premises throughout the Borough that may require a licence and only a handful of those businesses had applied to date.

### **Amendment**

Proposed by Councillor Mulholland

Seconded by Councillor Chivers

- to recommend that the proposed fee for the provision of Pavement Café Licenses be absorbed by Council.

In response to Councillor Watton's concern in relation to licensed premises, the Head of Health and Built Environment clarified that any premises selling alcohol would require their licences to be extended by the PSNI and Magistrates Court.

It was proposed by Councillor McLean and seconded by Councillor Fielding that the Committee recommend that:

- Council agrees to issue a three year Pavement Café Licence.
- Council agrees to the fee for the grant of a licence as per the consultation exercise with a review to be undertaken after 12 months.
- Council agrees to delegate authority for determining routine matters such as the renewal, transfer, variation or temporary suspension of a Pavement Café Licence to the Director of Environmental Services and Head of Health and Built Environment as with other licensing functions except for matters associated with the initial grant; or where an objection has been made to a licence application or a refusal of license is proposed.
- Council agrees that the Health and Built Environment Service operate a graduated approach to enforcement over the initial 12 months from the commencement of the Act in order to educate and assist relevant businesses within the Borough attain a Pavement Café Licence.

Following discussion Councillor McLean, with the agreement of his seconder withdrew his proposal.

The Chair put the Amendment to the Committee to vote. 3 Members voted for, 10 Members voted against. The Chair declared the Amendment fallen.

The Chair put the Motion to the Committee to vote. 13 Members voted for, 0 Members voted against. The Chair declared the Motion carried.

**AGREED:** to recommend that

- Council agrees to issue a three year Pavement Café Licence.
- Council agrees to the fee for the grant of a licence as per the consultation exercise with a review to be undertaken after 12 months, and to apply a 20% reduction in fees to small businesses that qualify for the Small Business Rate Relief.
- Council agrees to delegate authority for determining routine matters such as the renewal, transfer, variation or temporary suspension of a Pavement Café Licence to the Director of Environmental Services and Head of Health and Built Environment as with other licensing functions except for matters associated with the initial grant; or where an objection has been made to a licence application or a refusal of license is proposed.
- Council agrees that the Health and Built Environment Service operate a graduated approach to enforcement over the initial 12 months from the commencement of the Act in order to educate and assist relevant businesses within the Borough attain a Pavement Café Licence.

**6. EMERGENCY PLANNING PROTOCOLS  
DISTRICT COUNCIL MUTUAL AID PROTOCOL  
JOINT PROTOCOL “EMERGENCY CALL OF CONTRACTS”  
BETWEEN NORTHERN IRELAND HOUSING EXECUTIVE AND  
NORTHERN IRELAND DISTRICT COUNCILS  
MEMORANDUM OF UNDERSTANDING BETWEEN THE  
DEPARTMENT FOR AGRICULTURE, ENVIRONMENT AND RURAL  
AFFAIRS (DAERA) AND EACH DISTRICT COUNCIL REGARDING  
EPIZOOTIC DISEASES**

Report and Appendices circulated.

Article 29 of the Local Government (NI) Order 2005 provides District Councils with discretionary powers to make arrangements for reducing, controlling and mitigating the effects of any emergency which may occur and to prepare plans in co-operation with other organisations. Councils play a key role in co-ordinating planning and supporting certain aspects of the response and recovery should a civil emergency arise.

Prior to Local Government Reform a number of Protocols and Memorandum of Understanding were in place between Councils and other agencies to provide and receive support in an emergency situation. These documents have now been updated to aid consistency of approach by the eleven District Councils and partner organisations.

The Protocol's and Memorandum of Understanding as below are detailed in Appendix 1, 2 and 3 (previously circulated):

- 1) District Council Mutual Aid Protocol
- 2) Joint Protocol 'Emergency Call-Off Contracts' between Northern Ireland Housing Executive and Northern Ireland District Councils
- 3) Memorandum of Understanding between the Department of Agriculture, Environment and Rural Affairs (DAERA) and each District Council re Epizootic Diseases

**It is recommended** that Council agrees to sign the District Council Mutual Aid Protocol, Joint Protocol 'Emergency Call-Off Contracts' between Northern Ireland Housing Executive and Northern Ireland District Councils and the Memorandum of Understanding between the Department of Agriculture, Environment and Rural Affairs (DAERA) and each District Council regarding Epizootic Diseases.

Councillor Baird commended Council staff for their thorough investigations.

Proposed by Councillor Baird  
Seconded by Councillor McLean and

**AGREED** - to recommend that Council signs the District Council Mutual Aid Protocol, Joint Protocol 'Emergency Call-Off Contracts' between Northern Ireland Housing Executive and Northern Ireland District Councils and the Memorandum of Understanding between the Department of Agriculture, Environment and Rural Affairs (DAERA) and each District Council regarding Epizootic Diseases.

## **7. UPGRADE OF CARPARKS PHASE 2**

Report circulated.

In April 2016 Members were presented with a condition report relating to off-street car parks as transferred from TNI and an associated 4 year planned maintenance schedule.

Subsequently upgrade works have been successfully completed to Phase 1 (2016/17) of the maintenance schedule which included Abbey Street and The Mall Carparks, Coleraine.

Council are now in a position to initiate Phase 2 of these works within 2017/18 and the following carparks have been identified from the maintenance priority schedule. Officers will consider options to target the worst affected areas of the above listed car parks which will consist of a combination of full/partial surface repairs.

- Railway Road Lower – Coleraine (Partial Surface Repairs)
- Railway Road Upper – Coleraine (Partial Surface Repairs)
- Long Commons – Coleraine (Full Surface Repairs)

£150,000.00 has been allocated within the Capital Programme for these works.

The high use of these car parks and their importance to traders will also be considered, and it will therefore be necessary to carefully plan the works to cause the minimum amount of inconvenience to users, with works planned to be completed in the period between September to November 2017.

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

**It is recommended** the Environmental Services Committee approve progression of this project to Stage 2 of the Capital Programme Management System by developing detailed designs and specifications and progression of the procurement process.

In response to a query from Councillor Loftus the Director of Environmental Services clarified the procedure for prioritising car parks needing repair. He stated that a matrix of priorities is completed for each car park based on usage rates and their current condition. Following assessment they are each given a score which determines the schedule of works going forward.

The Director of Environmental Services confirmed that there would be consideration of car parking spaces for mothers and toddlers, those who are disabled and for vehicles that require ramps for accessing wheelchairs.

Proposed by Councillor Fielding  
Seconded by Councillor Duddy and

**AGREED** - to recommend that Council approve progression of this project to Stage 2 of the Capital Programme Management System by developing detailed designs and specifications and progression of the procurement process.

## **8. LICENSING ITEMS REPORT**

Information report circulated.

### **8.1 Local Government (Miscellaneous Provisions) (NI) Order 1985 Entertainment Licences**

16 applications for Entertainment Licences had been received, acknowledged and processed during the report period.

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

4 applications for Registration of a Society had been received, acknowledged and processed during the report period.

Councillor Baird asked for clarification as to whether animals were participating at Fossett's Circus currently taking place at the Ballymoney Showgrounds. The Head of Health and Built Environment clarified that he was not aware of any animals taking part but would make enquiries and inform Members.

The information report was noted.

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

Information report circulated.

On the 21<sup>st</sup> March Council had been advised by the Department for Communities that the budget for 2017/2018 was not approved by the last Executive in the absence of a NI Assembly, and it has been confirmed that Council's budget for the months of April, May and June 2017 have been reduced by approximately 50%, with the number of referrals also being reduced pro rata. With this reduction in budget, resources will require to be reduced accordingly. Where redeployment opportunities exist within the department officers will be reassigned pending further confirmation from the Department of Communities.

Department Officials have indicated that the Affordable Warmth Scheme will be considered alongside other spending priorities for the Department as part of next year's budget consideration.

The current success of the Affordable Warmth Scheme is a testimony to the good work of all the key partners involved in its delivery particularly Council officers. The scheme has a proven track record for funding and assisting fuel poor households and has invested over £40 million in the first two years of operation. This would suggest that a strong case for continued funding in 2017/18 would be made albeit in a context of competing priorities.

Members voiced their concerns over the reduction in the budget and numbers of highly trained staff to be reduced accordingly. The Head of Health and Built Environment confirmed that staff would be redeployed where possible.

The Head of Health and Built Environment confirmed that referrals had been reduced from 56 per month to 25 per month and therefore Council could not retain the same number of resources.

Proposed by Councillor Duddy  
Seconded by Councillor Baird and

**AGREED:** to recommend that Council write to the Permanent Secretary of the Department for Communities (DfC) to ask for confirmation of funding to be maintained at the current level.

The information report was noted.

#### **10. MATTERS FOR REPORTING TO PARTNERSHIP PANEL (NEXT MEETING 23 MAY 2017)**

There were no matters for reporting to the Partnership Panel.

#### **11. CORRESPONDENCE**

There was no correspondence.

#### **12. CONSULTATION SCHEDULE**

There were no consultations.

#### **13. ANY OTHER RELEVANT BUSINESS (NOTIFIED IN ACCORDANCE WITH STANDING ORDER 12 (o))**

There was no other relevant business.

There being no further business the Chair thanked everyone for their attendance and the meeting concluded at **8:13 pm**.

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Chair