

# Causeway Coast & Glens

## District Council

Organisation Development Committee Thursday 22<sup>nd</sup> January 2015

### Table of recommendations

No	Item	Recommendation
2.	Declaration of Interest - <i>item 13 Councillor P McShane</i>	
3.	Presentation Vauxhall International 2015 North West 200	
4.	Transfer of Lands to Coleraine & District Motor Club	<i>Agree temporary transfer</i>
5.	Minutes of meeting held 13 <sup>th</sup> November 2014	<i>Confirmed</i>
6.	Revised Cemetery Fees post 1 <sup>st</sup> April	<i>Approve</i>
7.	Convergence of Street Trading Fees	<i>Approve fees with exception of Causeway Speciality Market Licence Fee &amp; defer establishment of sub committee</i>
8.	Convergence of Fees Dog Control Functions	<i>Approve</i>
9.	Convergence of Environmental Health Fixed Penalty Fines and Applications and Registration Fees	<i>Approve</i>
10.	Political Appointments to the Policing and Community Safety Partnership	<i>Nominate 10 Elected Members and Chair for years 1,2,3,4</i>
11.	Rural Development Programme	<i>Nominate 8 members to LAG Board at Shadow Council February; Enter into contract with DARD</i>
12.	Fees and Charges Council Caravan Sites 2015-16	<i>Apply increase 1.75% static caravans; approve Touring Fees as presented</i>
13.	Provision of Tourism Marketing Services to GB and International Markets	<i>Competitively procure service</i>

14.	Organisational Structures Leisure & Development Directorate and Environmental Services Directorate Performance Directorate	<i>Further information to be presented to OD Committee in February</i>
15.	Organisation Development/Human Resources Update	<i>For information</i>
16.	2014-16 Pay Agreements/Pending Pay Agreements	<i>For information</i>
17.	Capacity Building Delivery Programme	<i>For information</i>
18.	Review of the NITB & Wider Tourism Structures Draft Consultation Response	<i>Endorse</i>

## **Organisation Development Committee**

Minutes of the Meeting of Causeway Coast & Glens Shadow Council Organisation Development Committee, held in the Council Chamber, Ballymoney Borough Council on Thursday 22<sup>nd</sup> January 2015 at 7.00pm.

- In the Chair: Councillor D Nicholl (Chair)
- Members present: Councillors Blair, Callan, Campbell, Chivers, Clarke, Douglas, Duddy, Hickey, Holmes, Loftus, McCandless, McCaul, McLean, McKillop MA, McShane P, Mulholland, Robinson, Stevenson
- In attendance: Mr D Jackson, Chief Executive Designate  
Ms S Kelly, Lead Officer Organisation Development  
Mr S McMaw, Head of Convergence  
Mr R Baker, Lead Officer Leisure & Development  
Mr A McPeake, Lead Officer Environmental Services  
Mrs P Donaghy, Committee Administrator
- Mr Mervyn White, NW 200  
Mr Gerard McAuley, NW 200

### **1. Apologies**

Apologies were recorded from Councillor Hunter

### **2. Declarations of Interest**

Councillor P McShane as Member of Causeway Coast and Glens Tourism Partnership.

### **3. Presentation – Vauxhall International 2015 North West 200**

Mr Mervyn White presented to Committee and circulated a copy of the presentation for Members' information, attached Appendix 1. He outlined the organisers' hopes for a new partnership with Causeway Coast and Glens District Council.

Following the presentation Members thanked Mr Whyte for his presentation and voiced their praise for him and his team on the quality of the North West 200 as a major international event. Members then asked questions relating to: future sponsorship, the location of the launch event and visitor numbers.

The Chair thanked Mr Whyte for his presentation.

\*Mr Whyte and Mr McAuley left the meeting at 7.25pm.

### **4. Transfer of Council Lands to Coleraine and District Motor Club**

The Lead Officer Leisure & Development presented the report, previously circulated and as undernoted.

***To facilitate the successful delivery of the ‘Vauxhall International North West 200’ event, Coleraine Borough Council has traditionally supported the event through a financial funding package and support “in kind”.***

***One of the key elements of this “in kind” support has been the completion a Licence agreement between the Council and Coleraine and District Motor Club Limited to temporarily transfer Council Land to the Motor club for the duration of the event.***

#### ***Proposal***

***Council is currently in receipt of an application from the Coleraine and District Motor Club, to enter into a similar relationship for the 2015 event with areas of Council owned lands being temporarily transferred to facilitate, trading activities, bike and car parking, the erection of scaffolding and grandstands and other racing team and temporary building infrastructure necessary for the successful delivery of the event.***

***This matter was referred to the North West 200 Committee of Coleraine Borough Council in December 2014 who were unanimous in their support of this application.***

***The Schedule previously circulated and attached, Appendix 2, provides a breakdown of the location of the lands, the duration of the transfer, the authorized purpose of the lands and the permitted trading dates and times for the authorized purpose. It is intended that this will form the substantive schedule to any agreement between Council and the Coleraine and District Motor club.***

It is recommended that Council agree to the proposed temporary transfer of Council lands to the Coleraine and District Motorclub for the ‘Vauxhall International 2015 North West 200’.

It was proposed by Councillor Duddy, seconded by Councillor Hickey and AGREED: to recommend that Council agrees to the proposed temporary transfer of Council lands to the Coleraine and District Motorclub for the ‘Vauxhall International 2015 North West 200’.

#### **5. Minutes of meeting held – 13<sup>th</sup> November 2014**

The minutes of the meeting held on 13<sup>th</sup> November 2014 were confirmed as a correct record.

#### **6. Revised Cemetery Fees post 1<sup>st</sup> April 2015**

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

***The four legacy Councils currently operate 9 Cemeteries. Ballymoney BC has 2, Coleraine BC has 5, Limavady BC has 2 and Moyle DC has none. There are a range of different cemetery fees in each of the legacy Councils. It is was requested at the Organisation Development Committee meeting on the 14<sup>th</sup>***

**November 2014 that charges for burials should be the same for each day of the week rather than an extra charge for burials at weekends and bank holidays. The revised charges are noted below and a copy of the legacy Council charges is attached in Appendix 3.**

<b>CEMETERY CHARGES</b>		
	<b>CC&amp;G Average of Costs</b>	
	<b>Resident</b>	<b>Non-Resident</b>
<b>Purchase of Plot</b>	<b>145</b>	<b>295</b>
<b>1st Opening</b>	<b>200</b>	<b>320</b>
<b>2nd</b>	<b>200</b>	<b>320</b>
<b>3rd</b>	<b>200</b>	<b>320</b>
<b>Transfer of Burial Rights</b>	<b>35</b>	<b>50</b>
<b>Permission to Erect Headstone</b>	<b>50</b>	<b>80</b>
<b>Duplicate Certificate</b>	<b>20</b>	<b>40</b>
<b>Search or Extract from Register</b>	<b>20</b>	<b>25</b>
<b>Purchase of Plot for Ashes</b>	<b>35</b>	<b>70</b>
<b>Cremations</b>	<b>60</b>	<b>115</b>
<b>Still Born</b>	<b>45</b>	<b>90</b>
<b>Child under 1 year</b>	<b>45</b>	<b>80</b>
<b>Child under 2 year</b>	<b>45</b>	<b>95</b>
<b>Tree for Garden of Remembrance</b>	<b>92</b>	<b>113</b>
<b>Plaque for Garden of Remembrance</b>	<b>65</b>	<b>90</b>
<b>Exhumations</b>	<b>750</b>	<b>1000</b>

**The charges will come into effect from 1<sup>st</sup> April 2015.**

**It is recommended** that the Shadow Council approve the amended charging structure as tabled.

Following discussion during which Councillor Duddy initiated debate on the charges presented for stillborn children and children under 1 year old, which all Members agreed was a sensitive and difficult issue, it was proposed by Councillor Douglas, seconded by Councillor Loftus and **AGREED: to recommend to Council that the charges, as presented above, be approved with effect from 1<sup>st</sup> April 2015.**

## 7. Convergence of Street Trading Fees

The Lead Office Environmental Services presented the report, previously circulated and as undernoted.

*It has been determined through the work of the Environmental Health Cluster Working Group that there is a variation in the levels of fees charged for Street Trading Licences in the four councils. The following are recommendations to set new fees based on the recovery of costs to Council in administering the licensing scheme under the Street Trading Act (N.I.) 2001 as well as costs incurred in refuse disposal and cleaning of streets as a result of street trading.*

### Proposed fee structure

*Under Section 15 of the Street Trading (NI) Act 2001 the Council may determine fees for following:*

- 1. Stationary Trading Licence Fee;*
- 2. Mobile Trading Licence Fee;*
- 3. Temporary Trading Licence Fee;*
- 4. Lammas Fair Trading Licence Fee;*
- 5. Causeway Speciality Market Licence Fee;*
- 6. Application for the variation of licence conditions.*

*In determining such fees the Council may recover from the holders of licences such amounts as may be sufficient, taking one year with another, to cover any reasonable costs in connection with its functions under the Act. This allows a Council to estimate costs for a particular year until actual costs are known and it may then adjust the licence fee for the next year as appropriate.*

*These costs include administrative and any other costs such as additional refuse collection and cleansing in so far as that cleansing is attributable to street trading. Recent case law and the introduction of European Directives has emphasised that Councils cannot charge for the cost of enforcing the requirements of the Act incurred against unlicensed trading activities.*

*The Act limits the maximum fee amount to only that required to cover the Council's costs in administering the scheme. Council is denied the right to use the street trading licensing system to generate revenue generally and in the event of any challenge to the level of fees, may be called upon to justify them.*

*Although Councils are permitted to recover costs for cleansing/litter clearing through licence fees, in practice it has been found that the presence of traders does not incur any additional costs over and above every day cleansing costs (with the exception of Lammas Fair trading).*

*Licence trading conditions generally also require traders to provide receptacles for any rubbish they generate and that these, along with any litter deposited in the vicinity, are removed by the licensee at the conclusion of trading. It is therefore proposed not to include cleansing costs within licence fees at this stage (except for the Lammas Fair) however this will be kept under review.*

*Separate licence fees are recommended for the Lammas Fair and Causeway Speciality Market as although these are issued as stationary licences these are not annual licences. The Lammas Fair and Causeway Speciality Market licence fees have been calculated based on the costs of administering the licence scheme for each market with cleansing costs attributable to trading included within the Lammas Fair fee.*

*It is anticipated that Council will review licence fees and designated street trading areas annually. The Act sets out procedures for amending fees and rescinding or varying designating resolutions which includes publishing notices in newspapers circulating within the district. It is proposed that these costs be apportioned among licence holders as appropriate.*

*The method used to determine the fee levels is attached as Appendix 4. Summary information on the current licence fees and the numbers of licences currently issued annually within the four Councils is attached as Appendix 5.*

*Once Council has determined the level of fees the following process must be followed:*

- 1) Public Notice of the proposed fees to be placed in two or more newspapers circulating in the district Council area.*
- 2) Notification of the proposed fees given to all licence holders.*
- 3) A minimum 28 day consultation period will be permitted.*
- 4) After the consultation period Council must take into consideration any representations made before reaching a final decision on the level of fees.*
- 5) Council must notify all licence holders of the final decision on the level of fees and place a public notice of the decision in at least two newspapers circulating in the district Council area.*

**Summary of Proposed Fees**

**Stationary Street Trading Licence (Annual)**

<b>Application fee (non-refundable)</b>	<b>Enforcement Fee</b>	<b>Total Licence Fee</b>
<b>£100</b>	<b>£190</b>	<b>£290</b>

**Mobile Street Trading Licence Fee (Annual)**

<b>Application fee (non-refundable)</b>	<b>Enforcement Fee</b>	<b>Total Licence Fee</b>
<b>£90</b>	<b>£300</b>	<b>£390</b>

**Temporary Street Trading Licence Fee**

<b>Application fee (non-refundable)</b>	<b>Enforcement Fee</b>	<b>Total Licence Fee</b>
<b>£60</b>	<b>£40</b>	<b>£100</b>

**Lammas Fair Licence Trading Licence Fee**

<b>Licence Type</b>	<b>Total Licence Fee</b>
<b>Stationary/Temporary Trading</b>	<b>£175</b>
<b>Mobile</b>	<b>£90</b>

***Policy on refunds specified in Lammas Fair licensing procedures.***

**Causeway Speciality Market Licence Fee     £25**

**Variation of Licence Conditions:**

<b>Application for the variation of licence conditions (non-refundable)</b>	<b>£45</b>
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It is recommended that members set the above fees in relation to Street Trading within the District.

It is further recommended that a Sub-Committee be established to discuss and agree policies and procedures on all trading matters including trading at events.

Committee AGREED: to recommend that Council sets the fees as presented above in relation to Street Trading within the District with the exception of the fee for the Causeway Speciality Market Licence Fee and; further recommended that Council defer the establishment of a Sub Committee to discuss and agree policies and procedures on all trading matters including trading at events until Council has agreed its structures post 1<sup>st</sup> April 2015.

**8. Convergence of Fees with Respect to Dog Control Functions**

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

***It has been determined through the work of the Environmental Health Cluster Working Group that there is variation in the levels of fees charged for certain services currently in place in the four councils with respect to Dog control.***



*There were approximately 15000 individual dog licences and 132 block licences issued by the legacy Councils in 2013. Councils dealt with 614 stray dogs impounding 362 (59%). Of those impounded, 170 (47%) were reclaimed, 53 were sold (15%), 94 (26%) were transferred to animal shelters for re-homing and 44 (12%) had to be humanely destroyed. There were a total of 158 unwanted dogs dealt with, 68 (43%) transferred to an animal shelter for re-homing, 30 sold (19%) and 68 (38%) humanely destroyed.*

*The following report includes an explanatory note with respect to the legislative powers and recommendations to converge fees charged to ensure a consistent approach in the new Council.*

**Dog Licence Fees**

*Article 3 of the Dogs (Northern Ireland) Order 1983 as amended prohibits a person from keeping a dog without a licence (issued by the council) and article 7 specifies licence fees.*

*Table 2.0 below, sets out the level of licence fee currently chargeable as prescribed in the Dogs (Northern Ireland) Order 1983 as amended by the Dogs (Amendment) Act (Northern Ireland) 2011.*

*DARD intend to review these licence fees in 2016.*

**Table 2.0 Current Licence fee charges as prescribed by the Dogs (Northern Ireland) Order 1983 as amended by the Dogs (Amendment) Act (Northern Ireland) 2011**

<b>Type of licence</b>	<b>Description</b>	<b>Fee</b>
<b>Basic</b>	<b>No qualifying Exemptions</b>	<b>£12.50</b>
<b>Concessionary</b>	<b>(Over 65) 1<sup>st</sup> Dog</b>	<b>£0.00 (Free)</b>
<b>Concessionary</b>	<b>(Over 65) 2<sup>nd</sup> Dog</b>	<b>£5.00</b>
<b>Concessionary</b>	<b>In receipt of Housing Benefit/Income support</b>	<b>£5.00</b>
<b>Concessionary</b>	<b>Dog Sterilised</b>	<b>£5.00</b>
<b>Block Licence</b>	<b>3 or more unsterilized bitches or 3 or more dogs registered with kennel club or other approved registering organisation</b>	<b>£32.00</b>

*Appendix 6 summarises statistics for the legacy Councils of the Causeway Coast and Glens District Council with respect to dog control for the year 2013 (January-December) as provided by DARD May 2014. Table 1 details the number of licences issued by legacy councils during 2013.*

**Appendix 7 provides a summary of fees currently in place in the four legacy Councils together with proposed fees for Causeway Coast and Glens District Council.**

**Micro-chipping of Dogs**

**The compulsory micro-chipping of dogs was introduced in 2012 when it became a licence condition. The Welfare of Animals (Permitted procedures by Lay Persons) Regulations (Northern Ireland) 2012 Schedule 8, permits the implantation of micro-chips in cats or dogs subject to the requirements of regulation 3. The process must be carried out in a manner that minimises pain and suffering, under hygienic conditions and is in accordance with best practice. Three of the legacy councils provide this service with a number of council officers trained to implant such micro-chips. The provision of such a service allows for the immediate issue of licences by council without the need for the applicant to visit a veterinary practice.**

**On the basis of current service provision, it is estimated that approximately 150 chips per annum would be implanted by council officers.**

**The proposed fee has taken into account the purchase cost of micro-chips at approximately £4 per chip together with officer time administration and travel. Current fees charged by legacy councils may be found at Appendix 7.**

It is recommended that members specify the fees to be charged with respect to implantation of micro-chips as that specified in table 3.0 below

**Table 3.0 Fees with respect to Micro-chipping Dogs**

<b>Proposed fee</b>	<b>£10.00</b>
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**Fees with respect to impounded Dogs**

**Article 23 of the Dogs (Northern Ireland) Order 1983 gives powers to Councils to deal with stray dogs.**

**An officer may seize any dog which is a stray dog and may subsequently impound that dog until the keeper has claimed it and paid all expenses incurred by reason of its detention including the cost of any veterinary treatment.**

**Appendix 6, table 2 provides statistics for the legacy councils' with respect to stray dogs for the year 2013. Of the 614 stray dogs dealt with, 362 dogs were impounded with almost 50% being reclaimed.**

It is recommended that members specify that all fees (which shall include licensing, micro-chipping and veterinary fees where appropriate) shall be paid in full by an owner prior to the dog being returned.

It is further recommended that members specify the fees to be charged with respect to impounded dogs as those specified in table 4.0 below

Table 4.0 Impounded Dog Fees

<i>Day Impounded</i>	<i>Proposed fee (plus chip, licence fee &amp; veterinary fee where appropriate)</i>
1	£40.00
2	£45.00
3	£50.00
4	£55.00
5	£60.00
Additional daily fee after day 5 up to day 10	£5.00

**Sale of a Dog**

**Article 23(3) of The Dogs (Northern Ireland) Order 1983 provides that where the dog has been detained for 5 days after seizure and the keeper has not claimed the dog or the keeper has not paid the associated expenses within such a period as the Council may determine, being a period in addition to the 5 days mentioned, the Council may either sell or euthanize the dog. Where appropriate dogs will either be sold or rehomed directly or via an animal charity, with the option of humanely destroying a dog being the last resort.**

**In 2013, of the 362 stray dogs impounded, 53 were sold and 44 humanely destroyed.**

It is recommended that members specify that payment be received from the owner of the dog impounded immediately following the expiry of the 5 day detention period.

It is further recommended that members specify the fees to be charged with respect to the sale of a dog as those specified in table 4.1 below

**Table 4.1 Sale of a Dogs charge**

<b>Proposed fee</b>	<b>£50.00 (plus chip, licence fee &amp; veterinary fee where appropriate)</b>
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**Power to collect and dispose of unwanted dogs**

**Article 48(1) of the Dogs (Northern Ireland) Order 1983 as amended provides that a district council may, at the request of an owner of an unwanted dog or his personal representative, arrange for the collection and disposal of that dog. Article 50 (a) states that a Council may make a charge where it makes arrangements for the collection and disposal of an unwanted dog.**

**A total of 158 unwanted dogs were dealt with by the legacy councils in 2013. Two of the councils currently do not charge for this service. There is no correlation between the number of unwanted and stray dogs and the fee charged for this service. 98 (62%) of unwanted dogs were rehomed by either being sold directly or transferred to an animal charity/shelter. The remaining 60 (38%) were humanely destroyed.**

***The cost of humanely destroying a dog and its subsequent disposal varies dependent on the size of the animal. Where appropriate dogs will either be sold or rehomed, directly or via an animal charity, with the option of destroying a dog being the last resort.***

It is recommended that members specify the fees to be charged with respect to unwanted dogs as those specified in table 5.0 below

**Table 5.0 Unwanted Dogs**

<b>Size of Dog</b>	<b>Small</b>	<b>Medium</b>	<b>Large</b>
<b>Proposed fee</b>	<b>£40.00</b>	<b>£55.00</b>	<b>£70.00</b>

***N.B. Small <25lbs/11.34kg medium 25-60lbs 11.34-27.2kg large >60lbs 27.2kg (source <http://www.pettrendy.co.uk/DOG-Size-Directory.htm>)***

**Re-homing fee to Animal Charity for unwanted or unclaimed dogs**

***In order to ensure that unwanted and unclaimed dogs may be given the best opportunity to be rehomed rather than destroyed, it has been the practice of all legacy Councils to transfer the ownership to an animal charity. A fee has been given along with the transfer of the dog to cover the costs of its upkeep for a period prior to it being rehomed.***

***In 2013 a total of 162 dogs (46% of all dogs impounded or surrendered as unwanted) were transferred to an animal charity.***

It is recommended that members specify the fee to be paid with respect to unwanted/unclaimed dogs as those specified in table 6.0 below

**Table 6.0 re-homing fee to Animal Charity**

<b>Proposed Fee</b>	<b>£30.00</b>
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**Resource Implications**

All proposed charges have been determined to achieve full cost recovery where possible and include VAT at 20%.

**Future Recommendations**

All fees shall be reviewed on an annual basis prior to rate setting exercises with a view to ensuring full cost recovery.

Committee AGREED: **to recommend to Council that the recommendations presented in the report above be approved.**

**9. Convergence of Environmental Health Fixed Penalty Fines and Application and Registration Fees**

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

## **Background**

*It has been determined through the work of the Environmental Health Cluster Working Group that there is variation in the levels of application and registration fees and fixed penalty fines currently in place in the four councils. The following are recommendations to converge the fees and fines to ensure a consistent approach in the new Council.*

*Appendix 8 provides a summary of fines and fees currently in place in the four Councils and those proposed for the new Council.*

*Appendix 9 provides additional explanatory information on the legislative powers.*

### **Clean Neighbourhoods and Environment Act (Northern Ireland) 2011**

*The Clean Neighbourhoods and Environment (NI) Act 2011 strengthens the legislative powers available for a wide range of environmental crimes such as dog fouling, litter, graffiti and fly-posting, nuisance vehicles, statutory nuisance and noise. In order to ensure a consistent approach in the new council a new set of fixed penalty levels are proposed.*

*The Environmental Offences (Fixed Penalties Miscellaneous Provisions) Regulations (NI) 2012 prescribe the ranges and the minimum discount amounts for the associated legislation.*

*The following tables summarise the offences under the Clean Neighbourhoods and Environment (NI) Act 2011, Pollution Control & Local Government (NI) Order 1978, Noise Act 1996 and Litter (NI) Order 1994 which allow the council to issue a fixed penalty. There are three tables:*

- 1. Offences which can be set at local level with a discounted period allowed;*
- 2. Offences where there is no local setting of fines but discount periods are allowed and*
- 3. Offences where there is no local level setting and no discount period allowed.*

*All fixed penalties must be paid within 14 days with a proposed discount period of 10 days as standard for all of offences. The guidance issued by the Department advocates the use of discount periods as a means of improving payment rates.*

# Causeway Coast & Glens

## District Council

**Table 1 Offences with local level setting and discounting allowed:**

<b>Description of offence</b>	<b>Legislation</b>	<b>Amount allowed</b>	<b>CC &amp; G FPN amount</b>	<b>Early amount shall not be less than</b>	<b>CC &amp; G discounted amount for prompt payment</b>
<b>Audible Intruder Alarms - Notification of nominated key Holders</b>  <b>Failure to nominate key-holder (within an alarm notification area) or to notify a district council in writing of nominated key-holder's details.</b>	<b>CNEA (NI) 2011</b>  <b>s.52(2)</b>	<b>£50- £80</b>	<b>£80</b>	<b>£40</b>	<b>£50</b>
<b>Noise from domestic premises</b>  <b>Exceeding noise of a permitted level.</b>	<b>Noise Act 1996</b>  <b>s.8A2(a)</b>	<b>£75-£110</b>	<b>£110</b>	<b>£60</b>	<b>£75</b>
<b>Street litter control notices</b>  <b>Failure to comply with a Street Litter Control Notice.</b>	<b>Litter (NI) Order 1994</b>  <b>A.14A</b>	<b>£75 - £110</b>	<b>£110</b>	<b>£60</b>	<b>£75</b>
<b>Litter clearing notices</b>  <b>Failure to clear land of litter when required by Notice.</b>	<b>Litter (NI) Order 1994</b>  <b>A.12A</b>	<b>£75 - £110</b>	<b>£110</b>	<b>£60</b>	<b>£75</b>

<b>Litter</b> <b>Dropping litter in the open air.</b> <b>Dog foul</b>	<b>Litter (NI) Order 1994</b> <b>A.6A(1)</b>	<b>£50 - £80</b>	<b>£80</b>	<b>£40</b>	<b>£50</b>
<b>Graffiti and fly-posting</b> <b>Applying graffiti.</b> <b>Putting up fly posters.</b>	<b>CNEA (NI) 2011</b> <b>s.26(1)</b>	<b>£50 - £80</b>	<b>£80</b>	<b>£40</b>	<b>£50</b>
<b>Unauthorised distribution of literature on designated land</b>	<b>Litter (NI) Order 1994</b> <b>Para 7 of Schedule 1A</b>	<b>£50 - £80</b>	<b>£80</b>	<b>£40</b>	<b>£50</b>
<b>Dog Control Orders -</b> <b>Failure to comply with a Dog Control Order</b> <b>Allowing a dog to foul.</b> <b>Allowing a dog off lead in an on-lead area.</b> <b>Allowing a dog into an area where dogs are excluded. Exceeding the number of dogs which a person may take on a lead.</b>	<b>CNEA (NI) 2011</b> <b>s.43(2)</b>	<b>£50 - £80</b>	<b>£80</b>	<b>£40</b>	<b>£50</b>

**Table 2 Offences with no local level setting but with discounting allowed:**

<b>Description of offence</b>	<b>Legislation</b>	<b>Amount allowed</b>	<b>Early amount shall not</b>	<b>CC &amp; G discounted</b>
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			<i>be less than</i>	<i>amount for prompt payment</i>
<b><i>Nuisance Parking.</i></b> <b><i>Advertising 2 or more cars in the same street within 500 m.</i></b> <b><i>Repairing cars in the street as part of a business.</i></b>	<b><i>CNEA (NI) 2011</i></b> <b><i>s.4(1)</i></b>	<b><i>£100</i></b>	<b><i>£60</i></b>	<b><i>£60</i></b>
<b><i>Abandoning a vehicle.</i></b> <b><i>Abandoning a vehicle in open air.</i></b>	<b><i>Pollution Control &amp; Local Government (NI) Order 1978</i></b> <b><i>29A(1)</i></b>	<b><i>£200</i></b>	<b><i>£120</i></b>	<b><i>£120</i></b>

**Table 3 Offences with no local level setting and no discounting allowed:**

<b><i>Description of offence</i></b>	<b><i>Legislation</i></b>	<b><i>Amount allowed</i></b>	<b><i>CC &amp; G FPN amount</i></b>
<b><i>Noise from offending premises.</i></b> <b><i>Exceeding noise of a permitted level.</i></b>	<b><i>Noise Act 1996</i></b> <b><i>s. 8(3)</i></b>	<b><i>£500</i></b>	<b><i>£500</i></b>

**RECOMMENDATION 1**



**IT IS RECOMMENDED** that Members specify the proposed fixed penalty amounts applicable for offences under the legislation listed in tables 1 to 3 above together with the discount amounts and discount period of 10 days for each offence.

**Dogs (NI) Order 1983**

***The Dogs (Fixed Penalty) Regulations (NI) 2011 prescribes the form of the fixed penalty notice which may be given by a council officer to the keeper of a dog under Part IV of the Dogs (NI) Order 1983, whereby certain offences may be punished without prosecution. The Regulations also prescribes the range of fixed penalty capable of being specified as between £50.00 and £80.00. Where a council makes provisions for treating a fixed penalty as having been paid if a lesser amount is paid before the end of a specified period, such discount amount shall be not less than £50.00. Such offences relate to:***

- (a) keeping a dog without a valid licence (Article 17(1) of the Order);***
- (b) a dog straying (Article 22(1) of the Order);***
- (c) control on certain roads and on land (Article 25(3) of Order);***
- (d) failure to display identification of keeper on a dog's collar or on a plate or badge attached to it (Regulation 6(1) of the Dogs (Licensing and Identification) Regulations (Northern Ireland) 2011 and Article 31(2) of the Order);***
- (e) failure to attach licence information to a dog's collar (Regulation 7 of the Dogs (Licensing and Identification) Regulations (Northern Ireland) 2011 and Article 31(2) of the Order);***
- (f) greyhounds not controlled and muzzled in a public place (Section 1 of the Control of Greyhounds, etc, Act (Northern Ireland) 1950);***
- (g) more than two greyhounds being exercised or led by one person in a public place (Section 2 of the Control of Greyhounds, etc, Act (Northern Ireland) 1950);***
- (h) failure to comply with control conditions of a dog licence;***
- (i) failure to notify transfer of a dog subject to control conditions.***

**RECOMMENDATION 2**

**IT IS RECOMMENDED** that Members specify a fine of **£80.00** for the offences listed (a) to (i) above with a discounted amount of **£50.00** if paid within 10 days.

### **High Hedge Act (NI) 2011**

***The High Hedges Act (Northern Ireland) 2011 gives local councils the power to deal with complaints about high hedges which are having an adverse impact on a neighbour's reasonable enjoyment of their property due to a neighbouring evergreen or semi-evergreen high hedge through acting as a barrier to light.***

***The Act introduced a system which encourages high hedge problems to be resolved through neighbourly discussion or mediation, but failing that, the facility for persons to lodge a formal complaint with their local council which must be accompanied with a fee.***

***Where a council considers that a person has made reasonable attempts to resolve a problem informally and that the hedge in question is having an adverse impact on the enjoyment of their property it may issue a Remedial Notice, requiring the hedge owner to prune and/or reduce the height of the hedge.***

***The assessment of such complaints involve substantial officer time and may require the use of external professional services such as tree surgeons which the Council will have to pay for.***

***The Act provides powers for councils to carry out work in default where appropriate, creates offences for non-compliance with Remedial Notices and enables hedge owners and complainants to appeal against council decisions.***

***Once a Remedial Notice takes effect and subject to the outcome of any appeals, the council will refund the complainants fee but may then transfer the fee to the owner or occupier of the neighbouring land on which the hedge is situated.***

***The High Hedges (Fees) (NI) Regulations 2012 prescribe the maximum fee that may be charged for the investigation of a complaint as £360.00. Council has the discretion to charge a lower fee but to do so would require the introduction of clear, fair and equitable criteria to determine who would be eligible for a reduced fee. The introduction of a reduced fee with the associated criteria and some form of assessment of applications would add to the administration and associated costs required of the Council.***

*In addition Council may face a similar dilemma in that the person who owns the offending hedge and who has received a Remedial Notice from the Council may not be able to afford to pay the transferred fee and would therefore also be entitled to a reduced fee.*

*Under the High Hedge (Fee Transfer) Regulations 2012 if Council has served a Remedial Notice on a hedge owner the Council can transfer a fee for investigation and administrative costs to the hedge owner. A fee of up to £360 can be charged to the hedge owner even if the complainant was charged a reduced complaint fee.*

### **RECOMMENDATION 3**

**IT IS RECOMMENDED** that Members in accordance with Section 3(1) (b) of the High Hedges Act (Northern Ireland) 2011 specify **£360.00** as the fee required to accompany a high hedge complaint and in accordance with the High Hedge (Fee Transfer) Regulations set the fee to be transferred to the hedge owner at **£360.00**.

#### **Tenancy Deposit Schemes Regulations (NI) 2012**

*The Tenancy Deposit Schemes Regulations (NI) 2012 make provisions for the DSD approved tenancy deposit schemes for the purposes of the Private Tenancies (Northern Ireland) Order 2006.*

*A tenancy deposit is a sum of money which a landlord may ask a tenant to pay at the start of a tenancy and, by law, protect in an approved tenancy deposit scheme.*

*A tenancy deposit scheme is an independent third party scheme which has been approved by DSD to hold and protect tenant's deposits until they need to be repaid at the end of the tenancy. The Custodial scheme and the Insurance scheme have been approved to operate in Northern Ireland.*

*Council's role as regulator of the private rented sector has been extended and includes decisions on fixed penalties/offences.*

*Article 68A of the Private Tenancies (NI) Order 2006 refers to "fixed penalty for certain offences" which are payable to the district council. This money can only be used for the purposes of the Private Tenancies Order.*

*In summary if the landlord fails to protect the deposit in an approved scheme within the 14 day timescale and/or fails to supply the tenant with the required information within the 28 day timescale, either of these offences are liable on summary conviction to a fine not exceeding*

**£20,000. However, a fixed penalty equal to 3 times the amount of the deposit can be imposed as an alternative to court action.**

**If the landlord accepts a deposit other than money he is guilty of an offence and liable to a summary conviction to a fine not exceeding £2,500. However a fixed penalty of up to £500 can be imposed as an alternative to court action.**

**Each of the Cluster Councils had set the maximum fine.**

#### **RECOMMENDATION 4**

**IT IS RECOMMENDED** that Members retain the same level as the legacy Councils and set the Fixed Penalty amount for the offence of accepting a deposit other than money at **£500** for the new Council.

#### **The Landlord Registration Scheme Regulations (NI) 2014**

**From February 2014 all private landlords are required to register immediately prior to letting a new tenancy, or where there is an existing tenancy, within 12 months. Registration will last for a period of 3 years at the end of which there is a requirement to re-register.**

**This change has been brought about by the Housing (Amendment) Act (NI) 2011 which requires the introduction of a mandatory landlord register. The Landlord Registration Scheme Regulations (NI) 2014 give effect to the landlord registration scheme.**

**Landlords are required to provide information such as their full name, address, telephone numbers and date of birth, correspondence address within NI, contact details of any agent acting for them and details for each dwelling to be let. Members of the public have access to limited information but are able to see if a landlord is registered by entering his or her name.**

#### **Registration Fees**

**Registration can be completed online at [www.nidirect.gov.uk/landlord](http://www.nidirect.gov.uk/landlord) (£70 Fee) by telephone 0300 200 7821 or completion of a paper registration form (£80 Fee). No fee will be charged for making amendments to the register.**

#### **Offences and Penalties**

*It is an offence for a landlord to let a dwelling house under a private tenancy and not register or to provide false information for registration. The Council is responsible for enforcement action and where a person is found guilty of either of these offences they may be issued with a fixed penalty.*

*The Private Tenancies (NI) Order 2006 provides for the fixed penalty fee to be set at an amount not exceeding 1/5 of the maximum fine payable on summary conviction of the offence. For the above two offences the maximum court fine is £2,500 (Level 4 fine). The maximum fixed penalty for these offences is therefore £500.*

*It is also an offence if a registered landlord fails to provide evidence of registration in prescribed circumstances. This offence attracts a lesser fine on summary conviction not exceeding level 2 on the standard scale (£500). The maximum fixed penalty for this offence would therefore be £100 (1/5 of the maximum court fine).*

#### **RECOMMENDATION 5**

**IT IS RECOMMENDED** that Members set the same maximum fixed penalty fines as is currently specified by the four Councils.

For the offence of a landlord to let a dwelling house under a private tenancy and not register or to provide false information for registration - **£500**

For the offence if a registered landlord fails to provide evidence of registration in prescribed circumstances - **£100**

#### **The Private Tenancies Order (NI) 2006**

*The Private Tenancies Order provides councils with the ability to charge for inspections conducted under both Part 3 and Part 4 of the Order.*

*Under Article 26 (1) Council may require a person on whom a Notice of Unfitness or a Notice of Disrepair has been served to make a payment. CEHOG's Public Health and Regulatory Service Sub-Group (PHARS) have considered this issue and provided guidance on those fees that are not specifically prescribed by legislation.*

#### **RECOMMENDATION 6**

**IT IS RECOMMENDED** that Members specify the following proposed fees:

The following fees are proposed (PHARS guidance):

Article 18 Notices of Unfitness- Fee to be applied is **£150**

Article 19 (1)(a) Notices of Disrepair (Where substantial repairs are required to bring a house up to a reasonable standard.) - Fee to be applied is **£50**

Article 19(1) (b) Notices of Disrepair (Where disrepair interferes materially with the personal comfort of the tenant.) Fee to be applied is **free**.

Under the Prescribed Fees and Charges Regulations (NI) 2007

Article 33 Landlords application for a Certificate of Fitness **£50** initially and **£100** if re-inspection is required.

Article 35 Tenants application to have a dwelling house inspected- **No fee** be applied (The tenant can only apply for an inspection if there is already a Certificate of Fitness in effect)

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

*The Local Government (Miscellaneous Provisions) (NI) Order 1985 enables Councils to regulate premises which provide acupuncture, tattooing, electrolysis, semi-permanent skin- colouring and cosmetic piercing services.*

*Under Part v of the above Order the four cluster councils have made Byelaws for the purposes of securing—*

- (a) the cleanliness of premises registered under this Article and fittings in such premises;*
- (b) the cleanliness of persons so registered and persons assisting persons so registered in the business in respect of which they are registered;*
- (c) the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with a business in respect of which a person is registered.*

*These Byelaws require the same standards to be met across the four councils.*

*Under Article 13 (6) of the Order a council may charge such reasonable fees as it may determine for registration of a premises.*

***A range of registration fees have been set by the four Councils £50 to £75.***

## **RECOMMENDATION 7**

In order to cover the administration and inspection costs **IT IS RECOMMENDED** that Members set a fee of **£75** for the registration of acupuncture, tattooing, electrolysis, semi-permanent skin- colouring and cosmetic piercing services.

### **Environmental Information Regulations 2004** **Charging for Environmental Enquiries**

***Existing Councils are receiving an increasing number of requests for specific environmental information relating to potential development sites. In the majority of cases these requests are from environmental consultants who are preparing information for a client either as a pre-planning application or development proposal. The information requested varies in detail but usually entails a synopsis of any environmental information held in relation to noise or pollution complaints and any additional information in relation to land contamination of the site.***

***At present this information is provided by some council's free of charge. However, the number of enquiries and the amount of information requested is increasing. Due to the time required to compile this information, which is drawn from a number of sources, it is now proposed that the new Council charge for this service.***

***Providing the information is a legal requirement under the Environmental Information Regulations 1993.***

***It is proposed that the following pricing structure be introduced from 1 April 2015. The prices are similar to those currently being charged by one of the existing legacy councils and other neighbouring local authorities for the provision of this service.***

#### ***Pricing Structure for Environmental Enquiries***

- (a) All information held about one specific property (noise complaints, pollution complaints and potential sites of land contamination) Cost £50***
- (b) 0 to 250 m (Building footprint and the area within 250 m of site) Cost £100***

(c) **0.5 km (Building footprint and the area within 0.5 km m of site) Cost £200**

(d) **1 km (Building footprint and the area within 1 km of site) Cost £300**

#### **RECOMMENDATION 8**

**IT IS RECOMMENDED** that the new Council introduce the above charging scheme for the provision of information relating to enquiries under the Environmental Information Regulations.

#### **Resource Implications**

The income that will be generated through the use of fees and Fixed Penalty Notices will provide some income towards funding the implementation of the above legislation but it will not be a cost neutral exercise.

Committee AGREED to recommend that: **the recommendations 1 – 8, as presented, above be approved.**

#### **10. Political Appointments to the Policing and Community Safety Partnership**

Before presenting the report, previously circulated, the Lead Officer Leisure & Development provided Members with a verbal update on information received from the Department of Justice, prior to the meeting, which indicated that the Causeway Coast and Glens Policing and Community Safety Partnership (PCSP) would have its funding from the Department of Justice reduced by 42%. In light of this the Lead Officer indicated that Council would wish to consider the implications and work out the provision of the PCSP function for 2015/16 and advised that a report would be brought to Committee in February.

Councillor Duddy voiced his concerns about the viability and usefulness of the PCSP and indicated that his party would support a reduction in Council's PCSP budget. Councillor P McShane concurred with this view. Councillor Stevenson asked that given the size of the budget cut had the Department of Justice given any guidance on how PCSPs should operate?

Speaking in support of the PCSP Councillor Chivers pointed to the achievements of the PCSP in Limavady Borough and the engagement with the community.

Responding to Members the Lead Officer advised that the report which would be brought before Committee in February would seek to address Members' concerns. He further advised that in the meantime Council still needed to appoint Members to the PCSP.



The Lead Officer presented the report to Members as undernoted.

***Policing and Community Safety Partnerships (PCSPs) are statutory bodies established under the Justice Act (Northern Ireland) 2011 (the Act), specifically sections 20 to 34 and Schedules 1 and 2. PCSPs are statutory bodies established under the Justice Act and are therefore separate and distinct from committees of Council.***

***Under Section 20 of the Act, Councils are obliged to establish a PCSP structure in their locality. At 1 April 2015 and following the reorganisation of Local Government, there will be 11 PCSPs – one for each of the District Council areas in Northern Ireland.***

***Under the auspices of Paragraph 3 of Schedules 1 and 2 to the Justice Act, Councils have a statutory obligation in appointing political members to ensure that, so far as practicable, the political members reflect the balance of parties prevailing in the council immediately after the last local general election.***

***Section 6 of the Local Government Act lists those positions that are positions of responsibility, within Section 6(1)(f) specifying that this includes being appointed as an external representative of a council (i.e. a person nominated by the council to serve on an external public body established by or under statutory provision).***

#### ***Background***

***Council received a report in November 2014 in relation to key decisions required in preparation for the reconstitution of the Policing & Community Safety Partnership effective from the 1<sup>st</sup> April 2015, namely***

- a) The size of the PCSP,***
- b) The proportional membership of Councillors.***
- c)***

***Council has made the following decisions:***

- The new PCSP for Causeway Coast & Glens is to be made up of 10 elected representatives and 9 social representatives.***
- Council representation is to follow the D'hondt system.***

***The decision on the nomination of elected representatives to the body was deferred to January.***

***Members are now requested to make the nominations for the PCSP and to decide on the rota for the appointment of Chair for the term of the current Council.***

***The breakdown of parties are as follows:***

<b>Number of places</b>	<b>DUP</b>	<b>UU</b>	<b>SF</b>	<b>SDLP</b>	<b>TUV</b>
<b>10</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>1</b>

<b>Year</b>	<b>Chair</b>
<b>1</b>	<b>Name of Chair</b>
<b>2</b>	<b>Name of Party</b>
<b>3</b>	<b>Name of Party</b>
<b>4</b>	<b>Name of Party</b>

It is recommended that:

- a) Council nominates 10 elected representatives to the PCSP.
- b) Council decides which party will hold the position of Chair in years 1, 2, 3 and 4.

**Committee AGREED to recommend that:**

- a) **Council nominates 10 elected representatives to the PCSP, names to be confirmed at the next Shadow Council meeting.**
- b) **Council decides which party will hold the position of Chair in years 1, 2, 3 and 4, to be confirmed at the next Shadow Council meeting.**

#### **11. Rural Development Programme (2014-2020)**

The Lead Officer Leisure & Development presented the report, previously circulated and as undernoted.

*As per the report to the Corporate Policy and Resources Committee on 4<sup>th</sup> December 2014, animation for establishment of the new Rural Development Local Action Groups (LAGs) commenced in October 2014. The Rural Development Council (RDC) have been contracted by the Department for Agriculture and Rural Development (DARD) to facilitate the election of social partners onto the LAG Board. RDC have been contracted to complete this process by the end of January 2015. At a LAG formation meeting held in Garvagh on 15<sup>th</sup> January 2015, the LAG grouping agreed that the overall size of the LAG Board would be 18 members.*

*With an overall membership of 18, the number of elected members will be a maximum of 8. (Elected members will make up 49% of the LAG Board - in line with EU regulation on public sector voting on LAGs). Council is now required*

**to elect 8 members onto the LAG for delivery of the new Rural Development Programme for the period 2014-2020. Council have the option of appointing elected interim representatives until April 2015, wherein the full LAG will be required to be fully formed. Council can nominate members as it deems appropriate but DARD have stated that consideration needs to be given to balance and representation and be reflective of the last election. When considering a geographical spread Council need also to consider the rural nature of the programme. The process for appointing Councillors to the Board could follow the agreed process for appointing Councillors to partnerships, boards and other bodies as defined by DOE.**

### **Governance**

**The operation of the LAGs is set out in the EU Common Provisions Regulation. This stipulates among other things that 'no one single interest group shall represent more than 49% of the voting rights'. This means public sector representatives (considered as a single group) must not exceed 49% of the makeup of the LAG Board".**

### **Budget**

**The overall allocation to the Causeway Coast & Glens Council area is £9.6million, 22% of which can be used for administration. This means there is a programme budget of £7.78m and a technical assistance budget of £1.73m available for up to a six year period.**

### **Resourcing the LAG**

**DARD have indicated that they will make animation funds of circa £25k available to the Causeway Coast & Glens Council for the period February until September 2015 to allow Council to facilitate the LAG and the development of an Interim Strategy. This arrangement will allow Council more time to consider the staffing requirements whilst at the same time ensuring that the LAG is resourced and the Interim Strategy is developed within the given timeframe.**

### **Project Plan**

<b>Deadline</b>	<b>Task</b>
27.02.15	Identify councillors to take places on the 'Interim LAG"- (No more than 49% of total LAG membership)

27.02.15	<i>Identify council resource to help the LAG develop its Interim Local Development Strategy (Animation Phase)</i>
27.02.15	<i>Submit bid to DARD for Animation costs from 1/3/15 – 30/9/15 (Staff, Accommodation, Utilities etc)</i>
30.03.15	<i>Enter into Animation contract with DARD</i>
30.04.15	<i>Submit agreed Strategy to DARD</i>
30.04.15	<i>Identify councillors to take places on "FINAL" LAG</i>
30.04.15	<i>Comply with requests for LAG members to attend training</i>
30.06.15	<i>Assist the LAG to animate the Strategy and make preparations for first call for applications</i>
30.06.15	<i>Have sufficient resource in place to Administer the Programme for the LAG</i>
31.08.15	<i>Be ready for 1<sup>st</sup> call for applications on 1<sup>st</sup> September 2015</i>

1. It is recommended that Council nominate 8 members onto the LAG Board ensuring that the selection is representative of geography, community and gender.
2. Council enter into a contract with DARD for animation funds to resource the LAG Board and develop the interim strategy.

In response to Members' questions regarding the size of the LAG the Lead Officer clarified that the size of the LAG Board was determined by DARD but added that he would contact DARD to check the position around any challenge Elected Members may wish to make.

Councillor Duddy urged caution regarding staffing levels in the event of future funding not being available.

Committee AGREED: **to recommend that**

- 1. Council nominate 8 Members on to the LAG Board ensuring that the selection is representative of geography, community and gender, names to be confirmed at the Shadow Council meeting in February.**
- 2. Council enter into a contract with DARD for animation funds to resource the LAG Board and develop the interim strategy.**

## **12. Fees and Charges Council Caravan Sites (2015-16)**

The Lead Officer Leisure & Development presented the report, previously circulated, as undernoted.

### ***Background***

***As a result of The Caravans Act (Northern Ireland) 2011, it became law for all Caravan sites in Northern Ireland, including Causeway Coast & Glens District Council (in line with all commercial operators) to implement appropriate changes and practices. As part of the Act there is an allowance for the annual review of Site Fees, based on any charges such as rates and water charges, inflation, operating costs, sums spent improving the Parks and their facilities, and current market rates for Site Fees.***

***Council is on schedule to complete a £1.95m upgrade to facilities at Juniper Hill Caravan Park in 6 weeks.***

***The essential replacement of Service Utility Posts under H&S requirements is the first stage of a similar major upgrade proposed at Carrick Dhu Caravan Park, and is also on schedule for completion by March 15.***

***As a result of the service, position and business model adopted, site demand at both Parks is high, with waiting lists at capacity due to pricing being viewed as competitive when compared against other local alternatives.***

***For the period from 2011 to 2014, site fees have been increased in line with inflation, specifically the Consumer Price Index (CPI).***

***Based upon low levels of inflation, operational costs are estimated to increase by circa. £12,000 in the 2015-16 period.***

### ***Detail***

***Council's may wish to consider the following site fee options for the season 2015-16:***

- No increase in fees, resulting in a decrease in profit for Council.***
- An increase based of CPI (1.75%), maintaining the general current level of profit for Council, whilst retaining a modest contingency sum.***
- An above-inflation increase of 3.0%, to mitigate against the cost of disruption that may result from the current infrastructure works.***

***The three options are illustrated in Table 1 below.***

***No increase is proposed for the administration fee for insurance as there is no change in the requirement.***

***Arrangements for the payment for electricity usage remains unchanged.***

The CPI rate is an average over the 12 month period October 2013 - September 2014.

With regard to Rates, the proposals below apply an increase attributable to the central government rate of 1.5 %.

**Table 1**

<b>Item</b>	<b>Current</b>	<b>1.75% Increase</b>	<b>3.00% Increase</b>
<b>Basic Annual Site Rental</b>	<b>£1,724.17</b>	<b>£1,754.34</b>	<b>£1,775.90</b>
<b>Annual Rates</b>	<b>£175.00</b>	<b>£177.63</b>	<b>£177.63</b>
<b>VAT at 20%</b>	<b>£379.83</b>	<b>£386.39</b>	<b>£390.70</b>
<b>Total Site Fee</b>	<b>£2,279</b>	<b>£2,318</b>	<b>£2,344</b>
<b>Net Increase per Static</b>	<b>n/a</b>	<b>£39</b>	<b>£65</b>
<b>Total Increase in Turnover</b>	<b>n/a</b>	<b>£31,356</b>	<b>£52,260</b>
<b>Change in Net Profit</b>	<b>-£12,000</b>	<b>+£19,356</b>	<b>+£40,260</b>

**Charges for Touring Sites are proposed in Table 2.**

**A premium continues to be charged for Special Event periods (e.g. NW 200 and Airwaves) due to high demand.**

**Table 2**

<b>Period</b>	<b>Current</b>		<b>Proposed</b>	
	<b>Non-Serviced Touring Sites</b>	<b>Serviced Touring Sites</b>	<b>Non-Serviced Touring Sites</b>	<b>Serviced Touring Sites</b>
<b>Off Peak</b>	<b>£18.00</b>	<b>£20.00</b>	<b>£20.00</b>	<b>£22.00</b>
<b>Peak</b>	<b>£20.00</b>	<b>£22.00</b>	<b>£22.00</b>	<b>£24.00</b>
<b>Events</b>	<b>£40.00</b>	<b>£40.00</b>	<b>£44.00</b>	<b>£44.00</b>

1. Whilst recognising the investment in the sites and the corresponding increase in demand, a period of disruption is occurring, therefore it is recommended that Council applies an increase of 1.75% to the fees for static caravans.
2. It is further recommended that Council approves the Touring Fees in Table 2.

It was proposed by Councillor Duddy, seconded by Councillor Hickey and AGREED: **to recommend that Council applies an increase of 1.75% to the fees for static caravans and approves the Touring Fees in Table 2.**

### **13. Provision of Tourism Marketing Services to GB and International Markets**

It was proposed by Councillor Chivers, seconded by Councillor Loftus and AGREED: **to consider the remainder of the agenda items 'in committee'.**

The Lead Officer Leisure and Development presented the report, previously circulated.

The Lead Officer explained that the purpose of the report was to convey the legal opinion relating to:

1. Whether TUPE (Transfer of Undertakings - Protection of Employment) would apply if Council decided to "in-source" promotional and marketing activities in relation to the Council's tourism destination?
2. Whether TUPE or SPC (Service Provision Change - Protection of Employment) would apply if CCG decided to procure such services through external competitive procurement.

The Officer outlined for Committee that the legal advice identifies the risk of TUPE if the Causeway Coast and Glens District Council does not undertake a procurement exercise to competitively appoint a service provider for marketing services to GB and International markets.

The legal consideration of the TAP identifies further risk, that being the conflict of interest presented by Councillors being directors on the board of the TAP. Each Councillor / director is a Class A director elected to serve for one year. The Companies Act 2006 states that a director's normal obligations are to ensure that they act in the best interest of the Company (in this case the TAP).

It is therefore appropriate to recommend an amendment to the constitution of the TAP to enact the removal of Council membership and involvement, should the TAP decide to tender for the Contract for the provision of "out of state" tourism marketing services. Members will be further advised regarding this issue.

It is recommended that the provision of tourism-marketing services to GB and International markets is competitively procured for a contractual period of one year from 1<sup>st</sup> April 2015.

A tender report will be presented to Council on completion of the procurement process to allow Council make the Investment Decision based upon the Most Economically Advantageous Tender.

**Committee AGREED: to recommend that the provision of tourism marketing services to GB and International markets is competitively procured for a contractual period of one year from 1<sup>st</sup> April 2015 and a tender report presented to Council on completion of the procurement process to allow Council to make the Investment Decision based upon the Most Economically Advantageous Tender.**

#### **14. Organisational Structure Leisure and Development Services and Environmental Services Directorates**

The Chief Executive presented the report, previously circulated.

Members raised various issues regarding the structures as presented.

Councillor Duddy indicated that his party would not be prepared to support the recommendation and Councillor McCandless concurred with this view. Members expressed their desire to have more detail on the various layers of staffing in each structure presented, with costs detailed and savings itemised.

The Chief Executive restated his undertaking to achieve savings across services and cautioned Members on making the structures too lean.

Following lengthy discussion Committee requested that further information be presented at its February meeting on the Leisure and Development and Environmental Services Directorates' structures to allow Committee to consider and make recommendation on the matter.

The Chief Executive advised Members that, with Committee's agreement, in light of the decision on the Leisure & Development and Environmental Services Structures, the report on the Organisational Structure on the Directorate of Performance would also be brought back to Committee in February for consideration. Committee agreed with the Chief Executive's suggestion.

\*Councillor P McShane left the meeting at 9.45pm.



## 15. Organisational Development/Human Resources Update

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

### ***Background***

***There are a range of staffing matters which we are currently working on to ensure the smooth transition to the new council structures.***

***TUPE/Due Diligence/Employee Terms and Conditions: A small team of HR staff are progressing a large piece of work relating to TUPE (Transfer of Undertakings (Protection of Employment) Regulations 2006.***

***TUPE letters have been issued to the Trade Unions, NIPSA (Northern Ireland Public Service Alliance), GMB (National Union of General and Municipal Workers) and UNITE (Unite the Union), to the transferring Councils and to Planning.***

***This team are also identifying the current terms and conditions of employees within each of the cluster councils and planning so that we can start to identify key areas of difference in terms and conditions and identify how these can be addressed.***

***Employee Relations: The Causeway Coast and Glens Local Consultation and Negotiation Forum continues to meet on a monthly basis and in addition a Trade Union side and Employers 'Action Group' has also been established to work in this area.***

***Key areas of work for this group are:***

- ***The development of new Terms and Conditions for the Causeway Coast and Glens District Council***
- ***The implementation of Regional guidance i.e. filling posts in the new organisation, voluntary severance arrangements***
- ***The review and agreement of key policies and procedures***
- ***Consultation regarding TUPE measures***

***Policy Development: A team of staff have identified all of the current HR policies and procedures within each of the cluster councils, these will TUPE transfer with staff from the respective councils. The DOE are currently working to provide us with a summary of the key policies and procedures which affect the Planning Staff.***

***This team are also working on policy development for the Causeway Coast and Glens and the following key policies will shortly be forwarded to the local forum for consultation:***

- ***Grievance Procedure***
- ***Capability Procedure***
- ***Dignity at Work Procedure***
- ***Equal Opportunities Policy***

***Further details regarding these policies will be brought to council in the near future.***

***PAMS (Personnel Administration Management Systems): We currently have four Personnel systems in place across the cluster councils, the team are working to bring these systems together and ensure that we are will have one database for employee details, that we can access the Recruitment and selection processes and that we can continue to meet Equality Commission requirements in relation to Monitoring Returns and Article 55 Reviews.***

***Capacity Planning Team: The objective of this team was to identify, develop and deliver a Capacity Plan in accordance with DOE requirements. As you can see in the attached report much progress has been made in this area and the majority of programmes now delivered.***

***Timeware/FlexiTime: A small team are reviewing the Flexitime systems currently in place across the cluster, the systems in place within each council, and the policies and procedures in place. They are working to ensure that a common approach can be agreed for the implementation of FlexiTime.***

***Other key areas of work: In addition to the above working groups a range of other work is also progressing.***

#### ***Voluntary Severance***

***As you are aware at the Shadow Council meeting on Thursday 23<sup>rd</sup> October members agreed that the draft revised RPA Staff Severance Scheme would be implemented within Council and Expressions of Interest would be sought from staff. As outlined at this meeting, this work continues to be subject to any revisions which may result once the scheme is finalised and the Regulations from the DOE are in place.***

**Workshops were held across the councils and to date over 60 employees completed Expressions of Interest forms.**

**It is important to note the basis on which employees completed these Expressions of Interest Form:**

- (a) The form is to enable the employee to receive an illustration in relation to Voluntary Severance, it is for illustrative purposes only and may be subject to change following the issue of the DOE Regulations, the issue of the LGRJF Staff Severance Scheme and following final arrangements regarding the implementation of the new Pension Scheme Regulations.**
- (b) Completing an Expressions of Interest form does not commit an employee to seeking Voluntary Severance from the Council.**
- (c) Employees are clear that it is the Causeway Coast and Glens District Council who will make the final decision regarding any application for Voluntary Severance.**

**At the moment we can calculate Enhanced Redundancy payments for employees however pension details must be sought from NILGOSC, they have indicated that they hope to provide these details before the end of January 2015. Until we receive this information we cannot issue illustrations to employees.**

#### **Appointment of Directors**

**At the November 2014 Organisational Development Committee members agreed the draft Job Descriptions, Specifications and Leadership behaviours for the Directors posts. In addition the Job Evaluation and Pay and grading structures were agreed.**

**We proceeded to contact those officers who would be 'directly affected' by the appointment of the:**

- Director of Environmental Services**
- Director of Performance and**
- Director of Leisure and Development**

**Officers were advised that they would be 'matched' to the relevant post unless they determined that they wished to be considered for Voluntary Severance or Redeployment.**

**Interview dates were confirmed for the Directors posts however the delay in providing those officers who wished to be considered for Voluntary Severance**

*with the relevant Voluntary Severance illustrations and confirmation that this would be acceptable to Council resulted in the postponement of the scheduled interviews.*

*We are working with NILGOSC to ensure that these illustrations will be provided before the end of January 2015 so that these officers are in a position to determine if they wish to proceed with their application for Voluntary Severance or whether they wish to be matched against the relevant Directors post.*

*Further details will be brought to Council, to progress this matter, as soon as we are in receipt of the required information.*

### ***Organisational Structures***

*Work progresses to facilitate the development of appropriate structures for the new Council.*

*Within Human Resources we are currently working on developing our own structures and we are working with Democratic Services and Registration, in relation to the development of their structures.*

*Further reports will be brought to Council as these are developed.*

Members noted the information contained in the report.

## **16. 2014-2016 Pay Agreements/Pending Agreements**

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

### ***National Joint Council for Local Government Services 2014 – 2016 Pay Scales and Allowances***

*The National Joint Council for Local Government Services (NJC) negotiate with trade unions on behalf of Employers across Local Government. The majority of employees who will TUPE transfer into the Causeway Coast and Glens District Council are employed under National Joint Council Terms and Conditions of Employment.*

**Agreement has now been reached by the NJC to award 2.20% to employee grades with effect from 1<sup>st</sup> January 2015. Attached at Appendix 10.**

**In addition non-consolidated payments effective from December 2014 and April 2015 are attached.**

**Joint Negotiating Committee for Local Authority Craft & Associated Employees**

**Agreement has also been reached on rates of pay applicable for Craft Employees, a small number of staff will be subject to these agreements. A pay increase of 2.20% has been agreed for these employees with effect from 1<sup>st</sup> January 2015. In addition non-consolidated payments have also been agreed for these staff. Attached at Appendix 11.**

**JNC for Chief Executives of Local Authorities – Chief Executives Pay 2014 – 16**

**Following a meeting of the National Employers, members agreed to make a revised formal offer for pay for local authority Chief Executives for 2014 – 2016.**

**The pay offer is 2% on guaranteed FTE basic salary of £99,999 or less (as at 31<sup>st</sup> December 2014) with effect from 1 January 2015. The offer covers the period to 31<sup>st</sup> March 2016.**

**To date this has not been agreed.**

**The Chief Executive has advised that this increase should not be applied to his current salary if it is agreed.**

**JNC for Chief Officers of Local Authorities**

**Following a meeting of the National Employers members agreed to make a revised formal offer for pay for local authority Chief Officers for 2014 – 2016.**

**The pay offer is 2% on guaranteed FTE basic salary of £99,999 or less (as at 31<sup>st</sup> December 2014) with effect from 1 January 2015. This offer covers the period to 31<sup>st</sup> March 2016.**

**To date this has not been agreed.**

Members noted the information presented.

## **17. Capacity Building Delivery Programme**

The Lead Officer Organisation Development Programme presented the report, previously circulated and as undernoted.

### ***Funding for Capacity Building***

***During 2014 Minister Durkan agreed a four tiered approach for the delivery of the £2.8 million allocated to Local Government Reform by way of capacity building and induction funding for the 2014/2015 financial years:***

***Tier 1 – resources targeted at a local level that allow local clusters the flexibility to develop and deliver options that best suit each of their needs.***

***Tier 2 – programmes and workshops delivered at a Regional level.***

***Tier 3 – targeted at meeting the needs of staff transferring from DOE to local government, meeting a range of development requirements that have been identified.***

***Tier 4 – aimed at meeting the capacity building needs of other central government departments as well as cross-cutting events developed and delivered by DOE to a range of stakeholders***

***Within Causeway Coast and Glens Shadow Council the DOE indicated that £100k would be available to meet Tier 1 Capacity Building needs. A summary of some of the key programmes delivered as part of this process are outlined below.***

### ***Member Capacity Building Plans***

***A range of member capacity building workshops have already been delivered and some members have just returned from a study visit to Stratford – on – Avon District Council to review their planning arrangements.***

### ***Staff Capacity Building Plans***

***Work has also been progressing to deliver a Staff Capacity Building Plan across the cluster councils and the Planning Service.***

***The focus of this development has been to support the objectives set out in the People Strategic Framework, and to support staff as we move into the new***

**organisational structures. This work was based on the understanding that 'change is not the same as transition. Change is situational: the new site, the new structure, the new team, the new role, the new procedure. Transition is the psychological process people go through to come to terms with the new situation. Change is external, transition is internal.**

**In relation to the management of change, there are four key factors which contribute to the failure of change processes:**

**39% - is due to employees resistance to change**

**33% - is due to management behaviour which does not support the change process or role model required new behaviours**

**14% - is due to inadequate resources or budget issues**

**14% - is due to other obstacles**

**With this knowledge we identified a number of programmes, which were available to a range of staff and managers across the cluster councils and planning, so that we could support a smooth transition into the new organisation:**

#### **Leading and Managing People through Change**

**One third (33%) of all change initiatives succeed/ two thirds (66%) fail. The difference between success and failure is due to careful planning and execution of the change programme and ensuring transition rather than just change. This programme provided managers with insights, competencies, tools and techniques to ensure that there was a planned transition process and that they could effectively manage and address staff concerns at this time.**

**Workshops – Nine 1 day workshops were rolled out across the cluster councils between October 2014 and December 2014, 107 staff attended these workshops.**

**This work was facilitated by Tom Kenny.**

#### **Staff Conference, 'New Beginnings – Building Our Future Together'**

**Preparing people for transition is one of the most important tasks facing the new Council, 'Organisations don't change – people do'. To support staff at this time a staff conference was organised over three half days in December at Flowerfield Arts Centre.**

***The Staff Conference provided the Chief Executive with a further opportunity to update staff on current progress and key milestones ahead. The Conference also helped us identify key 'building blocks' for the new Council. Key issues were discussed, such as the values, culture and behaviours of the new Council, Communication, Leadership, Efficiency and Quality, Performance, Innovation and Working Relationships.***

***Over 150 staff at all levels within the cluster councils and planning attended. A report summarising all of the key outcomes will be available at the end of January for the Chief Executive and Convergence Management Team. It will inform our work in HR and OD as we move forward.***

***This work was facilitated by Anne McMurray.***

### ***Leadership and Management Programme***

***This is one of the key capacity building programmes which will be delivered as part of the programme.***

***This programme is for leaders and emerging leaders within the Council.***

***The programme was designed to deliver the following objectives:***

- ***To enhance the leadership capability of the management team in this time of change***
- ***To build the skills necessary to embrace the leadership challenge we face and influence the new council.***
- ***To develop the ability to engage and inspire teams.***
- ***To raise self-awareness of personal leadership styles and***
- ***To embrace innovation and think creatively about the opportunities ahead to deliver public value for our ratepayers.***

***The programme was launched on Wednesday 7<sup>th</sup> January 2015 and will run to June 2015. Over 60 employees have committed to complete this programme and deliver an innovation project to the Chief Executive at the end of the programme.***

***It will be facilitated by the William J Clinton Leadership Institute at Queens University.***

### ***Coaching Approach to Management***



***Across the Cluster councils, coaching has been used on an ad hoc basis, with some councils facilitating workshops to introduce coaching skills to manager and others using coaching to support employees however these activities have been disparate rather than 'joined up' and planned.***

***We want to use coaching as a key driver, within the organisation, to enhance our leadership capability, improve performance and support us during the transition period.***

***To support this a small team of facilitators have been identified who will shape the direction of coaching within the council and establish a coaching framework within the Causeway Coast and Glens Council.***

***Nine employees will complete an ILM Level 5 qualification in Coaching and Mentoring to facilitate this process. The qualification commenced in January 2015 and will be complete in June 2015.***

***This work has been facilitated by Dorothy McKee***

#### ***Approved Training Centre***

***Work is progressing to identify if we can establish the Causeway Coast and Glens District Council as an approved training centre to deliver a range of programmes in house for example:***

- ***IOSH, Managing Safely***
- ***First Aid (EMAS)***
- ***Health & Safety in the Workplace, Level 2 HABC or CIEH***
- ***National Pool Lifeguard Qualification (RLSS)***
- ***Child Protection (NSPCC)***
- ***Lone Working and***

***There are a range of benefits associated with delivering this accredited training in house including, we can develop the training to meet the particular operational needs within the Council, we are building staff capacity and it is more cost effective.***

***A detailed report will be brought to council in relation to the approved training centre so that members can consider all of the opportunities and challenges it presents.***

***This has been facilitated by Ian Young, the Health, Safety and Wellbeing Officer in Limavady Borough Council and a small project team from across the cluster councils.***

### ***ICT Training***

***A programme of ICT training has been agreed with the North West Regional College in Limavady and the Northern Regional College in Coleraine to deliver the following training during February and March 2015:***

- ***Microsoft Word, Basic***
- ***Microsoft Word, Advanced***
- ***Excel, Introduction***
- ***Excel, Advanced***
- ***Powerpoint, Introduction***
- ***Outlook, Overview***
- ***Windows, Overview.***

***Staff will be notified of this training.***

***These programmes will support staff through the transition period and provide a range of sustainable measures which can be used to further develop the organisation.***

### **18. Review of the Northern Ireland Tourist Board (NITB) and Wider Tourism Structures Consultation Response (OD 140918)**

The Chief Executive presented the draft response, previously circulated and attached at Appendix 12, incorporating the comments made by Councillor Duddy at Committee's meeting in September 2014.

**Committee AGREED: to recommend that Council endorse the response, as presented.**

**The meeting closed at 10.05pm.**

### **List of Appendices**

1. Presentation slides Vauxhall International 2015 North West 200
2. Schedule of transfer of lands from CC&G to Coleraine District Motor Club 2015
3. Legacy Council Cemetery Charges

4. Street Trading Fees – Method to determine fees levels
5. Street Trading – Licences currently issued in Legacy Councils
6. Dog Control – Legacy Council Statistics
7. Dog Control – Fees in Legacy Councils
8. Environmental Health Fixed Penalty Fines and Registration Fees – Fines and Fees in Legacy Councils
9. Environmental Health Fixed Penalty Fines Additional Information Legislative Powers
10. NJC 2014-16 Pay Scales and Allowances
11. Joint Committee for Local Authority Craft and Associated Employees Payments
12. Draft Response to Consultation on NITB and Wider Tourism Structures



CC&G Presentation  
final draft NW200.pdf

TRANSFER OF LANDS FROM CAUSEWAY COAST AND GLENS DISTRICT COUNCIL TO COLERAINE & DISTRICT MOTOR CLUB 2015

MAP REF	LOCATION OF LANDS	DURATION OF TRANSFER OF LANDS	SUB REF	AUTHORISED PURPOSE OF LANDS	PERMITTED TRADING DATES & TIMES FOR AUTHORISED PURPOSE
CBC1	Crocknamack Green Crocknamack Road Portrush	Monday 11 May (9am) – Sunday 17 May (9pm)	(A)	2 x Hot Food Vans 1 x Ice Cream Van	Tuesday 12 May 8.30 am – 11.00 pm
			(B)	Bike Parking	Thursday 14 May 8.30 am – 11.00 pm
			(C)	2 x Merchandising	Friday 15 May 4.00 pm – 11.00 pm Saturday 16 May 7.00 am – 7.00 pm
CBC2	West Bay Car Park Metropole Portrush	Tuesday 12 May 8.30 am – 11.00 pm  Thursday 14 May 8.30 am – 11.00 pm  Friday 15 May 4.00 pm – Saturday 16 May 7.00 pm	(A)	2 X Hot Food Vans	Tuesday 12 May 8.30 am – 11.00 pm
			(B)	1 x Ice Cream Van	Thursday 14 May 8.30 am – 11.00 pm
			(C)	2 x Merchandise	Friday 15 May 4.00 pm – 11.00 pm
			(D)	1 x Confectionery	Friday 15 May 4.00 pm – 11.00 pm

			(E)	Car Parking	Thursday 14 May 5.00 pm – 10.00 pm  Saturday 16 May 7.00 am – 7.00 pm
CBC3	Blackhill Green Portrush	Tuesday 12 May 8.30 am – 11.00 pm	(A)	2 x Hot Food Vans	Tuesday 12 May 8.30 am – 11.00 pm  Thursday 14 May 8.30 am – 11.00 pm  Friday 15 May 4.00 pm – 11.00 pm  Saturday 16 May 7.00 am – 7.00 pm
		Thursday 14 May 8.30 am – 11.00 pm	(B)	1 x Ice Cream Van	
		Friday 15 May 1.00 pm – Saturday 16 May 7.00 pm	(C)	1 x Confectionery	
		Monday 4 May – Tuesday 19 May	(D)	1 x Merchandise	
			(E)	BBC Scaffolding	Monday 4 May – Tuesday 19 May

<b>CBC4</b>	<b>Ballyreagh Golf Course adjacent to Tides Restaurant Portrush</b>	Tuesday 12 May 8.30 am – 11.00 pm  Thursday 14 May 8.30 am – 11.00 pm  Friday 15 May 4.00 pm – Saturday 16 May 7.00 pm	<b>(A)</b>	1 x Hot Food Van	Tuesday 12 May 8.30 am – 11.00 pm  Thursday 14 May 8.30 am – 11.00 pm  Friday 15 May 4.00 pm – 11.00 pm  Saturday 16 May 7.00 am – 7.00 pm
			<b>(B)</b>	Car & Motorcycle Parking	Friday 16 May 2.00 pm – Saturday 17 May 7.00 pm
<b>CBC5</b>	<b>Car Park Ballyreagh adjacent to Inn on the Coast</b>	Monday 11 May pm Tuesday 12 May Thursday 14 May Saturday 16 May		1 x Hot Food Van, parking (no tents)  Car Boot Sale  Car Parking	Monday pm – Car Boot Sale  Tuesday 12 May, Thursday 14 May, Saturday 16 May – Car Parking
<b>CBC6</b>	<b>Glen Road Car Park Portrush</b>	Tuesday 12 May 8.30 am – 11.00 pm	<b>(A)</b>	1 x Hot Food Van	Tuesday 12 May 8.30 am – 11.00 pm
			<b>(B)</b>	1 x Ice Cream Van	
			<b>(C)</b>	1 x Confectionery	



		Thursday 14 May 8.30 am – 11.00 pm  Friday 15 May 4.00 pm – Saturday 16 May 7.00 pm	<b>(D)</b>	1 x Merchandising	Thursday 14 May 8.30 am – 11.00 pm  Friday 15 May 4.00 pm – 11.00 pm  Saturday 16 May 7.00 am – 7.00 pm
<b>CBC7</b>	<b>Ballyreagh Golf Course opposite Juniper Hill</b>	Tuesday 12 May 8.30 am – 11.00 pm  Thursday 14 May 8.30 am – 11.00 pm  Friday 15 May 4.00 pm – Saturday 16 May 7.00 pm	<b>(A)</b>	1 x Hot Food Van	Tuesday 12 May 8.30 am – 11.00 pm  Thursday 14 May 8.30 am – 11.00 pm  Friday 15 May 4.00 pm – 11.00 pm  Saturday 16 May 7.00 am – 7.00 pm
			<b>(B)</b>	1 x Ice Cream Van	
			<b>(C)</b>	BBC Scaffolding	



CEMETERY CHARGES								
	Coleraine		Ballymoney		Limavady		CC&G Average of Costs	
	Resident	Non-Resident	Resident	Non-Resident	Resident	Non-Resident	Resident	Non-Resident
Purchase of Plot	165	329	150	300	120	250	145	295
1st Opening	165	329	168	336	235	285	200	320
2nd	165	329	168	336	235	285	200	320
3rd	165	329	168	336	180	230	200	320
Charges for opening on Sat,Sun or PH:								
1st Opening	226	380	168	336	250	300	200	320
2nd	226	380	168	336	250	300	200	320
3rd	226	380	168	336	285	250	200	320
Transfer of Burial Rights			44	88	30	60	35	50
Permission to Erect Headstone	57	67	37	74	50	100	50	80
Duplicate Certificate	12	23	21	42	25	50	20	40
Search or Extract from Register			17	34	20	40	20	25
Purchase of Plot for Ashes			34	68			35	70
Cremations	57	113	48	96	80	130	60	115
Still Born			48	96	nil	80	45	90
Child under 1 year					nil	80	45	80
Child under 2 year	46	92	48	96			45	95
Tree for Garden of Remembrance	92	113					92	113
Plaque for Garden of Remembrance	82	88	47	94			65	90
Exhumations	500 to 2000		336	672			750	1000

## 1. **STREET TRADING ADVERTISING COSTS**

Advertising costs are based on an estimate of £500 per public notice advert per paper. Adverts in the Chronicle & Times appear in the various versions of the papers across the cluster at no additional cost.

### (a) **Designation Advertising**

Intention to pass resolution – must advertise notice in at least 2 newspapers.

Publish in 2 newspapers - £1000

Publication of decision – advertise in at least 2 newspapers in 2 consecutive weeks

Publish in 2 newspapers for 2 weeks - £2000

**Total designation advertising costs publishing in 2 newspapers (Chronicle & Times) across Causeway Coast & Glens District - £3000**

### (b) **Fees Advertising**

Publish a notice on proposed fees – must advertise in 2 or more papers.

Publish in 2 newspapers - £1000

Publish decision notice - in at least 2 newspapers.

Publish in 2 newspapers - £1000

**Total fees advertising costs publishing in 2 newspapers (Chronicle & Times) across Causeway Coast & Glens District - £2000**

2. **CALCULATION OF APPORTIONMENT OF ADVERTISING COSTS TO LICENCE FEES**

(a) **Apportionment of cost of advertising a new designation or variation/revocation of existing designations**

Cost to be divided evenly between stationary traders only since designation only affects this type of licence:

<b>Cost of advertising</b>	<b>Total No. of Stationary Traders in CC&amp;G (inc Lammas Fair &amp; Causeway Speciality Market)</b>	<b>Cost per stationary traders licence</b>
£3000	307	£9.77

(b) **Apportionment of advertising licence fees**

Cost to be divided evenly between all traders i.e. stationary, mobile and temporary as all fees must be advertised.

<b>Cost of advertising</b>	<b>Total No. of all Street Trading Licences in CC&amp;G</b>	<b>Cost per traders licence (all)</b>
£2000	389	£5.14

3. **CALCULATION OF STREET TRADING LICENCE FEES**

**(a) STATIONARY LICENCE FEES****Application Fee (non-refundable)**

	Hourly rate (full cost to Council)	Time spend (hrs)	Total
General Admin (scale 5)	£14.65	1.75	£25.64
Licensing Section (PO1)	£20	2	£40
Asst Director/Head of Section (PO13)	£39.90	0.5	£19.95
Advertising Costs - designation			£9.77
Advertising Costs - fees			£5.14
		<b>Total:</b>	<b>£100.50</b>

**Enforcement**

	Hourly rate (full cost to Council)	Time spend (hrs)	No. of Visits	Total
Licensing Officer (PO1)	£20	1	4	£80
Travel Time	£20	0.5	4	£40
Mileage	20 miles @ £0.51		4	£40.80
General Admin (scale 5)	£14.65	0.5	4	£29.30
			<b>Total:</b>	<b>£190.10</b>

Total of costs associated with application and enforcement of a stationary street trading licence is £290.60. Proposed fees are rounded to the nearest £10.

The proposed Stationary Street Trading Licence Fee is therefore calculated as **£290** comprising of a non-refundable application fee of £100 and enforcement costs of £190. The application fee is non-refundable to cover administration costs that apply to each application.

**(b) CALCULATION OF MOBILE LICENCE FEES****Application Fee (non-refundable)**

	Hourly rate (full cost to Council)	Time spend (hrs)	Total
General Admin (scale 5)	£14.65	1.75	£25.64
Licensing Section (PO1)	£20	2	£40
Asst Director/Head of Section (PO13)	£39.90	0.5	£19.95
Advertising Costs - fees only			£5.14
		<b>Total:</b>	<b>£90.73</b>

### Enforcement

	Hourly rate (full cost to Council)	Time spend (hrs)	No. of Visits	Total
Licensing Officer (PO1)	£20	1.25	4	£100
Travel Time	£20	1	4	£80
Mileage	45 miles @ £0.51		4	£91.80
General Admin (scale 5)	£14.65	0.5	4	£29.30
			<b>Total:</b>	<b>£301.1</b>

Total of costs associated with application and enforcement of a mobile street trading licence is £391.83. Proposed fees are rounded to the nearest £10.

The proposed Mobile Street Trading Licence Fee is therefore calculated as **£390** comprising of a non-refundable application fee of £90 and enforcement costs of £300. The application fee is non-refundable to cover administration costs that apply to each application.

### (c) CALCULATION OF TEMPORARY LICENCE FEES

#### Application Fee (non-refundable)

	Hourly rate (full cost to Council)	Time spend (hrs)	Total
General Admin (scale 5)	£14.65	1.5	£21.98
Licensing Section (PO1)	£20	1	£20
Asst Director /Head of Section (PO13)	£39.90	0.25	£9.98
Advertising Costs - fees only			£5.14
		<b>Total:</b>	£57.10

### Enforcement

	Hourly rate (full cost to Council)	Time spend (hrs)	No. of Visits	Total
Licensing Officer (PO1)	£20 x 1.5	0.5	1	£15
Travel Time (PO1)	£20 x 1.5	0.5	1	£15
Mileage	20 miles @ £0.51		1	£10.20
General Admin (scale 5)	£14.65	0.25		£3.66
			<b>Total:</b>	£43.86

Total of costs associated with application and enforcement of a temporary street trading licence is £100.96. Proposed fees are rounded to the nearest £10.

The proposed Temporary Street Trading Licence Fee is therefore calculated as **£100** comprising of a non-refundable application fee of £60 and enforcement costs of £40.



The application fee is non-refundable to cover administration costs that apply to each application.

**(d) VARIATION OF STREET TRADING LICENCE**

**Application Fee**

	Hourly rate (full cost to Council)	Time spend (hrs)	Total
General Admin (scale 5)	£14.65	1	£14.65
Licensing Section (PO1)	£20	1	20
Asst Dir/Head of Section (PO13)	£39.90	0.25	£9.98
		<b>Total:</b>	£44.63

Fee rounded to nearest £5. Proposed variation licence fee is a non-refundable **£45** to cover administration costs that apply to each application.

**(e) LAMMAS FAIR LICENCE FEES**

	Amount	÷ no. of stalls ÷ 275
<b>2014/15 Lammas Fair Expenditure</b> Includes Licensing Scheme Administration and Cleansing Costs	<b>£43,860.6</b>	<b>£159.49</b>
Advertising Costs - designation		£9.77
Advertising Costs - fees		£5.14
<b>Total:</b>		<b>£174.4</b>

Fee rounded up to nearest £5. Proposed Lammas Fair Street Trading Licence Fee for 2015/16 calculated as **£175**.

Mobile Licence Fee is customarily taken as 50% of a stationary licence fee and rounded up to nearest £5. Lammas Fair Mobile Street Trading Licence Fee is calculated as **£90**.

Policy on refunds specified in Lammas Fair licensing procedures. The proposed fees are no increase on 2014/15 Lammas Fair fees.

**(f) CAUSEWAY SPECIALITY MARKET FEES**

	Hourly rate (full cost to Council)	Time spend (hrs)	Total
Licensing Section (PO1)	£20	1	£20
Advertising Costs - fees only			£5.14
		<b>Total:</b>	£25.14

Fee rounded to nearest £5. Proposed Causeway Speciality Market Street Trading Licence fee is **£25**.

**Table 1 Current & Proposed Street Trading Fees**

	<b>Ballymoney</b>	<b>Coleraine</b>	<b>Limavady</b>	<b>Moyle</b>	<b>Proposed fee CC&amp;G DC</b>
<b>Stationary (annual)</b>	£85 plus designation cost	£420	£200	£135	£290
<b>Mobile (annual)</b>	£130	£342	£120	£75	£390
<b>Temporary</b>	£65	£132	£120	£90	£100
<b>Variation</b>	£40	£27	£35	£35	£45

<b>Licence application refund fee</b>	NIL	£60	£55	Full refund	Stationary Licence - £190
					Mobile Licence - £300
					Temporary Licence - £40
					Variation - £0
					Lammas Fair – up to full refund
					Causeway Speciality Market – N/A
<b>Lammas Fair</b>	N/A	N/A	N/A	£175 Stationary £90 Mobile	£175 Stationary £90 Mobile
<b>Causeway Coast Speciality Market</b>	N/A	£25	N/A	N/A	£25

Table 2 Street Trading Licences Issued Annually

	<b>Ballymoney</b>	<b>Coleraine</b>	<b>Limavady</b>	<b>Moyle</b>	<b>Totals</b>
<b>Stationary Licences</b>	0	8 37 Causeway Speciality Market	5	0 257 Lammas Fair	<b>307</b>
<b>Mobile Licences</b>	4	7	7	2 18 Lammas Fair	<b>38</b>

<b>Temporary Licences</b>	18	6	16	4	<b>44</b>
					<b>389</b>

**Dog Statistics for Causeway Coast and Glens District Council 2013 (January-December) (Source DARD Statistics May 2014)**

Table 1 Number of Licensed dogs

Ballymoney	2760
Coleraine	7860
Limavady	2190
Moyle	2215
<b>Total</b>	<b>15025</b>

Table 2 Number of Stray Dogs

	<b>Stray</b>	<b>Impounded</b>	<b>Sold</b>	<b>Reclaimed</b>	<b>Humanely Destroyed</b>	<b>Transferred to shelter/Animal charity</b>	<b>Others</b>
Ballymoney	118	83	14	29	8	34	1
Coleraine	277	155	34	89	10	19	3
Limavady	124	82	5	36	17	24	0
Moyle	95	42	0	16	9	17	0
<b>Total</b>	<b>614</b>	<b>362</b>	<b>53</b>	<b>170</b>	<b>44</b>	<b>94</b>	<b>4</b>

Table 3 Number of Unwanted Dogs

	<b>Total</b>	<b>Sold</b>	<b>Humanely Destroyed</b>	<b>Transferred to Shelter/Animal Charity</b>
Ballymoney	4	0	2	2
Coleraine	58	21	16	21
Limavady	51	9	27	15

Moyle	45	0	15	30
Total	<b>158</b>	<b>30</b>	<b>60</b>	<b>68</b>



**Current & Proposed Dog Control Service Charges**

	<b>Ballymoney</b>	<b>Coleraine</b>	<b>Limavady</b>	<b>Moyle</b>	<b>Proposed fee CC&amp;G DC</b>
<b>Micro-chipping</b>	<b>£10.00</b>	<b>£Nil</b>	<b>No Service</b>	<b>£10.00</b>	<b>£10.00</b>
<b>Impounded Dog Fees Day 1</b>	<b>£48.00 includes chip excludes licence fee</b>	<b>£30.00</b>	<b>£13.00</b>	<b>£20.00 plus chip &amp; licence fee</b>	<b>£40.00 excludes chip, licence &amp; veterinary fee where appropriate</b>
<b>Impounded Dog Fees Day 2</b>	<b>£54.00 includes chip excludes licence fee</b>	<b>£35.00</b>	<b>£16.00</b>	<b>£30.00 plus chip &amp; licence fee</b>	<b>£45.00 excludes chip, licence &amp; veterinary fee where appropriate</b>
<b>Impounded Dog Fees Day 3</b>	<b>£60.00 includes chip excludes licence fee</b>	<b>£40.00</b>	<b>£19.00</b>	<b>£40.00 plus chip &amp; licence fee</b>	<b>£50.00 excludes chip, licence &amp; veterinary fee</b>

					where appropriate
<b>Impounded Dog Fees Day 4</b>	<b>£66.00 includes chip excludes licence fee</b>	<b>£45.00</b>	<b>£21.00</b>	<b>£50.00 plus chip &amp; licence fee</b>	<b>£55.00 excludes chip, licence &amp; veterinary fee where appropriate</b>
<b>Impounded Dog Fees Day 5</b>	<b>£72.00 includes chip excludes licence fee</b>	<b>£50.00</b>	<b>£24.00</b>	<b>£60.00 plus chip &amp; licence fee</b>	<b>£60.00 excludes chip, licence &amp; veterinary fee where appropriate</b>
<b>Sale of a dog</b>	<b>£35.00 (includes chip excludes licence fee) (N.B. £30.00 paid to Animal Charity for re-homing)</b>	<b>Donation (excludes chip &amp; licence fee)</b>	<b>Stray £25.00 Unwanted £10 + kennel fee £3.00 per day (excludes chip &amp; licence fee)</b>	<b>£Nil (N.B. £30.00 paid to Animal Charity for re-homing)</b>	<b>£50.00 excludes chip, licence &amp; veterinary fee where appropriate</b>

<b>Unwanted Dogs</b>	<b>£85.00</b>	<b>£30.00</b>	<b>£nil</b>	<b>£nil on first occasion £24.00 £12.00 (over 65 years)</b>	<b>small</b>	<b>£40.00</b>
					<b>medium</b>	<b>£55.00</b>
					<b>large</b>	<b>£70.00</b>
<b>Fee to animal charity to rehome dog</b>	<b>£30.00</b>	<b>£ unspecified</b>	<b>£ unspecified</b>	<b>£25.00</b>	<b>£30.00</b>	

Offences	Legislation	Ballymoney	Coleraine	Limavady	Moyle	CC & G
<b>Vehicles</b>						
Abandoning a vehicle	Pollution Control & LG (NI) O 1978	200 discount 120	200 discount 120	200 Discount 120	200 discount 150	200 Discount 120
Nuisance vehicles	CNEA (NI) 2011 Sec 4	100 discount 60	100 discount 60	100 discount 60	100 discount 75	100 Discount 60
<b>Litter</b>						
Dropping Litter/Dog foul	Litter (NI) Order 1994 Art6A	80 discount 50	80 discount 50	50	75 discount 50	80 discount 50
Street Litter control Notice	Litter (NI) Order 1994 Art 14A	110 discount 80	110 discount 60	100	100 discount 75	110 discount 75
Litter Clearing Notice	Litter (NI) Order 1994 Art 14A	110 discount 80	110 discount 75	100	100 discount 75	110 discount 75
Unauthorised distribution of literature	Litter (NI) Order 1994 Para 7 Sched 1A	110 discount 80	80 discount 50	50		80 discount 50
Graffiti and Fly posting	CNEA (NI) 2011 26(1)	80 discount 50	80 discount 50	50	75 discount 50	80 discount 50
<b>Noise</b>						
Intruder Alarms	CNEA (NI) 2011 52(2)	80 discount 50	80 discount 50	50	75 discount 50	80 discount 50
Noise from domestic premises	Noise Act 1996 8A(2)(a)	110 discount 60	110 discount 75	100	100 discount 75	110 discount 75
Noise from licensed premises	Noise Act 1996 8(3)	500	500	500	500	500
<b>Dogs</b>						
Dog Control Orders	CNEA (NI) 2011 Sec 43(2)	80 discount 50	80 discount 50	50	75 discount 50	80 discount 50
Unlicensed Dog	Dogs (Fixed Penalty)Regs (NI) 2011	80 discount 50	80 discount 50	50	75 discount 50	80 discount 50
Dog Straying	Dogs (Fixed Penalty)Regs (NI) 2011	80 discount 50	80 discount 50	50	75 discount 50	80 discount 50
Control of Dogs on certain roads & land	Dogs (Fixed Penalty)Regs (NI) 2011	80 discount 50	80 discount 50	50	75 discount 50	80 discount 50
Failing to display Name &Address	Dogs (Fixed Penalty)Regs (NI) 2011	80 discount 50	80 discount 50	50	75 discount 50	80 discount 50
Failure to attach licence information to a collar	Dogs (Fixed Penalty)Regs (NI) 2011	80 discount 50	80 discount 50	50	75 discount 50	80 discount 50
Control of Greyhounds	Dogs (Fixed Penalty)Regs (NI) 2011	80 discount 50	80 discount 50	50	75 discount 50	80 discount 50
More than 2 Greyhounds led by 1 person	Dogs (Fixed Penalty)Regs (NI) 2011	80 discount 50	80 discount 50	50	75 discount 50	80 discount 50
Breach of Dog Control Condition	Dogs (Fixed Penalty)Regs (NI) 2011	80 discount 50	80 discount 50	50	75 discount 50	80 discount 50
Fails to notify transfer of dog with control condition	Dogs (Fixed Penalty)Regs (NI) 2011	80 discount 50	80 discount 50	50	75 discount 50	80 discount 50
<b>High Hedges</b>						
High Hedge Application fee	High Hedge (Fees)(NI) Regs 2012	360	360	100	360 & Concession 90	360
High Hedge Application fee transfer	High Hedge (Fee Transfer)(NI) Regs '12			360		360
<b>Housing</b>						
Landlord accepting deposit other than money	Private Tenancies (NI) Order 2006 68A	500	500	500	500	500
Landlord -not registering or providing false info.	Private Tenancies (NI) Order 2006 68A	500	500	500	500	500
Fails to provide evidence of Registration	Private Tenancies (NI) Order 2006 68A	100	100	100	100	100
Art 18 Notice of Unfitness	Private Tenancies (NI) Order 2006	free	free	free	150	150
Art 19 Notice of Disrepair(Substantial repair)		free	free	free	50	50
Art 19 Notice of Disrepair(Personal comfort)		free	free	free	free	free
Article 33 Cert of Fitness Landlord application	First and reinspection		50 & 100	50 & 100	50 & 100	50 & 100
Article 35 Tenant application		free	50	free	free	free
<b>Byelaws</b> Acupuncture,tattooing etc	Local Government (Misc Prov)(NI) 1985	75	75	50	75	75
<b>Environmental Information Requests</b>						
General Information	Environmental Information Regulations	50	free	free	free	50
Environmental Enquiries within 250m		100	free	free	free	100
Environmental Enquiries within 500m		200	free	free	free	200
Environmental Enquiries within 1000m		300	free	free	free	300

Additional explanatory information on the legislative powers

## 1.1 **CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT (NORTHERN IRELAND) 2011 - FRAMEWORK OF FIXED PENALTY NOTICES**

The Clean Neighbourhoods and Environment Act 2011 came into force April 2012. The new Act strengthens the legislative powers to deal with a wide range of environmental crimes such as dog fouling, litter, graffiti and fly-posting, nuisance vehicles, statutory nuisance and noise.

The Act introduced a number of new offences which can be dealt with through the use of Fixed Penalty Notices, as well as giving councils the options of varying the fine levels, within a defined range, for some new and existing offences, such as litter and dog fouling.

For seven offences in the Clean Neighbourhoods and Environment Act 2011, there is an option for councils to specify the amount of the fine, within a defined range. If the Council does not wish to make use of this power, the legislation allows the council to apply a default amount.

The proposed fixed penalty ranges for the following five offences are from £50 to £80 with a default amount of £75;

- Litter
- Unauthorised distribution of literature on designated land
- Graffiti and fly-posting
- Dog Control Orders
- Failure to nominate key holder within an alarm notification area.

The proposed fixed penalty ranges for the following two offences are from £75 to £110 with a default amount of £100.

- Street Litter Control Notices and Litter Clearing Notices

- Noise from Domestic premises.

The 2011 Act also introduced a power for councils to offer a discount for early payment of a fixed penalty fine. The standard period within which payment of a fixed penalty notice must be made is set in legislation at 14 days. The guidance recommends that the discount period should be applied if the Fixed Penalty Notice is paid within ten days of issue. The guidance issued by the Department advocates the use of discount periods as a means of improving payment rates.

#### **Additional Notes:**

**Note 1** Offences in relation to **Audible Intruder Alarms** will only apply to those areas of the District where the Council has designated the area as an 'Alarm Notification Area'

**Note 2** Offences in relation to the **Distribution of Free Literature** will only apply to those areas of the district where the Council has by Order designated specified areas where the distribution of leaflets is only permitted by consent of the Council.

**Note 3** Offences under the **Dog Control Orders** will only apply to specified areas of land that have been designated by Order of the Council. In all other areas of the district, dog fouling offences will be dealt with by the issue of a £50 fixed penalty notice under the current Litter (NI) Order 1994 regime.

**Note 4** In relation to **Noise Offences** in Table 3 offending premises include:

- (a) any premises in relation to which an exhibition licence has effect;
- (b) any place in relation to which an entertainments licence has effect;
- (c) any licensed premises;
- (d) a place at which the sale of intoxicating liquor is for the time being authorised by an occasional licence;
- (e) any premises where meals of refreshments are supplied whether for consumption on or off the premises; and
- (f) any premises occupied by a registered club.

### **1.3 HIGH HEDGES (FEE) REGULATIONS (NI) 2012**

The High Hedges Act (Northern Ireland) 2011 came into operation March 2012 gives local councils the power to deal with complaints about high hedges which are having

an adverse impact on a neighbour's reasonable enjoyment of their property due to a neighbouring **evergreen or semi-evergreen high hedge** through acting as a **barrier to light**.

The Act introduces a system which encourages high hedge problems to be resolved through discussion or mediation between the parties involved, but failing that, the facility for persons alleging that they are suffering a loss of the reasonable enjoyment of their property to lodge a formal complaint with their local council.

A complaint may be made to a Council by the **owner or occupier** of a **domestic property** if that person's reasonable enjoyment of their property is being adversely affected by the height of a hedge situated on land owned or occupied by another person **and must be accompanied by a fee** determined by the local council.

Upon receipt of complaints, the role of the council will be to act as an independent and impartial third party. It will not negotiate or mediate between individuals but will adjudicate on whether the hedge is adversely affecting the complainant's reasonable enjoyment of their property. Based on experience from England where similar provisions have been in place for a number of years **the assessment of such complaints may involve substantial officer time and may require the use of external professional services such as tree surgeons which the Council will have to pay for**.

Where a council considers that a person has made reasonable attempts to resolve a problem informally and that the hedge in question is having an adverse impact on the enjoyment of their property it may issue a Remedial Notice, requiring the hedge owner to prune and/or reduce the hedge to a height which has been calculated as being reasonable and prevent its reoccurrence.

**A Remedial Notice remains in force indefinitely even if the property changes ownership and in the event that the hedge re grows to cause problems in the future the council may have to intervene again.** The Remedial Notice is a statutory charge on the property so that prospective future buyers will be aware of the high hedge problem.

The Act provides powers for councils to carry out works in default where appropriate, creates offences for non-compliance with Remedial Notices and enables hedge owners and complainants to appeal against council decisions to the Northern Ireland Valuation Tribunal.

Once a Remedial Notice takes effect and subject to the outcome of any appeals, **the council will refund the complainants fee but may then levy or transfer the fee to the owner or occupier of the neighbouring land on which the hedge is situated.**

The creation of a formal system which could potentially result in a hedge owner having to comply with a Remedial Notice should encourage people to resolve high hedge disputes informally through discussion and compromise. Also the likelihood of being levied a fee if a Remedial Notice is served should encourage hedge owners to continually maintain their hedge to ensure it does not have an adverse effect on a neighbour's reasonable enjoyment of their domestic property.

**The High Hedges (Fees) (NI) Regulations 2012 prescribe the maximum fee that may be charged by a council for the investigation of a complaint. This has been set at £360.00.** Council has the discretion to charge a lower fee to a complainant but to do so would require the introduction by Council of clear, fair and equitable criteria to determine who would be eligible for a reduced fee. In addition Council may face a similar dilemma in that the person who owns the offending hedge and who has received a Remedial Notice from the Council may not be able to afford to pay the transferred fee and would therefore also be entitled to a reduced fee.

Whilst Members concerns are recognised regarding the ability of some people to pay a fee of £360 the following points should be borne in mind.

The intervention of Council in a high hedge dispute should be regarded as a service of last resort and should only happen when all attempts to resolve the problem informally have been exhausted between the parties concerned. In that regard Council is providing a service to the parties involved and as such is entitled to levy a fee to cover its costs. **It would not be appropriate that ratepayers in general should be expected to pay towards the resolution of what may effectively amount to a neighbourly dispute.** In addition setting of a fee at a level above a nominal fee is likely to discourage frivolous complaints.



The introduction of a reduced fee with the associated need to put criteria in place and some form of assessment of applications would add to the administration and associated costs required of the Council.

The fee confirmed will contribute towards the costs which Council will incur for payment of officer time involved in assessment of the complaint and of breaches of Remedial Notices and payment for external professional advice.

### **High Hedge (Fee Transfer) Regulations (NI) 2011**

Under the High Hedge (Fee Transfer) Regulations Councils can transfer a fee for investigation and administrative costs onto the hedge owner, if Council has served a Remedial Notice. A fee of up to £360 can be charged to the hedge owner even if the complainant was charged a reduced complaint fee.

Section 4 (2) of the Act basically states that if a Remedial Notice is served on a hedge owner and it comes into effect the Council must refund the complainant the fee.

If a complainant paid a fee of £360 and on the completion of the complaint investigation Council served a Remedial notice on the hedge owner, then Council would be required to pay £360 back to the complainant.

Under the High Hedge (Fee Transfer) Regulations Council can in turn transfer the cost of the fee and investigation to the hedge owner. However the amount transferred cannot be more than £360.00. Where more than one hedge owner is involved councils are encouraged to adopt a proportional approach to the fee transfer process.

#### **1.4 TENANCY DEPOSIT SCHEMES REGULATIONS (NI) 2012**

The Tenancy Deposit Regulations Schemes Regulations (NI) 2012 came into force 1 April 2013. These Regulations make provision for tenancy deposit schemes for the purposes of Articles 5A and 5B of the Private Tenancies (Northern Ireland) Order 2006. Such schemes require approval by the Department for Social Development (DSD). The Regulations provide for the appointment of a scheme administrator and approval of tenancy deposit schemes.

## Tenancy Deposit

A tenancy deposit is a sum of money which a landlord may ask a tenant to pay at the start of a tenancy.

Up until 31 March 2013 the landlord held the money as security against the tenant not meeting their obligations in connection with a tenancy agreement. The tenancy agreement should set out the circumstances in which the deposit may be withheld by the landlord at the end of the tenancy.

From 1 April 2013 the landlord must, by law, protect any deposit taken in connection with a private tenancy in an approved tenancy deposit scheme.

## Tenancy Deposit Scheme

A tenancy deposit scheme is an independent third party scheme which has been approved by DSD to hold and protect tenant's deposits until they need to be repaid at the end of the tenancy. There are many benefits to both the landlord and the tenant with the introduction of the tenancy deposit schemes such as:

- **Tenancy deposits will be protected by an independent third party**  
This will prevent deposit from being unfairly withheld by landlords or letting agents at the end of the tenancy.
- **Quick repayment of deposits**  
Where a landlord and tenant agree about the return of the deposit the deposit must be returned within 5 working days.
- **Free access to an independent dispute resolution service.**  
Every approved scheme will provide a free service to resolve disagreements over the return of deposits as an alternative to taking legal action through the courts.
- **Provision of information**  
Landlords must give the tenant key information about the tenancy, the deposit and the scheme that safeguards the deposit. Schemes will also provide information about the protection of deposits and their services to tenants and landlords.
- **Sanctions for non- compliance**

A tenant can report a landlord to the local council if they fail to submit deposits to an approved scheme and/or provide information to the tenant within the specified time limits. Councils will have the power to issue fixed penalties in these cases.

- **Improved professionalism of the private rented sector**

The introduction of tenancy deposit schemes will raise standards in relation to management of deposits.

## **Types of Schemes**

There are two types of schemes which have been approved to operate in Northern Ireland, the Custodial scheme and the Insurance scheme:

The **Custodial** scheme, which is free for both the landlord and tenant to use, is where all the deposit is handed over by the landlord to the scheme administrator for safe keeping in a designated account and either the tenant or the landlord can apply at the end of the tenancy for repayment of the deposit. In the event of a dispute the scheme administrator will hold on to the disputed amount until the dispute is resolved.

The **Insurance** scheme is where the Landlord holds on to the deposit and pays a fee and any contribution towards insurance to the scheme administrator. The Landlord refunds the deposit to the tenant when it is due to be refunded. In the case where there is a dispute, the landlord hands over to the scheme administrator the disputed amount to safeguard until the dispute is resolved.

Any deposit taken on or after the 1 April 2013 in relation to a private tenancy has to be protected in an approved tenancy deposit scheme. Three organisations have been appointed as Scheme Administrators to operate tenancy deposit schemes in Northern Ireland. They are:

- <http://www.tdsnorthenireland.com> - TDS Northern Ireland
- <http://www.mydepositsni.co.uk> - My Deposits
- <http://www.lettingprotectionni.com> - Letting Protection NI

## **Offences and Penalties**

Council's role as regulator of the private rented sector has been extended and now includes decisions on fixed penalties/offences.

Article 5A and 5B of the Private Tenancies (NI) Order 2006, (as inserted by Section 2 of the Housing Amendment Act (Northern Ireland) 2011) detail the requirements relating to tenancy deposits, including levels of fines, if a person is found guilty of an offence.

Article 68A of the Private Tenancies (NI) Order 2006,(as inserted by Section 8 of the Housing Amendment Act (NI) 2011), refers to “fixed penalty for certain offences”, whereby an authorised officer of a district council may offer a landlord the opportunity of discharging any liability to conviction for an offence by payment of a fixed penalty. All fixed penalties are payable to the district council. The council may only use this money for the purposes of the Private Tenancies Order.

In summary if the landlord fails to protect the deposit in an approved scheme within the 14 day timescale and/or fails to supply the tenant with the required information within the 28 day timescale either of these offences are liable on summary conviction to a fine not exceeding £20,000. However, a fixed penalty equal to 3 times the amount of the deposit can be imposed by the local council as an alternative to court action. If the landlord accepts a deposit other than money he is guilty of an offence and liable to a summary conviction to a fine not exceeding £2,500. However a fixed penalty of up to £500 can be imposed by the local council as an alternative to court action.

Further information on the tenancy deposit schemes this can be found on the NI Direct [www.nidirect.gov.uk](http://www.nidirect.gov.uk) under [Tenancy Deposits](#) and links to the legislation including the regulations can be found on the DSD website at: [Tenancy Deposit Scheme Legislation](#)

## **1.5 LANDLORD REGISTRATION SCHEME**

From the 25 February 2014, all private landlords will be required to register immediately prior to letting a new tenancy, or where there is an existing tenancy, within 12 months. Registration will last for a period of 3 years at the end of which there is a requirement to re-register.

This change has been brought about by the Housing (Amendment) Act (NI) 2011 which requires the introduction of a mandatory landlord register. The Landlord Registration Scheme Regulations (NI) 2014 give effect to the landlord registration scheme, including the functions and responsibilities of the scheme registrar and the information which a landlord must provide to the registrar.

Until the introduction of this scheme each Council collected landlord information in their area, however many private landlords have properties in a number of different Council areas and the information was not easily accessible.

The landlord registration scheme aims to:

- Allow tenants, neighbours and local Councils to identify if landlords are registered
- Provide information on the number of landlords in NI and allow landlords to receive regular updates on their duties and responsibilities
- Improve and promote good practice in the private rented sector
- Ensure the provision of appropriate advice and assistance to those living and working in the sector; and
- Provide a better understanding of the sector in relation to the scale and distribution of the private rented sector in NI.

Landlords are required to provide information such as their full name, address, telephone numbers and date of birth, correspondence address within NI, contact details of any agent acting for them and details for each dwelling to be let. Members of the public will have access to limited information but will be able to see if a landlord is registered by entering his or her name.

### **Registration Fees**

Registration can be completed:

- On line at [www.nidirect.gov.uk/landlord](http://www.nidirect.gov.uk/landlord)
- Calling the advice line on 0300 200 7821
- By downloading a registration form from the above website
- Collecting these from local Council offices or Rates offices.

Only one fee is required regardless of the number of properties. The online registration fee is £70.00 and the paper registration is £80.00.

Whilst there is no legislative requirement for the landlord to update his details after registration, it is preferable to ensure the information held is up to date. No fee will be charged for making amendments to the register.

Landlords are exempt from the registration fee if they have paid to register a house in multiple occupation (HMO) which is registered under an HMO Registration Scheme.

### **Offences and Penalties**

It is an offence for a landlord to let a dwelling house under a private tenancy and not register or to provide false information for registration. The Council will be responsible for enforcement action and where a person is found guilty of either of these offences they may be issued with a fixed penalty.

Legislation provides for the fixed penalty fee to be set at an amount not exceeding 1/5 of the maximum fine payable on summary conviction of the offence. For the above two offences the maximum court fine is £2,500 (Level 4 fine). The maximum fixed penalty for these offences would therefore be £500.

It is also an offence if a registered landlord fails to provide evidence of registration in prescribed circumstances. This offence attracts a lesser fine on summary conviction not exceeding level 2 on the standard scale (£500). The maximum fixed penalty for this offence would therefore be £100. (1/5 of the maximum court fine).

The levels of fixed penalties have been discussed by CEHOG Executive group and PHARS and it was recommended that the maximum fees are implemented across Councils to help achieve consistency in enforcement.

## 1.6 PRIVATE TENANCIES ORDER (NORTHERN IRELAND) 2006

### Charging for Inspections

Members will be aware that under the terms of the Private Tenancies Order that came into effect on the 1<sup>st</sup> April 2007, departments have the ability to charge for inspections conducted under both Part 3 and Part 4 of the Order.

CEHOG's Public Health and Regulatory Service Sub-Group (PHARS) have considered this issue and would advocate the following position.

Part 4 of The Private Tenancies Order, Certificates of Fitness and Rent Control, deals with certain types of dwellings (Pre 1945 properties that are not subject to one of the four exemptions) and they require a Certificate of Fitness, issued by the local authority.

Article 36(2) states "the council shall not be obliged to entertain an application unless the application is accompanied by a fee of such an amount as may be prescribed". The "Prescribed Fees and Charges Regulations (Northern Ireland) 2007 state that the inspection fees are chargeable for Article 33 applications (a landlord's application to have a dwelling inspected) and Article 35 applications (a tenants application to have a dwelling inspected), These fees shall be £50 for an initial inspection and £100 for a re-inspection.

The use of the words "shall not be obliged" gives the authority the discretion as to whether or not they charge for this inspection. PHARS view is that the landlord should be charged, but that the fee is waived for tenants. It is thought that in the case of tenants, the vast majority will not be specific in relation to their complaints. They may also, not directly allege that their property is unfit, so it may be difficult to levy a charge in such circumstances. It should also be borne in mind that landlords are operating a commercial business.

Article 35 (1) (c) states that a tenant can only apply if there is already a Certificate of Fitness in effect. This Article specifically addresses the issue of a landlord using the tenant to gain a free Certificate of Fitness PHARS believe the policy of not charging the tenant should be reviewed after 6 months.

Part 3 of The Private Tenancies Order deals with unfitness and disrepair. This section allows local authorities to deal with unfit housing and properties in disrepair. It applies to any private rented house, irrespective of the age of construction and provided it is actually occupied. Different fees apply to Part 3, due to the extensive consultation

process that the EHO must engage in before enforcement action is considered. The fees apply only to the landlord or the agent and not the tenant.

Article 26 (1) states “the appropriate District Council may require a person upon whom a notice of unfitness or a notice of disrepair has been served to make such reasonable payment as it considers appropriate in respect of the administration and other expenses incurred by it in connection with serving the notice”.

PHARS believe that if a department issues a Notice of Unfitness under Article 18 then a charge of £150 should be levied. This is to reflect the amount of work required by the EHO ie the extensive consultations that must be carried out with various departments within the Northern Ireland Housing Executive. This is similar to the combined inspection and re-inspection fee for inspections under Part 4. as it would involve a similar amount of work to process.

Article 19, Notices of Disrepair After due consideration PHARS advise that different approaches should be taken depending on whether action is being taken under the terms of Article 19 (1)(a) or 19 (1)(b).

Article 19 (1) (a) is applicable when the dwelling is in such a state of repair that, although fit, substantial repairs are necessary to bring it up to a reasonable standard whereas in Article 19 (1) (b) the emphasis is subtly different, in that the dwelling only has to be in such a state of disrepair as to interfere materially with the personal comfort of the tenant. This may suggest a more subjective decision and what may be a major issue to one tenant may be of no consequence to another. PHARS believe that a charge of £50 could be justified in respect of the service of a notice occasioned by 19 (1) (a) but that no fee should be charged if the action was in respect of 19 (1) (b). Again PHARS would advocate that this position be comprehensively reviewed in 6 months' time.

In conclusion, Environmental Health Departments have not had the benefit of new burden funding, and as such this is designed to be a piece of self-financing legislation, hence the introduction of fees at various stages. It also ensures that landlords who make their tenants live in unfit properties are financially penalised and good landlords are rewarded.

Summary



Article 18 Notices of Unfitness Fee to be applied is £150

Article 19 (1)(a) Notices of Disrepair Fee to be applied is £50

Article 19(1)(b) Notices of Disrepair Fee to be applied is free

Article 33 Landlords application for a Certificate of Fitness £50 initially and £100 if re-inspection is required

Article 35 Tenants application to have a dwelling house inspected Fee to be applied is free



Item 16 - Appendix 1  
LGS Pay 2014-15-16.p



Item 16 - Appendix 2  
Craft Pay Award 2014



Item 19 -  
Consultation Respons